

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 IN AND FOR THE COUNTY OF SANTA BARBARA
3 SANTA MARIA BRANCH; COOK STREET DIVISION
4 DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

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7 THE PEOPLE OF THE STATE OF)
8 CALIFORNIA,)
9 Plaintiff,)
10 -vs-) No. 1133603
11 MICHAEL JOE JACKSON,)
12 Defendant.)

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16
17 REPORTER'S TRANSCRIPT OF PROCEEDINGS

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WEDNESDAY, MARCH 16, 2005

20
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8:30 A.M.

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(PAGES 2243 THROUGH 2301)

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REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

28 BY: Official Court Reporter 2243

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2

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28 2244

1 I N D E X

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3 Note: Mr. Sneddon is listed as "SN" on index.
4 Mr. Zonen is listed as "Z" on index. Mr. Auchincloss is listed as "A"
on index.
5 Mr. Mesereau is listed as "M" on index. Ms. Yu is listed as "Y" on
index.
6 Mr. Sanger is listed as "SA" on index. Mr. Oxman is listed as "O" on
index.

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9 PLAINTIFF'S WITNESSES DIRECT CROSS REDIRECT RECROSS

10
11 ROBEL, Steve 2247-SA 2261-SN 2272-SA (cont'd)
12 ZELIS, Paul 2286-SN

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28 2245

1 E X H I B I T S

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3 FOR IN
PLAINTIFF'S NO. DESCRIPTION I.D. EVID.
4
5 77 Photo of main house - interior view 2297
6 83 Photo of main house - closeup of magazine 2293 2293

7 85 Photo of main house - closeup of
8 black briefcase 2290 2290
9 285 Photograph of items in drawer of nightstand 2294 2294
10 470 Black suitcase 2288 2290
11 561 Brown bag containing books 2299
12
13
14 DEFENDANT'S NO.
15
16 5036 Timeline from February 1 to 2252 March 13
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24
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28 2246

1 Santa Maria, California
2 Wednesday, March 16, 2005
3 8:30 a.m.
4
5 THE COURT: Good morning.
6 COUNSEL AT COUNSEL TABLE: (In unison)
7 Good morning, Your Honor.
8 THE JURY: (In unison) Good morning.
9 THE COURT: You may proceed.
10 MR. SANGER: May I proceed, Your Honor.
11 THE COURT: Yes.
12 MR. SANGER: Okay. Thank you. I couldn't
13 hear you. I assume your microphone's on.
14 THE COURT: I just turned it on. Can you
15 hear me okay.
16 MR. SANGER: Yes. Thank you.
17
18 STEVE ROBEL
19 Having been previously sworn, resumed the
20 stand and testified further as follows:
21
22 CROSS-EXAMINATION (Continued)
23 BY MR. SANGER:
24 Q. Sergeant Robel, you were going to listen to
25 tapes and compare them to the transcript or do
26 something last night. Did you have a chance to do
27 that.
28 A. I went ahead and I looked over the 2247

1 transcripts of Detective Zelis's interview --
2 Q. Yes.
3 A. -- okay. -- regarding the -- January 19th.
4 Q. Correct.
5 A. And I was not present during that, so my
6 thing is I think Detective Zelis would be able to
7 shed more light on that than me.
8 Q. And he's going to be here soon, I assume.
9 A. Correct.
10 Q. The transcript does show, however, that you
11 were there. And your position is you were there and
12 then left.
13 A. My position is I was there during the
14 viewing of the video. And when the interviews took
15 place with the individual children, I remained
16 outside the room while Mr. Zonen and Detective Zelis
17 conducted the interviews with the kids.
18 Q. And Mr. Sneddon as well; is that correct.
19 A. He was -- he was in and out as well. He was
20 in and out, yes.
21 Q. All right. We'll talk to Detective Zelis
22 about that.
23 Let me ask you if you had a chance to look
24 at the other things that you were going to look at.
25 You were going to look at -- or listen to Davellin's
26 tape. Do you recall that.
27 A. Okay. I went over her transcripts more in
28 detail. 2248

1 Q. Okay.
2 A. So if you can refresh my memory regarding
3 exactly what happened.
4 Q. That's fine. I'd ask that you look at page
5 28 of Davellin's transcript, and --
6 A. Okay. You're talking on the initial one,
7 right, Mr. Sanger. The July interview.
8 Q. Let me just see here, because the note says
9 page 28. To tell you the truth, now I don't know
10 which one it was. Let me just look here. I think
11 it was the second one.
12 A. Second interview.
13 Q. Hold on. Don't go anywhere yet.
14 No, I think it was the first one.
15 A. I'm on page 28 on the initial interview.
16 Q. Okay. I'm looking at yesterday's
17 transcript, and there must have been -- okay. I'm
18 sorry, I misread it. It's page 24. That's why I
19 couldn't find it.
20 It was line 28 of the -- of yesterday's
21 transcript, but it's page 24 of the one I'm asking

22 you to look at right now. That's Davellin's -- yes.
23 There it is.
24 A. Page 24 on the initial interview.
25 Q. That's correct.
26 A. That's where I am.
27 Q. All right. And do you remember -- yesterday
28 I asked you if Davellin told you that Gavin and Star 2249

1 told her the stories, and you said that was true.
2 And then I asked if she had told you, "Yeah, it's
3 like one tells me and the other one agrees to it."
4 And I believe you said you had to refresh your
5 recollection either by listening to the tape or
6 reviewing the transcript in order to determine if
7 that's what she, in fact, said.
8 A. Yes, I'm looking at that right now, and that
9 is, in fact, what she said.
10 Q. Okay. And Detective Zelis, in your
11 presence, on that occasion - this being the 7/7/03
12 transcript - on that occasion, Detective Zelis said,
13 "So are they together when they tell you this." And
14 Davellin says, "Yeah, most of the time."
15 And Detective Zelis says, "Most of the time."
16 Okay."
17 Is that what actually transpired in that
18 interview.
19 A. Yes, it is.
20 Q. Now, I also asked you if Davellin had -- at
21 some point in the interview had told you that she
22 was always by herself at the ranch, and she was not
23 allowed to be with her mother. And you said you
24 were going to check the transcript to see if that's
25 what she said.
26 And I know you're going to ask me for a page
27 on that, and best laid plans --
28 A. Well, I went over both of my interviews with 2250

1 her, the initial and also the follow-up. And if you
2 can direct me to a page where it states that, I
3 would appreciate it, because I could not find it,
4 where she said that she wasn't allowed to see her
5 mother. I found something that --
6 Q. All right.
7 A. -- was close to that.
8 Q. What page did you find there. You can help
9 me on that. How about that.
10 A. I'm trying to find it myself again. It may
11 have been on the follow-up. I thought I had it
12 marked, but I don't. But I did not find it in
13 either one, where she stated that she wasn't able to

14 see her mom.
15 Q. Okay. But she said something like that,
16 that she was -- she was not with her mom most of the
17 time.
18 A. No, what she said was, is that it was very
19 seldom that she saw her brothers.
20 Q. Okay.
21 A. That she did not see them while at the
22 ranch. Very seldom did she see them, because they
23 were with Michael and they were with each other.
24 Q. All right. Hold on one second. Let me come
25 back to that, and I'll see if I can find a better
26 quote for you on that, or a page on that. I want to
27 do one other thing here with you, if I can.
28 Is this your witness. 2251

1 MR. SNEDDON: My witness.
2 MR. SANGER: Okay. I'm sorry.
3 Your Honor, may I approach the witness.
4 THE COURT: Yes.
5 MR. SANGER: And I'd like to have this
6 document marked next in order. And even if we had
7 some blanks there, if it's all right with the clerk,
8 perhaps we could make this 5036, so it will go with
9 Sergeant Robel's other exhibit.
10 Is that right.
11 THE COURT: Yes. I'm waiting for the clerk
12 to tell me, because I never know what exhibits
13 you've marked that I don't know about. I only know
14 the ones that you've marked.
15 THE CLERK: That's fine.
16 THE COURT: That's a good number.
17 MR. SANGER: Okay. Thank you.
18 THE COURT: 5036.
19 MR. SANGER: With the Court's permission,
20 Mr. Sneddon has no objection to my putting a blank
21 version of this --
22 THE COURT: All right.
23 MR. SANGER: -- this chronology up on the --
24 and what's on the overhead is what is also marked as
25 5036, but the actual exhibit I'm going to hand to
26 the witness, if I may.
27 THE COURT: How do you want the record to
28 reflect what that exhibit is. What do you want to 2252

1 call it.
2 MR. SANGER: It's a timeline from February 1
3 to March 13.
4 THE COURT: Thank you.
5 MR. SANGER: Thank you.

6 MR. SNEDDON: Bob, do you happen to have a
7 copy for us. Thank you.
8 Q. BY MR. SANGER: Okay. Sergeant Robel,
9 you've had a chance to look at that for a moment.
10 A. Yes, I have.
11 Q. What you have in your hand -- because you
12 haven't written on it yet. I've got it on the
13 board. There are three dates that are typed in on
14 this timeline. One is --
15 Can I borrow the pointer, if you have it.
16 MR. OXMAN: Bob. Right there.
17 MR. SANGER: Oh, we have our own. Okay.
18 Thanks, whoever brought that.
19 Q. Okay. One -- and I don't want to shine this
20 in the court reporter's eyes. So we're okay, right.
21 I'm going from the top. I don't want to do
22 something wrong here.
23 One is the 16th. And we have 2-16, "Brad
24 Miller Interview," showing February 2003, the 16th
25 of February, 2003. Is that your understanding of
26 when that taped interview occurred.
27 A. I believe it was.
28 Q. Okay. And then we have 2-19 to 2-20, which 2253

1 is in the late evening hours of 2-19 onto the early
2 morning hours of 2-20 when the rebuttal tape was
3 being filmed; is that your understanding.

4 A. Correct.

5 Q. Okay. And then we have 2-20, later in the
6 day, which would be February 20, 2003, we have the
7 DCFS interview. Is that your understanding of when
8 that occurred.

9 A. Yes, it is.

10 Q. Okay. Now, what I'd like you to do, if you
11 would, sir, is put your name once again where it
12 says "witness." And I note last time you say
13 "Sergeant S. Robel," and it looks like it says
14 "515."

15 A. Well, I just put my body number down there.

16 Q. That's your badge number, or body number, or
17 something.

18 A. Body number.

19 Q. Everybody in the sheriff's department has a
20 different number so you can figure it out.

21 A. That's correct.

22 Q. Okay. All right. Now, what I'd like --
23 what I'd like to do, based on your investigation as
24 the lead investigator in this case, is I would like
25 you to -- in general, and then I'm going to ask you
26 specifically. But in general, I'd like you to try
27 to put in some of the important dates that you have
28 learned from your investigation in this case, so 2254

1 that the jury will have an idea of what was going on
2 during this February and March period of time.

3 Okay.

4 A. Okay.

5 Q. All right. And then it will not show up
6 here, but it's going to show up there, and we'll put
7 that up after you finish.

8 First of all, do you know when the "Living
9 with Michael Jackson" aired in the United Kingdom.

10 A. I believe that was on the 4th. 4th or 5th,
11 one of those two. I'm not positive.

12 Q. Could it have been the 3rd.

13 A. It could have been.

14 Q. I'll tell you what. For now, then, why
15 don't -- on your copy, why don't -- without
16 directing it to a particular number, since you're
17 not sure, why don't you just, above the general area
18 of the 3rd, 4th and 5th, put "Living with Michael
19 Jackson."

20 A. Okay.

21 Q. And do you know when the Arvizos flew to
22 Miami on Chris Tucker's private chartered jet.

23 A. I believe it was the 6th.

24 Q. Could it have been the 5th. Is there
25 something you can refer to to refresh your
26 recollection.

27 A. Well, I would like to.

28 Q. If you have it, could you do that. 2255

1 A. I don't have it up here, the timeline.

2 Q. Do you have a second to confer with the
3 prosecutors. Can you get something that would help
4 you.

5 A. Like I said, I don't have it up here.

6 Q. That's what I'm saying. Do you need a
7 second. Perhaps you could confer with Mr. Sneddon
8 and see if there's something that might help you.

9 MR. SNEDDON: What, do you want me to
10 testify.

11 THE COURT: Well, Counsel, the way you have
12 to do that, either you're prepared to give him the
13 documents that you want him to testify from or
14 you're not. You don't ask the other side to start
15 producing materials for you.

16 MR. SANGER: Well, I didn't mean to -- the
17 witness was indicating he thought he had something.

18 THE COURT: Well, if he doesn't have it, you
19 have to move along to the next question.

20 MR. SANGER: That's fine.

21 Q. So in other words, whatever you have, you
22 don't believe you have it in the courtroom; is that
23 what you're saying.
24 A. That is correct. If you have something that
25 would refresh my memory, that would be great.
26 Q. We'll go over this with other witnesses,
27 then.
28 Do you know the date of the return, the date 2256

1 when Michael Jackson and the Arvizos came back to
2 Santa Barbara and went out to Neverland Ranch.
3 A. I want to say I believe it was the 7th.
4 Q. Okay. February 7th.
5 A. February 7th, yes.
6 Q. So why don't you make a note of that.
7 And just to be clear, as the lead
8 investigator, it's your responsibility to review all
9 of the evidence, including other reports and other
10 things that people have done in this case; is that
11 correct.
12 A. That is correct. But there's so much
13 involved in this, that some of these things, it's
14 been a while since I have reviewed them.
15 Q. All right. Do you know -- so the Arvizos
16 and Mr. Jackson come to the ranch on February 7th.
17 Was it in the evening; do you recall.
18 MR. SNEDDON: Your Honor, I'm going to
19 object to the lack of personal knowledge on the part
20 of the officer as to the date. He wasn't there.
21 THE COURT: Sustained.
22 Q. BY MR. SANGER: Do you feel you can give us
23 a timeline of essentially -- earlier you testified
24 about some dates in March when you believe the
25 Arvizos were at the ranch.
26 A. Correct.
27 MR. SNEDDON: Actually, Your Honor, can I
28 impose an objection. This is really beyond the 2257

1 scope of direct examination. I didn't put this
2 witness on for a timeline, and I didn't think I got
3 into any of this. And he wasn't prepared to testify
4 to it, so I object it's beyond the direct.
5 MR. SANGER: I believe on direct he did talk
6 about certain dates and --
7 MR. SNEDDON: Connected to the search
8 warrant.
9 MR. SANGER: If he's not the witness who's
10 able to do this, we will certainly be able to do it.
11 I do think he talked about the March dates earlier.
12 THE COURT: He did discuss the time when the

13 family had returned from Miami and were at the
14 ranch.
15 The problem I'm having is, after listening
16 to all that testimony yesterday, I'm not sure which
17 one of you asked that question.
18 MR. SANGER: I'll tell you what we'll do,
19 because -- may I ask a question. And I'll withdraw
20 whatever is pending so I can ask a different
21 question.
22 THE COURT: Yes.
23 MR. SANGER: All right.
24 Q. Sergeant Robel, as a lead investigator in
25 this case, who do you feel from your department
26 would be best able to present a chronology based on
27 a review of the documents.
28 A. Well, the people that were assigned to the 2258

1 case, we all were familiar with the timeline. But
2 there were so many different dates in there, that
3 I'm familiar with it as well as anybody else. But I
4 would like something up here to refresh my memory to
5 make sure I'm correct on the exact chronological
6 events that took place.
7 Q. And you have those materials, but you don't
8 have them in the courtroom.
9 A. I don't have them with me in my binder.
10 Q. But you do have those materials somewhere.
11 A. Yes, we do.
12 MR. SANGER: So what I'll do at this point,
13 Your Honor, is I'm not going to ask any further
14 questions on this. I would like to have Sergeant
15 Robel review this, since he is the lead
16 investigator, so he can give us a timeline. And in
17 the meantime, if we can work it out with another
18 witness, we'll do that.
19 THE COURT: That's fine.
20 MR. SANGER: All right.
21 THE COURT: Mr. Sneddon, you look like you
22 might want to say something.
23 MR. SNEDDON: Am I allowed.
24 THE COURT: Well, I have to decide after you
25 start talking.
26 MR. SNEDDON: Judge, I just want to make it
27 clear that I'm not trying to stop Mr. Sanger's
28 cross, but this was not the purpose for this person 2259

1 at this particular point in time. And we had
2 intended to do much the same thing at another point
3 in time, and --
4 THE COURT: All right.

5 MR. SNEDDON: And I don't want to --
6 THE COURT: I did agree with you, that a lot
7 of what was being asked was beyond the scope of the
8 direct examination. But you didn't object, and I
9 thought that was fine.
10 MR. SNEDDON: I didn't realize we were going
11 to plow this field again today. So I figured it's
12 time to stop.
13 THE COURT: All right. So are you going to
14 ask -- go ahead, Counsel.
15 MR. SANGER: I'm sorry. All I was going to
16 do is ask that -- I'm going to officially ask, or on
17 the record ask that Sergeant Robel review his
18 materials. And rather than hold us up at this
19 moment, ask that he review his materials and then
20 ask for permission to call him back sometime perhaps
21 later today or tomorrow.
22 I understand there will be other police
23 officers, so we can cover this. If in the meantime
24 Detective Zelis or somebody else can do it, that's
25 fine, too.
26 MR. SNEDDON: Judge, with regard to that
27 request, could counsel and I approach the bench for
28 just a second. It's a personal thing -- 2260

1 THE COURT: No.
2 MR. SNEDDON: -- that you should be aware
3 of.
4 THE COURT: No.
5 MR. SANGER: Your Honor --
6 THE COURT: If you're through with this
7 witness - you've asked him to prepare - I'll have
8 him step down. If you're not through, I want you to
9 ask any questions that you have.
10 MR. SANGER: I am through with this witness
11 except for the preparation. And I understand what
12 Mr. Sneddon said and will accommodate the witness.
13 THE COURT: All right.
14 MR. SANGER: There is an issue, and I
15 understand, and we'll accommodate him.
16 THE COURT: You can talk to each other about
17 that.
18 MR. SANGER: Fine.
19 THE COURT: Do you want to have some
20 redirect.
21 MR. SNEDDON: With the Court's permission,
22 yes.
23 THE COURT: All right. Go ahead.
24
25 REDIRECT EXAMINATION
26 BY MR. SNEDDON:
27 Q. Detective Robel, first a couple of easy

28 questions for you. Prior to the time that you were 2261

1 assigned to this particular case -- excuse me just
2 one second.

3 Prior to the time that you were assigned to
4 this particular case, had you and I ever met.

5 A. Prior to the case, no.

6 Q. Now, I asked you to look at Detective
7 Zelis's report last night, and specifically asked
8 you to review the report with a view as to whether
9 or not that report contained information about the
10 Arvizo children saying that they had seen the
11 rebuttal tape before your actual first interview
12 with them. Not "seen the rebuttal tape," but
13 participated in some interviews that we have now
14 called "the rebuttal tape." Did you do that.

15 A. Yes, I did.

16 Q. Did that refresh your recollection.

17 A. Yes, it did.

18 Q. And did you, in fact, have that information
19 prior to the initial interview with the children.

20 A. Yes, I did.

21 Q. Now, on November the 18th of 2003, you've
22 told the ladies and gentlemen of the jury that you
23 went and participated in the execution of a search
24 warrant that was authorized by a Judge of the
25 Superior Court, correct.

26 A. That is correct.

27 Q. On that particular date, was there also an
28 arrest warrant issued by that Judge for the 2262

1 defendant, Michael Jackson.

2 A. Yes, there was.

3 MR. SANGER: I'm going to object and move to
4 strike. Object and move to strike on the grounds of
5 relevance and also beyond the scope of cross.

6 THE COURT: Overruled. The answer was "Yes,
7 there was." Next question.

8 Q. BY MR. SNEDDON: Now, Mr. Sanger asked you a
9 lot of questions about what you did from after you
10 interviewed the Arvizo family on a couple of
11 occasions until the point that you executed the
12 search warrant on November 18th. Do you recall
13 those questions.

14 A. Yes, I do.

15 Q. Now, was there a decision made with regard
16 to how those search warrants were going to be
17 executed.

18 A. Yes, there was.

19 Q. Was there a strategy involved in that.

20 A. Yes, there was.
21 Q. And what was that.
22 A. After interviewing --
23 MR. SANGER: I'm going to object. This
24 calls for hearsay, and it does not appear to be
25 relevant, and it's beyond the scope of cross.
26 THE COURT: Doesn't it -- isn't that exactly
27 what you were going into yesterday.
28 MR. SNEDDON: Absolutely. 2263

1 THE COURT: Overruled.
2 Q. BY MR. SNEDDON: Go ahead and tell the
3 ladies and gentlemen of the jury.
4 A. After conducting the interviews with the
5 Arvizo family, myself, along with the other
6 investigators, including the D.A.'s Office, met and
7 we conferred and we decided at that point, like we
8 do on several investigations, sometimes, you know,
9 we'll go in and advance further and interview people
10 to gather more information prior to serving a search
11 warrant.
12 In this case we chose not to, due to the
13 nature of the investigation, and the high-profile
14 case being involved with Michael Jackson. So what
15 we decided to do is drop a search warrant and serve
16 it. And we did it that way because if we were to go
17 out and contact people prior to that, we were
18 concerned about evidence that we were looking for
19 that would corroborate the statements of the
20 children would be destroyed or would not be there,
21 and it would compromise our investigation. So
22 that's the reason why we chose to serve the search
23 warrant.
24 And then after serving the search warrant,
25 or during the search warrant service, I was able
26 to -- due to the statements from the children, I was
27 already corroborating some of their statements to me
28 as I was walking through and searching through the 2264

1 house and things that they depicted.
2 MR. SANGER: I'm going to move to strike the
3 last part as being nonresponsive.
4 THE COURT: I'm going to strike the last
5 paragraph that starts, "And then after serving the
6 search warrant."
7 MR. SNEDDON: All right.
8 THE COURT: And I'm going to admonish the
9 jury to disregard that statement as a conclusion of
10 the witness.
11 MR. SNEDDON: Your Honor, I don't --

12 THE COURT: It's nonresponsive.
13 MR. SNEDDON: It's nonresponsive.
14 THE COURT: It was nonresponsive and a
15 conclusion of the witness.
16 MR. SNEDDON: Yes, sir. All right.
17 Q. Now, Detective Robel, at the time that you
18 executed the search warrant on November 18th of
19 2003 - okay. - did you, during the course of the
20 execution of that search warrant observe, you
21 personally, observe items or things that you felt
22 corroborated the statements of the Arvizo children.
23 MR. SANGER: Objection, Your Honor.
24 THE COURT: Sustained.
25 Q. BY MR. SNEDDON: On the date that you
26 executed the search warrant, did you see the
27 mannequin.
28 A. Yes. 2265

1 Q. Did you see the briefcase with the
2 pornography.
3 A. Yes.
4 MR. MESEREAU: Object.
5 MR. SANGER: Yes, objection. Violates the
6 Court's rule.
7 THE COURT: You didn't say "adult material."
8 MR. SNEDDON: Oh, God. I'm sorry, Your
9 Honor.
10 THE COURT: All right.
11 MR. SNEDDON: I --
12 THE COURT: Rephrase your question.
13 Sustained.
14 MR. SNEDDON: Well, you know, you think like
15 a lawyer. I really apologize. I apologize to
16 everybody.
17 THE COURT: Go ahead.
18 Q. BY MR. SNEDDON: Okay. Did you see the
19 briefcase with the adult material in it.
20 A. Yes, I did.
21 Q. Did you go to the arcade.
22 A. Yes.
23 Q. Did you see the jukebox.
24 A. Yes.
25 Q. Did you go in the cellar.
26 A. Yes.
27 Q. Did you see the wine.
28 A. Yes. 2266

1 Q. Did you go up the stairway to Mr. Jackson's
2 bedroom.
3 A. Yes.

4 MR. SANGER: Your Honor, I believe this is
5 beyond the scope of cross. I object.
6 THE COURT: Overruled.
7 Q. BY MR. SNEDDON: Did you stand on the
8 landing and look towards Mr. Jackson's bed.
9 A. Yes.
10 Q. On the day that the search warrant was
11 executed, simultaneous with the execution of the
12 search warrant, were other search warrants executed.
13 A. Yes, there were.
14 Q. And were there interviews that were done
15 simultaneous off the ranch premises.
16 A. Yes.
17 Q. And who was the person who was interviewed.
18 A. Jesus Salas.
19 Q. Now, don't tell us anything about what was
20 said, because we'll get into that later. But were
21 you informed of the results of that interview while
22 you were at the ranch that morning.
23 A. Yes, I was.
24 Q. Were you present when a search warrant was
25 executed on the residence of Marc Schaffel.
26 A. Yes, I was.
27 Q. Okay. Let's talk a little bit about some of
28 the things that Mr. Sanger asked you this morning 2267

1 and yesterday.
2 You were asked by Mr. Sanger to review some
3 statements with regard to Davellin, and specifically
4 to Davellin with regard to that portion of the
5 transcript where she is describing events that --
6 where her brothers are present and they're talking
7 about things.
8 A. Yes.
9 Q. Do you recall that.
10 A. Yes.
11 Q. From reviewing the transcript, can you tell
12 us - tell the jury more importantly - tell them
13 whether or not, from the review of the transcripts,
14 that she's referring to statements that have
15 occurred on the ranch or after they left the ranch.
16 MR. SANGER: I'm going to -- I'm going to
17 object. That calls for a conclusion. It's either a
18 statement of the witness or it's not.
19 THE COURT: Sustained.
20 Q. BY MR. SNEDDON: Can you tell from a review
21 of the transcript as to when those statements are
22 made.
23 A. No.
24 Q. And just to be clear, the conversations
25 themselves, can you tell when -- the conversations
26 she's talking about, when they occurred.

27 A. I can tell when they occurred during their
28 stay on Neverland, but exact dates, no. 2268

1 Q. Now, you were asked yesterday by Mr. Sanger
2 with regard to whether or not Davellin told you that
3 she was aware of the urine bottles incident. Do you
4 recall that.

5 A. Yes.

6 Q. And did you have a chance to go back and
7 look at the transcript with regard to her statements
8 to you about that.

9 A. Yes.

10 Q. And can you tell from a review of the
11 transcript when she was aware of the urine bottles
12 incident.

13 A. It was --

14 MR. SANGER: Objection. That calls for
15 speculation.

16 MR. SNEDDON: Let me rephrase it, Judge. I
17 can probably help you.

18 THE COURT: All right.

19 Q. Can you tell from a review of the transcript
20 whether or not she was aware of the urine bottle
21 specimen while she was at the ranch or --

22 A. Yes.

23 Q. Okay. I just have a couple more.

24 You were, you've told the jury, one of the
25 officers who interviewed Gavin Arvizo in the initial
26 interview and in the follow-up interview, correct.

27 A. That is correct.

28 Q. And during the initial interview, Gavin 2269

1 Arvizo disclosed to you certain things that Mr.
2 Jackson did to him, correct.

3 A. That is correct.

4 Q. Now, can you describe to the ladies and
5 gentlemen of the jury what Gavin's attitude or
6 demeanor was at the time that you got into that part
7 of the conversation.

8 A. Prior to getting into that area, we were
9 just discussing just his stay on the ranch, and he
10 appeared to be, you know, fine with talking with us,
11 open, very positive.

12 As I got into questioning him regarding the
13 actual molestation acts and having him share with
14 that openly, immediately noticed a major change in
15 Gavin's demeanor, and he basically became very, very
16 quiet, folded his arms, and just sunk down into his
17 chair.

18 And it took me approximately ten minutes or

19 so to reassure him that he was doing the right
20 thing. And he, at one point in time, kind of got a
21 little -- a little choked up. And eventually he was
22 able to go on ahead and disclose what acts occurred.
23 MR. SANGER: I'm going to object and move to
24 strike the last sentence as a conclusion of the
25 witness.
26 THE COURT: Stricken. The jury's admonished
27 to disregard the last sentence.
28 Q. BY MR. SNEDDON: Now, yesterday Mr. Sanger 2270

1 asked you several questions about statements that
2 Gavin Arvizo made to you about the number of times
3 that he told you that Mr. Jackson molested him. Do
4 you recall those questions.
5 A. Yes.
6 Q. And do you recall that on a couple of
7 occasions he told you he thought it was between five
8 and seven times.
9 A. Yes.
10 Q. And do you recall in the courtroom here he
11 indicated that there were at least two times that he
12 was very specific about the information in which he
13 was -- the defendant molested him. Do you recall
14 that.
15 A. Yes.
16 Q. Do you find any inconsistencies between what
17 he told you and what he said in the courtroom.
18 MR. SANGER: Objection, Your Honor. That
19 calls for speculation and comment on a witness's
20 testimony.
21 THE COURT: Sustained.
22 Q. BY MR. SNEDDON: Were you present during a
23 conversation where Gavin Arvizo explained the five
24 and seven -- the five figure that he gave you versus
25 the two figure that he testified in court.
26 A. Yes.
27 Q. And what did he say in that regard.
28 MR. SANGER: Objection; vague as to time. 2271

1 MR. SNEDDON: It's a --
2 THE COURT: Overruled.
3 You may answer.
4 Q. BY MR. SNEDDON: Go ahead.
5 A. During my initial interview with him, he had
6 told me that -- that he was specific about two
7 events that he recalled occurring. And he also told
8 me that he believes that it happened between five
9 and seven times. And he could not articulate
10 exactly what occurred, but he believes that it

11 happened more than twice.
12 MR. SNEDDON: No further questions, Your
13 Honor.
14 THE COURT: Recross.
15
16 RECROSS-EXAMINATION
17 BY MR. SANGER:
18 Q. Now, you said you were aware of the rebuttal
19 tape. How were you aware of the rebuttal tape.
20 A. During interviews with Mrs. Arvizo.
21 Q. With Janet Arvizo.
22 A. Correct.
23 Q. You had no idea what the rebuttal tape
24 looked like at the time you talked to Janet Arvizo
25 before November 18th; is that correct.
26 A. That is correct.
27 Q. And you did not ask any of the children
28 about the rebuttal tape prior to the search on 2272

1 November 18th, 2003, correct.
2 A. I believe that's correct.
3 MR. SANGER: May I just put up 5035. That's
4 the timeline that --
5 THE COURT: Yes, that's fine.
6 MR. SANGER: It's already in evidence. Just
7 so we have a visual here.
8 Q. Okay. So again, search, November 18th. And
9 sometime after that -- sometime between November
10 18th and January 19th, you saw a portion of the
11 rebuttal video, correct.
12 A. That is correct.
13 Q. And one of the other officers said, "Look at
14 this," and he was looking at it on his screen, and
15 you came over and looked at it.
16 A. Yeah. It was a DVD, or video.
17 Q. Okay. And then the first time you watched
18 the full tape was January 19th; is that correct.
19 A. That's correct.
20 Q. When you first -- who was it that showed you
21 this tape, by the way.
22 A. Detective Bonner.
23 Q. Okay. So when Detective Bonner showed you
24 this tape, he called you over and said, "Look at
25 this," right.
26 A. Yeah.
27 Q. And when you first saw, it was rather
28 remarkable, wasn't it. 2273

1 A. Remarkable in what way.
2 Q. I'm asking you. Let me ask you this, then:

3 It did not appear to you at that time to be
4 consistent with what you had been hearing from this
5 family up until the time you saw it.
6 A. When I saw bits and pieces of what he showed
7 me on that day, I was not alarmed by that because of
8 -- I recalled what Janet had told me in her initial
9 interview about them being forced to do that by
10 Dieter, so it was not alarming to me at all
11 regarding what I was seeing and the way she was
12 acting, if that's what you're asking.
13 Q. So forced to say things like "Call Michael
14 Jackson 'daddy' and 'father figure'," and all that.
15 A. Exactly.
16 Q. Okay. And you weren't -- you've sat here
17 now, you've seen the cards where that's what this
18 family does. They call people "father" and
19 "mother," and they tell them they love them and they
20 do all that, right.
21 A. According to the cards, yes.
22 Q. You weren't aware of that at the time, were
23 you.
24 A. No, I wasn't.
25 Q. So when she explained, and later the kids
26 explained, "Oh, Dieter made us do it," you weren't
27 aware that that's what they, in fact, did
28 spontaneously prior to ever meeting Dieter, right. 2274

1 MR. SNEDDON: Excuse me.
2 MR. SANGER: That was a long question.
3 MR. SNEDDON: It's vague, ambiguous and --
4 MR. SANGER: Let me withdraw it.
5 THE COURT: All right.
6 MR. SANGER: I think it was compound,
7 actually. Let me try to break it down.
8 Q. Prior to -- let's put it this way: When did
9 you first learn that this family would send very
10 effusive cards and letters to people calling them
11 "mommy" or "daddy," and telling them they're part of
12 their family, and that sort of thing.
13 MR. SNEDDON: I'm going to object to the
14 question as "this family" is vague. If he has
15 specific people he wants to refer to, I think he
16 should do that.
17 MR. SANGER: I'm referring to Janet, Star,
18 Gavin and Davellin, whose names already show up on
19 the cards in evidence in this case with regard to
20 Palanker and Michael Jackson.
21 THE COURT: Just a moment. I don't know how
22 this has deteriorated where both of you are talking
23 freely to the jury about your questions. So let's
24 go back to the --
25 MR. SANGER: I'm sorry, Your Honor.

26 THE COURT: Let's go back to the specific
27 objections, and not respond to them. The objection
28 is overruled. 2275

1 You may answer now. And I'll have it read
2 back, because there's been a conversation take
3 place.

4 THE WITNESS: Thank you.
5 (Record read.)

6 THE WITNESS: Upon reviewing, after the
7 search warrant, some of the items that were seized,
8 when I was going through some of those items, I ran
9 across some of the cards and so forth that you have
10 displayed here in court.

11 Q. BY MR. SANGER: Now, the cards to Miss
12 Palanker, you were here in court when those were
13 displayed.

14 A. That is correct.

15 Q. You didn't see those cards until a couple
16 months ago; is that correct.

17 A. That is correct.

18 Q. Now, you indicated that you proceeded --
19 Mr. Sneddon was asking you how you proceeded with
20 this investigation. And basically, you said that
21 you talked to the family and you didn't -- you
22 didn't develop other evidence before going to get
23 the search warrants, correct.

24 A. Meaning --

25 Q. I'm paraphrasing what you were saying, and
26 perhaps not accurately, because you're not agreeing.
27 I believe in response to Mr. Sneddon's

28 question, you said on November 18th, you got search 2276

1 warrants, and you proceeded in that fashion rather
2 than going out and interviewing other people, other
3 than the family, and I guess Dr. Katz, right.

4 A. That is correct.

5 Q. Okay. And I take it from what you are
6 saying, you did that, and I think you specifically
7 said, because this was a high-profile case, correct.

8 A. What I meant is, is that due to the nature
9 of the case being a molestation case, this is not
10 something that -- it's out of the ordinary for me,
11 as an investigator, that, on molestation cases, you
12 do not --

13 MR. SANGER: I'm going to move to strike.
14 That's a narrative and not responsive.

15 THE COURT: Overruled. He's answering your
16 question.

17 Q. BY MR. SANGER: Go ahead.

18 A. That we take those differently, and each one
19 is dealt with differently as far as how far we
20 pursue it before we do a warrant, because it would
21 compromise evidence that we would possibly lose if
22 we were to go out and contact the people.
23 Q. Now, you once said that you were concerned
24 about, for instance, calling the Beverly Hills
25 Police Department, didn't you say. Not here in
26 these proceedings, but previously. Were you aware
27 of that. I don't know if you said it or --
28 A. I don't know if it was me. I think it was 2277

1 one of the other investigators that was assigned to
2 that.

3 Q. And you were concerned about calling the
4 Beverly Hills Police Department why.

5 A. I --

6 MR. SNEDDON: Judge, I object. Lack of
7 knowledge, personal knowledge.

8 MR. SANGER: That's fine.

9 Q. If you don't know -- you're the lead
10 investigator, right.

11 THE COURT: Just a minute.

12 MR. SANGER: Let me withdraw it.

13 THE COURT: The objection is sustained.

14 MR. SANGER: Okay.

15 Q. I'm basing this question on your position
16 here as the lead investigator. I take it, as lead
17 investigator, you have a say -- or you discuss with
18 your superiors, but you have a say on what happens
19 in the case, correct.

20 A. Mr. Sanger, I have a say in what happens in
21 the case. But the magnitude of this case, you know,
22 I'm the lead, but I don't know every little thing
23 that goes on and gets my approval. So I'm unaware
24 of some things that don't go on on a regular basis.

25 Q. Well, you're aware, for instance, as you
26 have told us, that Mr. Sneddon himself went down to
27 Beverly Hills and did some investigation, correct.

28 A. He went down to Beverly Hills. But it 2278

1 wasn't for investigation.

2 Q. Well, sir, he went to Brad Miller's
3 office --

4 THE COURT: Just a minute, Counsel. I just
5 feel that the examination is losing its focus.

6 Every time he answers something a little
7 differently, you go down that street. And we're --

8 I wonder if you could get back to what you were
9 asking him about originally.

10 MR. SANGER: This is --
11 THE COURT: I don't --
12 MR. SANGER: I can indicate to the Court --
13 THE COURT: I think you're taking every side
14 street that comes up, and I'd like you to
15 concentrate on your recross of this witness.
16 MR. SANGER: Yes.
17 Q. The recross, and the focus of this, Sergeant
18 Robel, is what you just told us about, you told Mr.
19 Sneddon, this is a high-profile case, that's why you
20 proceeded in this fashion. I asked you about that,
21 and you responded --
22 MR. SNEDDON: Object as a narrative.
23 THE COURT: Just ask your next question.
24 MR. SANGER: All right.
25 Q. And one of the things that your department
26 did, because you said this was a sensitive case, was
27 not contact the Beverly Hills Police Department; is
28 that correct. 2279

1 A. I did not say that, to not contact Beverly
2 Hills. That wasn't me that said that.
3 Q. Somebody in your department said that; is
4 that right.
5 MR. SNEDDON: Object as lack of personal
6 knowledge.
7 Q. BY MR. SANGER: If you know.
8 THE COURT: The objection is overruled. I'll
9 have the question read back, because he added
10 something at the end.
11 Go ahead.
12 THE WITNESS: Thank you.
13 (Record read.)
14 THE WITNESS: I believe so, yes.
15 Q. BY MR. SANGER: All right. And the reason
16 for that was, you were worried about leaks.
17 A. That's correct.
18 Q. All right. Now, do you have any information
19 whatsoever that the Beverly Hills Police Department
20 would leak information.
21 MR. SNEDDON: Object, Your Honor, calls for
22 speculation.
23 THE COURT: Sustained.
24 MR. SANGER: It's just "yes" or "no." All
25 right.
26 Q. In fact, at that same time period you
27 contacted the Los Angeles Police Department to go
28 see where Mr. Moslehi lived or confirm his address, 2280

1 didn't you.

2 A. Mr. Moslehi.
3 Q. Moslehi. However you say it. I apologize
4 to him, but --
5 A. I believe we did.
6 Q. Okay. And in any event -- so sometimes you
7 would -- before the 18th, there were occasions when
8 you did make some inquiries and occasions when you
9 didn't, based on your concern about sensitivity; is
10 that right.
11 A. I guess that would be a fair way of putting
12 it, yes.
13 Q. And on November 18th, you not only got
14 search warrants to search for evidence, but as you
15 just told Mr. Sneddon, you also got an arrest
16 warrant; is that correct.
17 A. That is correct.
18 Q. So November 18th, you and your department
19 formed the opinion that you should -- you had
20 probable cause, you should go out and arrest
21 Mr. Michael Jackson in this case, based on what you
22 had then, right.
23 A. That is correct.
24 Q. And then you investigated the case after you
25 got the arrest warrant.
26 A. That's incorrect.
27 Q. You didn't investigate the case after you
28 got the arrest warrant. 2281

1 A. We investigated the case prior to the search
2 warrant. We continued to investigate the case, and
3 we are currently continuing to investigate the case
4 as this trial is going on. This is a continuing
5 investigation.
6 Q. So a part of the continuing investigation
7 you're just talking about, for instance, is an
8 attempt to discredit witnesses who have come forward
9 to say that the Arvizos are not telling the truth;
10 is that correct.
11 MR. SNEDDON: Your Honor, I'm going to
12 object to this as beyond the scope.
13 THE COURT: I'm not going to sustain the
14 objection.
15 Go ahead.
16 THE WITNESS: Can you repeat that, please.
17 (Record read.)
18 THE WITNESS: To discredit, no. It's when we
19 receive reports from you, as the defense, that we
20 have accusations or things in your reports, we're
21 going to go and see if we can interview them to
22 clarify and to make sure that that is correct. And
23 we're also having other people coming forward
24 besides your witnesses that you've talked to that

25 we're following up leads regarding this case.
26 Q. BY MR. SANGER: All right. When you say
27 "our witnesses," we submit reports to you, part of
28 what our investigators do through our office, right. 2282

1 A. Correct.

2 Q. And give you an opportunity to follow up and
3 talk to them and figure out what's going on, right.

4 A. That is correct.

5 Q. And there have been a couple of witnesses -
6 without going into a lot of detail - a couple of
7 witnesses very recently, who I think have already
8 been referred to -- but I think there have been a
9 couple of witnesses who came forward and said they
10 would talk only to both sides at the same time,
11 correct.

12 A. That is correct.

13 Q. And you went down -- I think you personally
14 went down once with Mr. Sneddon, once with Mr.
15 Zonen, and interviewed these witnesses, correct.

16 A. No, I just went down with Mr. Zonen. I
17 didn't go with Mr. Sneddon.

18 Q. You're aware that Mr. Sneddon went down on
19 another witness with another investigator, is
20 that --

21 A. Yes.

22 Q. And as to one of those witnesses, you had
23 your officers -- as lead investigator, you had your
24 officers, or law enforcement agents, go door to door
25 in the neighborhood to see if people could say
26 anything about the witness who had come forward,
27 correct.

28 A. No. 2283

1 Q. Were you aware that --

2 A. I had them go down there and make sure that
3 was the address where that particular person was
4 living. It's part of making sure that we have the
5 right location.

6 Q. And knocked on the doors, and asked people
7 about their neighbor, the witness, correct.

8 A. Correct.

9 Q. And you ran a -- about a 150-page Equifax
10 credit check on one of the witnesses, didn't you, or
11 had it done; is that correct.

12 A. A credit Equifax.

13 Q. Equifax credit check.

14 A. I'm unaware of that.

15 Q. Did you ever run an Equifax credit check on
16 Janet Arvizo or any of the other people that are

17 accusing Mr. Jackson.
18 A. We have run backgrounds on everyone involved
19 in this case, whether they're a witness or whatever.
20 That is procedure for us to find out who we're
21 dealing with before we send our investigators out.
22 Q. Did you ever run an Equifax credit check on
23 Janet Arvizo.
24 A. I believe we did.
25 Q. You did. An Equifax.
26 A. I believe so. I'm not sure.
27 Q. If you find that, would you provide it in
28 discovery to us. 2284

1 MR. SNEDDON: Your Honor, that's
2 argumentative.
3 MR. SANGER: Well, but --
4 THE COURT: Sustained.
5 MR. SANGER: All right. Very well. I have
6 no further questions.
7 MR. SNEDDON: No further questions.
8 THE COURT: All right. You may step down.
9 MR. SANGER: Subject to the request that he
10 take a look at those materials.
11 THE COURT: Well, we'll discuss that.
12 Call your next witness.
13 He's always subject to re-call. He's not
14 excused.
15 MR. SANGER: Thank you.
16 THE WITNESS: Mr. Sanger.
17 THE BAILIFF: I'll get it. Excuse me.
18 MR. SNEDDON: Detective Zelis.
19 THE COURT: Please remain standing and raise
20 your right hand.
21
22 PAUL ZELIS
23 Having been sworn, testified as follows:
24
25 THE WITNESS: I do.
26 THE CLERK: Please be seated. State and
27 spell your name for the record.
28 THE WITNESS: Paul Zelis. Z-e-l-i-s. 2285

1 THE CLERK: Thank you.
2
3 DIRECT EXAMINATION
4 BY MR. SNEDDON:
5 Q. Good morning, Mr. Zelis.
6 A. Good morning.
7 Q. You're employed by the Santa Barbara County
8 Sheriff's Department.

9 A. Yes.
10 Q. And would you tell the ladies and gentlemen
11 of the jury how long you've been employed by them.
12 A. I've been employed with the sheriff's
13 department -- well, I've been in law enforcement for
14 about 12 years. First four years was with the
15 marshal's office, Santa Barbara. And remaining with
16 the sheriff's department.
17 Q. How long have you been a detective.
18 A. Almost four years.
19 Q. And with regard to the investigation
20 involving the defendant in this case, Michael
21 Jackson, were you assigned at some point to be an
22 investigator on that investigation.
23 A. Yes.
24 Q. Do you recall when that was.
25 A. It was June the 13th. It was a Friday.
26 Q. Of what year.
27 A. 2003, I'm sorry.
28 Q. All right. And the jurors probably heard 2286

1 this, but we should hear it from you. You
2 participated in some interviews of the Arvizo
3 children; is that correct.
4 A. Yes.
5 Q. And those interviews were videotaped.
6 A. Correct.
7 Q. Now, at some point on November the 18th of
8 2003, did you participate in the execution of a
9 search warrant at Neverland Valley Ranch.
10 A. I did.
11 Q. And what was your role in the execution of
12 the search warrant.
13 A. To attempt to locate evidence.
14 Q. And were you assigned to a particular place
15 to search.
16 A. Yes. I was assigned to the main house,
17 specifically Mr. Jackson's bedroom.
18 Q. Any particular place within Mr. Jackson's
19 bedroom.
20 A. The upstairs part of the two-story suite.
21 Q. All right. I want to show you an item
22 that's in evidence as No. 340.
23 Excuse me, Counsel.
24 Ask you to take a look at that for just a
25 moment.
26 THE CLERK: That's not 340.
27 THE COURT: You have not identified that
28 exhibit correctly. 2287

1 MR. SNEDDON: I said 340, Your Honor.
2 THE COURT: It's not 340.
3 THE WITNESS: 317.
4 MR. SNEDDON: No, that's the item number.
5 THE COURT: 340 is two disks.
6 MR. SNEDDON: You're right. I transposed
7 the numbers. 470.
8 THE CLERK: It hasn't been received in
9 evidence.
10 Q. BY MR. SNEDDON: Do you recognize that item.
11 A. Yes, I do.
12 THE COURT: It's not in evidence yet.
13 MR. SNEDDON: All right. I'll take care of
14 that right now, Your Honor.
15 Q. The item that's in front of you as 470, is
16 that the right number.
17 A. Exhibit No. 470.
18 Q. Let me write that down. I had the wrong
19 number written down. All right.
20 When and where did you see that for the
21 first time.
22 A. I saw that during our search warrant on
23 November 18th. And I first located this in the
24 downstairs closet next to the stairway that leads up
25 to Mr. Jackson's bed.
26 Q. And after you looked -- after you saw it,
27 did you take it into your custody.
28 A. I did. 2288

1 Q. Did you open it.
2 A. Yes.
3 Q. And did you see what the contents were.
4 A. Yes.
5 Q. And what were the contents.
6 A. Pornographic --
7 Q. You can't use that word. I already messed
8 up. It's "adult material."
9 A. Adult material.
10 MR. SANGER: Your Honor, I --
11 THE COURT: Sustained.
12 MR. SANGER: I'm going to ask the Court to
13 explain the significance.
14 MR. SNEDDON: That's fine.
15 THE COURT: I think I already did tell the
16 jury the significance.
17 Go ahead.
18 BY MR. SNEDDON:
19 Q. "Adult material"; okay.
20 A. Yes.
21 Q. What did you see inside.
22 A. Commercially produced adult material
23 magazines.

24 Q. And after you had opened it up and observed
25 the contents, what did you do with it.
26 A. I gave it to Detective Padilla to be booked
27 into evidence.
28 Q. Did you give Detective -- without saying 2289

1 what you said, did you give him information as to
2 where it was located.

3 A. Yes.

4 Q. And where was Detective Padilla located when
5 you gave it to him.

6 A. He was within the downstairs den area of the
7 two-bedroom suite.

8 MR. SNEDDON: I move that be admitted into
9 evidence, Your Honor.

10 MR. SANGER: No objection.

11 THE COURT: It's admitted.

12 Q. BY MR. SNEDDON: Two photographs I'm going
13 to hand you.

14 With regard to the first photograph, Your
15 Honor, and Counsel -- I'm sorry, let me have those
16 back, because one of those is a new photo. The
17 other one's already in evidence.

18 Now, with regard to the first photograph,
19 it's marked for identification purposes, which is
20 85. Do you see that photograph.

21 A. Yes.

22 Q. And is -- is that photograph an accurate
23 depiction of what it purports to represent.

24 A. Yes.

25 MR. SNEDDON: I move that 85 be admitted
26 into evidence, Your Honor.

27 MR. SANGER: No objection.

28 THE COURT: It's admitted. 2290

1 Q. BY MR. SNEDDON: And with regard to People's
2 86, do you recognize that photograph.

3 A. Yes.

4 Q. And is that -- that's already in evidence.

5 Do you recognize what's depicted in that photograph.

6 A. Yes.

7 Q. And when is -- where was that when you first
8 saw the items depicted in that photograph.

9 A. I pulled it out of the closet as depicted in
10 Exhibit No. 85. I pulled it to -- outside the
11 closet in an area of the floor that I could open it.
12 Opened it and had a picture taken of it.

13 MR. SNEDDON: Your Honor, may we have the
14 Elmo turned on, please.

15 Q. All right. With regard to the photograph

16 that's depicted on the Elmo above, what does that
17 show, Detective.
18 THE COURT: What exhibit is that.
19 MR. SNEDDON: This is 85.
20 THE COURT: Thank you.
21 THE WITNESS: It shows the briefcase in its
22 original location within the closet.
23 Q. BY MR. SNEDDON: And where was that closet
24 located.
25 A. It was directly next to the stairway leading
26 up to the upstairs bedroom area.
27 Q. And now I'm going to put 86 on the board.
28 With regard to the Exhibit 86, does that 2291

1 depict the condition of the briefcase when you first
2 opened it up.
3 A. Yes.
4 Q. Did you personally go through and inventory
5 all the items inside the briefcase at that time.
6 A. No.
7 Q. So what did you do after you opened it up
8 and looked at it.
9 A. I had forensics take a picture of it, and I
10 closed it, sealed it, and booked it into evidence.
11 Q. Okay. We can take that down.
12 All right. I've shown you a photograph,
13 No. 75, which is in evidence, I believe, Madam
14 Clerk. That's what it says on the tag, so I'm --
15 Do you recognize what's depicted in that
16 photograph.
17 A. Yes.
18 Q. All right. And what is that.
19 A. It is the upstairs bed area of the two-story
20 suite.
21 Q. Is that the area in which you were
22 conducting your search.
23 A. Yes.
24 Q. Now, do you see anything depicted in that
25 photograph that contained items that you seized on
26 that day of November 18.
27 A. No.
28 Q. Okay. Did you seize things from other areas 2292

1 of the bedroom.
2 A. Yes.
3 Q. Where.
4 A. In a nightstand directly opposite of this
5 picture that's on the right-hand side of this.
6 Q. I got the wrong picture. Okay. We'll
7 correct that.

8 A. Okay.
9 Q. That was a test.
10 All right. The next photograph that's in
11 front of you, the number on that is.
12 A. 338.
13 Q. Is that in evidence.
14 A. Yes.
15 Q. All right. With regard to 338, when and
16 where was the first time that you saw the item
17 depicted in that photograph.
18 A. I located this photograph of the children in
19 the nightstand, as I previously mentioned, to the
20 right of the bed, in the bottom drawer.
21 Q. Okay. Would you turn that one over, if you
22 would.
23 The next photograph, the number on that is.
24 A. 83.
25 Q. And that, I believe, is not in evidence.
26 Do you recognize what's depicted in that
27 photograph.
28 A. Yes. 2293

1 Q. And is that photograph an accurate depiction
2 of what it purports to represent.
3 A. Yes.
4 MR. SNEDDON: Move it be admitted into
5 evidence, Your Honor.
6 MR. SANGER: No objection.
7 THE COURT: It's admitted.
8 Q. BY MR. SNEDDON: And the next photograph,
9 Officer -- Detective.
10 A. 285.
11 Q. With regard to 285, do you recognize that.
12 A. Yes.
13 Q. And is that an accurate depiction of what it
14 purports to represent.
15 A. Yes.
16 MR. SNEDDON: I move that 285 be admitted
17 into evidence, Your Honor.
18 THE COURT: Is there any objection.
19 MR. SANGER: No objection, Your Honor.
20 THE COURT: All right. It's admitted.
21 MR. SNEDDON: We're going to need the Elmo
22 again, Your Honor.
23 Q. All right. I'm going to have Exhibit No.
24 338 put up on the Elmo.
25 Now, do you recognize that photograph.
26 A. Yes.
27 Q. And where was it the first time you saw it.
28 A. In -- located within the second bottom 2294

1 drawer of the nightstand to the right of the bed.
2 Q. Now, with regard to that particular exhibit,
3 33 -- with regard to the photograph depicted in the
4 Photograph 338, what did you do with that
5 photograph.
6 A. I had it booked into evidence.
7 Q. And do you recognize the people in that
8 photograph.
9 A. Yes.
10 Q. And had you met them prior to the execution
11 of the search warrant.
12 A. Yes.
13 Q. And you say you had it booked into evidence.
14 Would you describe to the jury what you did with
15 regard to this particular item to get it processed
16 and booked into evidence.
17 A. I provided it to Detective Padilla, who was
18 gathering all the evidence and taking note of who
19 located it and where it was found.
20 Q. All right. Now, we're going to put the
21 Exhibit 83 on the board.
22 Do you recognize what's depicted in the
23 Exhibit 83.
24 A. Yes.
25 Q. And with regard to that particular exhibit
26 and the magazine, did you direct that photograph be
27 taken.
28 A. Yes. 2295

1 Q. By whom.
2 A. Forensics.
3 Q. And when and where was that magazine the
4 first time you saw it.
5 A. Just as you see it there inside the drawer.
6 Q. So that's exactly where it was before it was
7 touched.
8 A. Correct.
9 Q. All right. Do you recall how many magazines
10 that you found of a similar nature in that
11 particular drawer.
12 A. An exact amount, I don't. But I know there
13 were several. Exact amount, I don't know. I know
14 there were several.
15 Q. Oh, "several." I couldn't hear the last
16 word. Okay. Thank you.
17 All right. You can take that down.
18 I'm going to place 285 up on the board right
19 now and ask you if you recognize it when it gets
20 cleared up. All right. 285, do you recognize that.
21 A. Yes.
22 Q. And did you play a role in having those

23 items displayed on the bed.
24 A. Yes, I placed them there.
25 Q. And were you present when the photograph was
26 taken.
27 A. Yes.
28 Q. And where are -- the items that are depicted 2296

1 in that photograph, where did you obtain them from.

2 A. These were all items located in the bottom
3 drawer of that nightstand.

4 Q. All right. You can take that down.

5 Your Honor, may I have just a moment to get
6 the right photograph.

7 THE COURT: Yes.

8 Q. BY MR. SNEDDON: All right. I think we can
9 clarify this.

10 I've handed you a photograph that's marked
11 as People's 77; is that correct.

12 A. Correct.

13 Q. And People's 77, do you recognize that.

14 A. Yes.

15 Q. Now, does that photograph depict the
16 location of where you found the items that you just
17 testified about.

18 A. Yes.

19 Q. All right. That felt pen, is that still up
20 there somewhere.

21 A. No.

22 Q. No. No, it isn't, because I took it.

23 Now, on the exhibit People's 77 - okay. -

24 I want you to just put your initials on the location
25 of the item of furniture which you obtained those
26 magazines in the photograph.

27 A. Okay.

28 Q. And what have you put on the photograph. 2297

1 A. My initials. "PZ."

2 Q. All right. Thank you.

3 During the course of the time that you
4 executed this warrant, did you see a mannequin in
5 the room.

6 A. Yes.

7 Q. And where was the mannequin when you saw it
8 for the first time.

9 A. In the upstairs bedroom area of the
10 two-story suite.

11 Q. And when you saw the mannequin, what did you
12 do with it.

13 A. I booked it into evidence.

14 Q. So this was another item that you took down

15 and gave to Deputy Padilla.
16 A. Detective Padilla, yes.
17 Q. Detective Padilla.
18 A. Yes.
19 Q. Can you just generally describe what the
20 mannequin looked like.
21 A. It's a mannequin, life-sized mannequin of an
22 eight-year-old Afro-American girl.
23 Q. Okay. Now, during the time that you were
24 processing these pieces of evidence, were you
25 wearing gloves.
26 A. Yes.
27 Q. During the course of the search that day,
28 did you see anything that looked like some kind of a 2298

1 folding chair or a futon of some kind in Mr.
2 Jackson's room.
3 A. Yes.
4 Q. Would you describe where it was and what it
5 looked like to you.
6 A. It was -- it was actually to the right of
7 the right nightstand where I've located these items.
8 It was like a little cushion seat. I think you can
9 fold it out. I'm not quite sure of this, but it
10 looked like the type that could be folded out and
11 slept on.
12 MR. SANGER: I'm going to move to strike
13 based on speculation, Your Honor, the last part.
14 THE COURT: Sustained. And it's stricken.
15 MR. SNEDDON: Your Honor, at this time I
16 have one other exhibit I'd like to have marked for
17 identification purposes, which is 561. And it's a
18 brown bag with the number in black at the top, 365,
19 and its contents.
20 THE COURT: All right.
21 Q. BY MR. SNEDDON: Detective Zelis, I've
22 handed you an item that's marked as -- I forgot the
23 number. What's the number. 571.
24 A. 561.
25 Q. 561. Do you recognize that bag.
26 A. Yes.
27 Q. Would you please take the item out of the
28 bag. 2299

1 Do you recognize the item you took out of
2 the bag.
3 A. Yes.
4 Q. When and where was that the first time that
5 you saw it.
6 A. I saw this in the upstairs bed area of the

7 two-story suite.
8 Q. And what did you do with it after you saw
9 it.
10 A. I seized it and had it booked into evidence.
11 Q. Do you remember specifically where upstairs
12 it was.
13 A. It was over by this chair that I described
14 on top of some books, or some boxes, I should say.
15 Q. Okay.
16 MR. SNEDDON: I need a moment, Your Honor.
17 Your Honor, it's time for a break and we
18 have a minor thing to straighten out. So that would
19 be better than doing it in front of the jury and
20 you.
21 THE COURT: All right. Let's take the break.
22 (Recess taken.)
23 --o0o--
24
25
26
27
28 2300

1 REPORTER'S CERTIFICATE
2
3
4 THE PEOPLE OF THE STATE)
5 OF CALIFORNIA,)
6 Plaintiff,)
7 -vs-) No. 1133603
8 MICHAEL JOE JACKSON,)
9 Defendant.)
10
11
12 I, MICHELE MATTSON McNEIL, RPR, CRR,
13 CSR #3304, Official Court Reporter, do hereby
14 certify:
15 That the foregoing pages 2247 through 2300
16 contain a true and correct transcript of the
17 proceedings had in the within and above-entitled
18 matter as by me taken down in shorthand writing at
19 said proceedings on March 16, 2005, and thereafter
20 reduced to typewriting by computer-aided
21 transcription under my direction.
22 DATED: Santa Maria, California,
23 March 16, 2005.
24
25
26
27 MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
28 2301

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 IN AND FOR THE COUNTY OF SANTA BARBARA
3 SANTA MARIA BRANCH; COOK STREET DIVISION
4 DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

5
6

7 THE PEOPLE OF THE STATE OF)
8 CALIFORNIA,)
9 Plaintiff,)
10 -vs-) No. 1133603
11 MICHAEL JOE JACKSON,)
12 Defendant.)

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16

17 REPORTER'S TRANSCRIPT OF PROCEEDINGS

18

19 WEDNESDAY, MARCH 16, 2005

20

21 8:30 A.M.

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23 (PAGES 2302 THROUGH 2455)

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26

27 REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

28 BY: Official Court Reporter 2302

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28 2303

1 I N D E X

2
3 Note: Mr. Sneddon is listed as "SN" on index.
4 Mr. Zonen is listed as "Z" on index. Mr. Auchincloss is listed as "A"
on index.
5 Mr. Mesereau is listed as "M" on index. Ms. Yu is listed as "Y" on
index.
6 Mr. Sanger is listed as "SA" on index. Mr. Oxman is listed as "O" on
index.

7
8
9 PLAINTIFF'S WITNESSES DIRECT CROSS REDIRECT RECROSS

10
11 ZELIS, Paul 2316-SA 2368-SN 2370-SA
12 ALVAREZ, Victor M. 2372-SN 2396-SA
13 SHEPHERD, Karen 2419-SN 2438-SA

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28 2304

1 E X H I B I T S

2 FOR IN PLAINTIFF'S NO. DESCRIPTION I.D. EVID.
3 57 Photograph of master bath 2379 2379
4 59 Photograph of master bath 2421 2422
5 62 Photograph of counter area
6 of master bathtub 2431 2431
7 63 Photograph of closeup of metal briefcase and magazine 2435 2435
8 64 Photograph of closeup of magazine 2434 2434
9 65 Photograph of closeup of DVDs 2429 2430

10 286 Chart of Michael Jackson's
11 upper bedroom 2307 2308
12 287 Rolled fingerprints of Star and Gavin Arvizo 2374 2374
13 288 Brown evidence bag containing
14 black computer case 2305 2379
15 289 Photo of front cover of No. 566 2381 2384
16 290 Photo of front cover of No. 567 2381 2386
17 291 Photo of front cover of No. 562 2387 2389
18 292 Photo of front cover of No. 563 2387 2392
19 293 Photo of front cover of No. 564 2388 2392
20 294 Document from the inside of Exhibit No. 288, 12 pages,
21 with "MJ" initials 2394
22 296 Front cover of Item 578 2426 2427
23 297 Front cover of Item 577 2425 2427
24 561 Brown bag containing books 2307
25 562 Brown bag containing book 2387 2389
26 563 White binder containing magazine 2387
27 564 White binder - Item 304-D 2387
28 2305

1 E X H I B I T S (Continued)
2 FOR IN PLAINTIFF'S NO. DESCRIPTION I.D. EVID.
3 565 Two DVDs 2380 2382
4 566 White binder - Item 309-B-1 2380
5 567 White binder - Item 309-B-2 2380
6 569 Brown bag containing five videos 2422 2423
7 570 "Barely Legal" DVD 2299
8 571 DVD 2422 2423
9 572 DVD 2422 2423
10 573 DVD 2422 2423
11 574 "Pimp Up, Ho's Down" DVD 2422 2423
12 575 Brown bag with the number "302"
13 at the top 2429 2430
14 576 Book 2425 2427
15 577 Book 2425 2427
16 578 Book 2426 2427
17 579 Book 2426 2427
18 580 Clear plastic bag containing binder 2431
19 631 Photograph 2426 2437
20 633 Brown paper bag with the number
21 "315" at the top 2436 2437
22
23 DEFENDANT'S NO.
24
25 5031-A Photocopy of front cover of Neverland Valley guest book 2252
26 5033 Photo of defaced mannequin 2336
27
28 2306

1 THE COURT: All right.

2 MR. SNEDDON: Thank you, Your Honor.
3 Q. Detective Zelis, I want to direct your
4 attention back to the Exhibit No. 561. Oh, sorry.
5 I want to direct your attention back to the
6 Exhibit 561 for a moment, if we can.
7 A. Yes.
8 Q. Prior to the recess, you withdrew one book
9 from that brown bag; is that correct.
10 A. That is correct.
11 Q. And the bag actually contained two books.
12 A. Yes.
13 Q. And we found the second one during the
14 recess.
15 A. Yes.
16 Q. And do you recognize the second book.
17 A. Yes.
18 Q. And those are the items that you found in
19 Mr. Jackson's bedroom.
20 A. Correct.
21 MR. SNEDDON: Move that those items be
22 admitted into evidence, Your Honor.
23 MR. SANGER: Other than objections
24 previously stated, we have no objection.
25 THE COURT: All right. Admit them.
26 Q. BY MR. SNEDDON: All right. At this point
27 I'm going to hand you an exhibit that's been marked
28 as 286 for identification purposes. Okay. 2307

1 MR. SANGER: May I see it, please.
2 MR. SNEDDON: 286, Your Honor. And it's a
3 chart.
4 MR. SANGER: Oh, okay.
5 MR. SNEDDON: I'll show it to counsel.
6 MR. SANGER: Yeah, fine.
7 Q. BY MR. SNEDDON: Do you recognize the floor
8 plan depicted in the chart, 286.
9 A. It appears to be the upper bedroom portion
10 of the two-story suite.
11 MR. SNEDDON: Okay. Your Honor, I would
12 purport at this time, like we did before, with the
13 same admonition, that it does not necessarily mean
14 that the numbers as to the dimensions of the room
15 are accurate, but to be used to demonstrate this
16 witness's testimony as to the locations of certain
17 items. And that's what I discussed with counsel
18 before.
19 MR. SANGER: I have no objection to that.
20 THE COURT: All right. It's admitted on that
21 condition.
22 Q. BY MR. SNEDDON: Now, Detective Zelis, if
23 you could, for the ladies and gentlemen of the jury,
24 first of all, could you indicate for them the

25 location --
26 We're going put the chart up on the board,
27 if we can, Your Honor. And --
28 You're going to need to mark on this. 2308

1 All right. I want to direct your attention
2 to the Exhibit 256. Now, can you indicate to the
3 ladies and gentlemen of the jury, on this particular
4 exhibit, where it was that you found -- where the
5 nightstand was located and the items that you found
6 there.

7 A. The nightstand would have been approximately
8 in this area.

9 Q. All right. You're indicating to the lower
10 right-hand far wall of the bedroom.

11 A. Correct.

12 Q. Would you indicate that on the -- on the
13 exhibit.

14 All right. Would you describe for the
15 record what you put there.

16 A. I drew a square, and inside the square I put
17 "NS," for "nightstand."

18 Q. All right. Now, within that nightstand, you
19 found some magazines, correct.

20 A. Yes.

21 Q. And you found the picture of the Arvizo
22 children.

23 A. Yes.

24 Q. Okay. Would you just put a little, like a
25 line to the nightstand thing, and write those in
26 there.

27 All right. Now, you've indicated to the
28 ladies and gentlemen of the jury you found two books 2309

1 that have now been admitted into evidence as 561.

2 Where did you find those in Mr. Jackson's bedroom.

3 A. Do you wish me to point --

4 Q. Please.

5 A. There was numerous boxes and cabinets in
6 this general area of this side of the bedroom.

7 Q. You're indicating to the exhibit, 286, that
8 down towards the left lower wall of the room.

9 A. Correct.

10 Q. Okay. And would you, on the Exhibit 286,
11 please indicate generally where you found the two
12 books that are now in evidence as 561.

13 A. Okay.

14 Q. All right. And what did you put on the
15 Exhibit 286, the chart.

16 A. I drew a rectangle with a "B," for "books."

17 Q. Now, you told the ladies and gentlemen of
18 the jury that you found a mannequin in the bedroom
19 that you took.
20 A. Yes.
21 Q. And do you have a photograph in front of
22 you, which I believe is 153, which is in evidence.
23 A. Correct.
24 Q. Do you recognize the item depicted in that
25 photograph.
26 A. Yes.
27 Q. And what is that.
28 A. It is the mannequin. 2310

1 Q. And can you indicate on the exhibit that's
2 up on the wall there, which is a replica of 286,
3 where you found the mannequin.
4 A. I first located the mannequin, it was on the
5 floor generally in this area.
6 Q. You're indicating, again, towards that far
7 wall, and on this exhibit towards the lower
8 left-hand part of it.

9 A. Correct.
10 Q. All right. Would you please just put an "M"
11 in the general area of where you found the item
12 depicted in 153, the mannequin.

13 A. Okay.
14 Q. Okay. Now, on the exhibit chart, 286, you
15 told the ladies and gentlemen of the jury that you
16 found the briefcase that's in evidence, that's 470,
17 in a particular location below that bedroom; is that
18 correct.

19 A. Correct.
20 Q. Are you able to show the ladies and
21 gentlemen of the jury the general area on the chart,
22 286, as to where the entryway to that closet is in
23 relationship to the bedroom.

24 A. The entry door was on the bottom floor,
25 right next to the staircase, so it would have been
26 in this area here.

27 Q. So towards the area on the chart where the
28 stairs are, but just to the right of it; is that 2311

1 correct.

2 A. That is correct.

3 Q. Would you please indicate on the exhibit
4 chart, 286, just put the number -- or just put
5 "Briefcase" in the general area of where you found
6 the briefcase.

7 A. Okay.

8 Q. And I've handed you a photograph that's

9 marked as People's 72, which is in evidence.
10 A. Yes.
11 Q. Do you recognize that.
12 A. Yes.
13 Q. And do you recognize -- what is People's 72;
14 tell the jury.
15 A. It is a picture, downstairs, of the stairway
16 and several entry doors. One to a closet; one into
17 the actual room where the picture was taken. The
18 stairs are what is depicted in this diagram here.
19 Q. Diagram 286.
20 A. Correct.
21 Q. All right. Could you put your initials on
22 the door that led to the closet where you found the
23 Item 470.
24 A. Okay.
25 Q. All right. So we've now put up for the jury
26 to see the photograph, 72, which is in evidence.
27 And I notice it has a dark "P" and a "Z."
28 A. Correct. 2312

1 Q. Those are your initials on the door that led
2 to the closet where 470 was found.
3 A. Yes.
4 Q. Now, I have a few questions about that, and
5 then we're going to be done.
6 With regard to the Item 470, the black
7 briefcase - okay. --
8 A. Okay.
9 Q. -- prior to the time that you went to the
10 ranch on November 18th, had you participated in an
11 interview with the Arvizo boys, Gavin and Star.
12 A. Yes.
13 Q. And had they described to you an incident
14 involving Mr. Jackson showing them adult materials.
15 A. Yes.
16 Q. And did they describe to you where -- the
17 container that the adult materials were in.
18 A. Yes.
19 Q. Why did you take Exhibit 470, the black
20 briefcase.
21 MR. SANGER: Objection. State of mind is
22 not relevant.
23 THE COURT: Sustained.
24 Q. BY MR. SNEDDON: When you observed the Item
25 470, can you tell us whether or not it matched the
26 description of -- the description given by the
27 Arvizo boys.
28 A. It matched the description exactly. 2313

1 Q. Now, with regard to that particular Exhibit
2 470 -- and we can take that one down. And I want to
3 show this one again. That's Exhibit 86, a
4 photograph. With regard to that particular exhibit,
5 did you testify before the grand jury.
6 A. Yes.
7 Q. And did the grand jury request to be able to
8 look at the materials inside of this suitcase.
9 A. Yes.
10 Q. And were you the officer who was chosen to
11 be the one to take the briefcase in and show them
12 the materials.
13 A. Yes.
14 Q. Did you allow anybody in the grand jury to
15 touch any of those materials.
16 A. No.
17 Q. Did you, in the course of showing those
18 things to the grand jury, take any precautions so
19 your fingerprints wouldn't show up on those
20 materials.
21 A. Yes, I wore latex gloves.
22 MR. SNEDDON: Thank you.
23 No further questions, Your Honor.
24 THE COURT: Mr. Sanger.
25 MR. SANGER: Let's -- you don't have to give
26 me all of them. Just give me the one that was just
27 up there. That's fine. Yeah, okay.
28 // 2314

1 CROSS-EXAMINATION
2 BY MR. SANGER:
3 Q. Detective Zelis, starting with the item we
4 left off with there, this is Item 315 as it was
5 booked into evidence, right.
6 A. Yes.
7 Q. So the entire briefcase, with all of its
8 contents, was booked into evidence as Exhibit 317.
9 A. Correct.
10 Q. You testified on direct that you gave it to
11 Detective Padilla, who booked it into the evidence
12 locker or into the evidence system in the Santa
13 Barbara Sheriff's Office; is that correct.
14 A. That is correct.
15 Q. And he booked in -- as you gave it to him,
16 he booked in the entire briefcase and the contents,
17 correct.
18 A. Correct.
19 Q. And it was numbered Item 317, correct.
20 A. Yes.
21 Q. Now, I believe you said something about
22 forensics on direct examination with regard to this.
23 But I may be wrong.

24 So let me ask you, was it your intention
25 that the contents of this briefcase be evaluated and
26 analyzed by the CSI or forensic unit at the
27 sheriff's department.
28 A. No. 2315

1 Q. Did you think anything about that.
2 A. No.
3 Q. You were wearing gloves when you -- when you
4 seized this item, correct.
5 A. Correct.
6 Q. And you put it in a plastic bag, correct.
7 A. Correct.
8 Q. You didn't think forensics was ever going to
9 look at this.
10 A. Well, I'm sure they would.
11 Q. Okay. And you're sure they would for what
12 purpose. Look at that for fingerprints, perhaps.
13 A. Perhaps.
14 Q. Okay. Do you think that would be pretty
15 much a priority.
16 A. Possibly.
17 Q. Possibly.
18 And in 2004, April -- March and April of
19 2004, in that time period, this briefcase was
20 brought to the grand jury in Santa Barbara; is that
21 correct.
22 A. Correct.
23 Q. And it was your understanding it had been to
24 forensics, right, when you brought it in.
25 A. That I'm not sure of.
26 Q. You're not sure.
27 By the end of the grand jury proceeding, you
28 came to realize that nobody had checked for 2316

1 fingerprints on these materials inside of Sheriff's
2 Item 317; isn't that correct, sir.
3 A. Yes.
4 Q. That was kind of a shocker, wasn't it.
5 It wasn't a shocker.
6 A. No, not to me.
7 Q. You're kind of smiling. This -- in fact,
8 when that was learned, that's when you were sent in
9 with gloves for the grand jury to look at the
10 materials, so that they wouldn't be picking it up
11 and handling it; is that right.
12 A. Correct.
13 Q. However, during the course of that grand
14 jury, the contents of this, of this briefcase,
15 Sheriff's Item 317, was handed to Gavin Arvizo so he

16 could look through it, see if he could identify it;
17 isn't that correct.
18 MR. SNEDDON: Objection. No personal
19 knowledge, no foundation.
20 THE COURT: I think he's asking him if that
21 happened, so I will overrule the objection.
22 THE WITNESS: I would not know.
23 Q. BY MR. SANGER: So you weren't advised by
24 the end of the grand jury proceedings that Gavin
25 Arvizo had taken the contents of this and looked
26 through it at the request of the District Attorney.
27 MR. SNEDDON: Same objection.
28 THE WITNESS: No. 2317

1 THE COURT: Sustained.
2 MR. SANGER: Okay.
3 Q. After the -- 317. I'm referring to Item 317
4 for a reason. It is an exhibit here in court with a
5 different number, but Sheriff's Item 317, this whole
6 briefcase, was booked into evidence at the grand
7 jury; is that correct.
8 A. Yes.
9 Q. And when you were assisting the grand jurors
10 to look through this material with gloves, it was in
11 evidence, it was in the possession of the Clerk of
12 the Court of the County of Santa Barbara; is that
13 correct.
14 A. Yes.
15 Q. And after you assisted the grand jury in
16 looking through this with gloves, it remained --
17 this Item 317, the briefcase and the contents,
18 remained with the Clerk of the Superior Court; is
19 that correct.
20 A. To my knowledge, yes.
21 Q. And during the testimony in the case with
22 regard to Item 317, do you or do you not know -- let
23 me withdraw that and start again.
24 During the course of the grand jury
25 proceedings, do you know how many witnesses were
26 shown the contents of this briefcase, Sheriff's Item
27 317.
28 A. How many witnesses. 2318

1 Q. Yes.
2 A. I do not know.
3 Q. And after you completed your assistance to
4 the grand jury by wearing gloves so they could look
5 through this material, do you know whether or not
6 the court clerks wore gloves when they went through
7 and inventoried all this material.

8 A. I do not know.
9 Q. Do you know when this item was removed from
10 the grand jury for the purpose of doing a
11 fingerprint analysis.
12 A. I do not know. I did not remove it.
13 Q. Okay. But you were the -- one of the lead
14 detectives on this case; is that correct.
15 A. Correct.
16 Q. Okay. And so in that capacity, it's your
17 job to know pretty much what's going on in the case,
18 isn't it.
19 A. Yes.
20 Q. Okay. And in the course of acting as one of
21 the lead detectives on the case, you came to realize
22 that fingerprints had not been taken until after
23 this briefcase was released from evidence sometime
24 in the summer of -- spring or summer of 2004; is
25 that right.
26 A. That is my understanding.
27 Q. Now, you were -- you were a deputy marshal.
28 I just want some factual -- and I don't mean to be 2319

1 rude in anything I'm asking here, but you were a
2 deputy marshal to start with; is that correct.
3 A. Yes.
4 Q. And as such, you were employed by the County
5 of Santa Barbara as -- in part, as a bailiff in the
6 Santa Barbara Municipal Court; is that correct.
7 A. That is correct.
8 Q. All right. And you also served civil
9 papers, like complaints and subpoenas and divorce
10 papers in civil cases; is that correct.
11 A. Yes.
12 Q. You did that for about four years.
13 A. Yes.
14 Q. And then you -- did you go to the sheriff's
15 department when there was a merger of the courts.
16 A. Yes. We all became sheriff's deputies.
17 Q. Okay. So when the -- when the Municipal
18 Court was done away with and it all became a
19 Superior Court, all the judges became Superior Court
20 judges, the deputy marshals then became deputy
21 sheriffs, if they wished to do that; is that
22 correct.
23 A. That is correct.
24 Q. And you opted to do that; is that correct.
25 A. Yes.
26 Q. How long were you -- let me withdraw that.
27 What was your first assignment when you were
28 a deputy sheriff. 2320

1 A. My first assignment was patrol.
2 Q. All right. So you went out in a
3 black-and-white and patrolled the streets and
4 highways of Santa Maria and the environs up here; is
5 that right.
6 A. Correct.
7 Q. And how long did you do that.
8 A. A little over four years.
9 Q. Okay. And then you became a detective; is
10 that right.
11 A. Yes.
12 Q. Did you have a particular assignment as a
13 detective.
14 A. I was assigned originally to the Santa Maria
15 station, and then shortly thereafter assigned to the
16 Solvang station.
17 Q. Okay. And you were -- you didn't have a
18 particular detail that you were assigned to. You
19 were assigned as a detective --
20 A. Correct.
21 Q. -- just to generally work in that capacity.
22 You weren't doing narcotics in particular.
23 A. No. Criminal investigations.
24 Q. You weren't doing sex crimes in particular.
25 A. Occasionally.
26 Q. Occasionally. And occasionally you did
27 narcotics, right.
28 A. Yes. 2321

1 Q. Okay. Occasionally you did just about
2 everything that came through the door, right.
3 A. Yes.
4 Q. And so at the time that you were assigned,
5 in June of 2003, to work on this case, you had been
6 a detective for about two years.
7 A. Yes.
8 Q. Now, again -- and I don't mean this in an
9 offensive fashion, but just -- there were a lot of
10 detectives in the Santa Barbara Sheriff's Department
11 who had much more experience than you did in sex
12 crime investigations as of that time; isn't that
13 correct, sir.
14 A. Yes.
15 Q. All right.
16 THE COURT: Is it all right if I turn the
17 light on.
18 MR. SANGER: Yes. Yes. Thank you.
19 Q. Now, I'll work backwards a little bit here
20 through what was said, since it's fresh in our mind.
21 You mentioned that the Arvizo boys -- you
22 had interviewed the Arvizo boys - I think this was

23 the way it was put - and the briefcase matched a
24 description that they had given of a black
25 briefcase, correct.
26 A. Correct. Except I think they used the word
27 "suitcase," instead of briefcase.
28 Q. So you found a black briefcase, and it 2322

1 seemed to be similar to what they were describing as
2 a suitcase; is that correct.

3 A. Yes.

4 Q. Okay. Do you know whether or not the Arvizo
5 boys went through various rooms in Mr. Jackson's
6 house when Mr. Jackson was not there.

7 MR. SNEDDON: Your Honor, I'm going to
8 object; lack of personal foundation, personal
9 knowledge. It's clear that he doesn't --

10 MR. SANGER: That's a speaking objection

11 THE COURT: Sustained. The question is "Do
12 you know," so I'll allow the question.

13 MR. SANGER: Thank you.

14 THE COURT: Do you want it read back.

15 THE WITNESS: Please.

16 (Record read.)

17 THE WITNESS: I do not know.

18 Q. BY MR. SANGER: Okay. When we're talking
19 about evidence here, you have before you Exhibit
20 561, which is Sheriff's Item, I think, 365; is that
21 correct.

22 A. Correct.

23 MR. SANGER: And has that been received into
24 evidence, Your Honor.

25 THE COURT: 561.

26 MR. SNEDDON: Yes.

27 THE COURT: Yes.

28 MR. SANGER: Okay. 2323

1 Q. 561 is a bag that contained eventually two
2 books here; is that correct.

3 A. Yes.

4 Q. All right. Now, sir, are you familiar in
5 your training and experience with what's called
6 "chain of custody".

7 A. Yes.

8 Q. All right. Can you hold the bag up, with
9 the Court's permission, so the jury can see it, just
10 in general, and I'm going to ask you some specifics.
11 Hold it still for a second.

12 All right. Okay.

13 MR. SNEDDON: Excuse me, Counsel.

14 Can I consult with counsel before he asks the

15 next question, Your Honor.
16 THE COURT: Yes.
17 MR. SANGER: Do I have a say in that.
18 THE COURT: Yes.
19 (Off-the-record discussion held at counsel
20 table.)
21 THE COURT: I should have given you
22 permission --
23 MR. SANGER: Excuse me one second.
24 (Off-the-record discussion held at counsel
25 table.)
26 MR. SANGER: Okay. We're all up to date in
27 Kansas City, here. May I proceed.
28 THE COURT: Yes. 2324

1 Q. BY MR. SANGER: All right. Detective Zelis,
2 we were talking about chain of custody of evidence,
3 right.
4 A. Yes.
5 Q. Are you familiar with that.
6 A. Yes.
7 Q. And you held the bag up. Could you hold it
8 up again. And I'm going to ask you to just point
9 out what happens when somebody opens the bag to look
10 at it before you come to court. In other words,
11 it's -- let me start this -- it's a little easier to
12 do it this way:
13 When something's first put in the bag, the
14 bag is sealed, correct.
15 A. Yes.
16 Q. Can you show how that bag was first sealed.
17 A. It would have been sealed at the top,
18 stapled, evidence tape put on it, and then initialed
19 and dated with a marker.
20 Q. Okay. And then when the bag is subsequently
21 opened, what do you do. Do you just rip open the
22 top.
23 A. No. You try to open it in a different area,
24 and seal it in the same manner when the items are
25 put back.
26 Q. So you would -- hold that up again, if you
27 would, please. In other words, this is a regular
28 bag, as it were. It now has red tape all over it on 2325

1 the sides.
2 That red tape was not on the sides when the
3 books were first put in there; is that correct.
4 A. That is correct.
5 Q. The red tape was then put on each side when
6 the bag was opened for one reason or another.

7 A. Yes.
8 Q. And then it was resealed, new red tape was
9 put on that seam; is that correct.
10 A. Correct.
11 Q. All right. Now, when you came down here,
12 you had one book in the bag; is that correct. Or,
13 I'm sorry, when you say -- when you came down here
14 an hour before, whenever it was, there was one book
15 in the bag, right.
16 A. I didn't bring the book down.
17 Q. Were you asked to look at the bag.
18 A. Yes.
19 Q. And there was one book in it when you first
20 looked at it; is that right.
21 A. Correct.
22 Q. And then at the break, somebody went back up
23 and found another book; is that right.
24 A. It was still here in the courtroom.
25 Q. It was sitting here someplace.
26 A. Yes.
27 Q. All right. The reason to be cautious about
28 the chain of custody is to make sure you have the 2326

1 right items in the right bag when you come into
2 court; is that right.
3 A. Absolutely.
4 Q. Now, for Mr. Sneddon's benefit and the
5 Court, I will point out that we agreed that the bags
6 could be opened so the items could be marked for
7 court. That would be the last time. In other
8 words, the last opening. We agreed that could be
9 done without doing it right on the record.
10 MR. SNEDDON: Well, it was more than that.
11 That they --
12 MR. SANGER: If there's going to be an
13 argument, Your Honor, I'd ask we be heard elsewhere.
14 THE COURT: Proceed.
15 MR. SANGER: Thank you.
16 THE COURT: That's a good argument. I'll ask
17 you to have the arguments elsewhere. I didn't
18 realize how good that was.
19 MR. SANGER: Another county, maybe.
20 (Laughter.)
21 Q. BY MR. SANGER: All right. Now, let's talk
22 about the contents of that bag.
23 And may I approach, Your Honor.
24 THE COURT: Yes.
25 MR. SANGER: I'd like to retrieve the
26 contents of the bag.
27 Let's have the bag and the contents. And
28 I'll let you hand it to me. You don't have to put 2327

1 it in. Put it on top.
2 And I'm going take this back, if I may.
3 Q. All right. The first book that you -- that
4 was in this bag, the one that was there when you
5 first looked at it - and the bag I'm referring to is
6 Exhibit 561 - the first book is by Robert Maxwell;
7 is that correct.
8 A. I believe so.
9 Q. All right. Do you know whether or not
10 Robert Maxwell is a personal friend of the Jackson
11 family.
12 A. No, I do not know that.
13 Q. Now, you were at the initial walk-through of
14 the search of the residence of Mr. Jackson; is that
15 correct.
16 A. Correct.
17 Q. When -- in fact, I believe you were in the
18 very first car that drove up to the front door; is
19 that correct.
20 A. Yes.
21 Q. All right. And you were with -- for the
22 most part, you were with Sergeant Robel during the
23 initial walk-through; correct.
24 A. Yes.
25 Q. Lieutenant Klapakis was there as well.
26 A. Yes.
27 Q. Okay. Mr. Sneddon showed up in the foyer at
28 some point during the walk-through; is that correct. 2328

1 A. I believe so, yes.
2 Q. Yeah. And when you walked through, you
3 walked through the whole main house; is that right.
4 A. Correct.
5 Q. And then did you also walk through the other
6 areas, such as the office area, the security office.
7 The video library, did you walk through that
8 building.
9 A. No.
10 Q. Did you walk through the arcade building.
11 A. No.
12 Q. All right. So talking just about the main
13 residence that you walked through, the main
14 residence, did you observe a number of books in the
15 main residence.
16 A. Yes.
17 Q. Is it safe to say that there were probably
18 thousands of books in the main residence.
19 A. I don't know about thousands. Maybe
20 hundreds.
21 Q. Hundreds. Okay. And in Mr. Jackson's, what

22 you called his suite, the first floor, there were
23 stacks of books in front of the big screen T.V.; is
24 that correct.
25 A. To the side of a big screen T.V., yes.
26 Q. Along that wall.
27 A. Yes.
28 Q. All right. And then there was also a 2329

1 bookcase with books right next to that door that you
2 showed us; that you showed us the inside of the
3 door, but just outside of that door where the
4 stairway is, that was a bookcase.
5 A. Yes.
6 Q. With a lot of books there.
7 A. Yes.
8 Q. There were also all sorts of books and
9 magazines piled up in the upstairs bedroom part; is
10 that correct.
11 A. Yes.
12 Q. Just stacks of books here and there and all
13 over the place, right.
14 A. Yes.
15 Q. In addition to that, there were -- in the
16 main house that you went through, including Mr.
17 Jackson's suite, there were a number of items that
18 appeared to have been sent by fans. Would you say
19 that's correct.
20 A. Yes.
21 Q. And there were a number of items that seemed
22 to have been given to Mr. Jackson or sent to Mr.
23 Jackson by other celebrities; is that correct.
24 A. I don't have personal knowledge of that.
25 Q. Well, did you see a letter sitting on the
26 piano from Steven Spielberg, for instance.
27 A. No.
28 Q. Did you see any cards from Liza Minnelli. 2330

1 A. No.
2 Q. Are you aware that any of those -- that Liza
3 Minnelli card was seized.
4 A. Yes.
5 Q. So it was somewhere. You just didn't see it
6 while it was sitting there.
7 A. Correct.
8 Q. Did you see items that were original items
9 signed by Walt Disney, for instance.
10 A. I didn't see that.
11 Q. You didn't see that in the same closet that
12 you were retrieving the black briefcase from.
13 A. There may have been some frames on the wall.

14 I don't know who signed them.
15 Q. And there were a lot of -- there was a lot
16 of memorabilia from other movie stars, including
17 Shirley Temple, and a number of other movies; is
18 that correct.
19 A. Yes. Memorabilia.
20 Q. Memorabilia. And it appeared that Mr.
21 Jackson had saved -- in stacks or piles or bookcases
22 or on the floor, all over his private quarters, he
23 had saved a tremendous number of things that had
24 been sent to him by other people, right.
25 A. Yes.
26 Q. All right. So you don't know where the
27 Maxwell book came from, do you. You just found it.
28 A. I know it came from his bedroom. 2331

1 Q. Okay. And of all the materials that you
2 observed, there were no materials of an adult nature
3 or sexually explicit nature, there were no materials
4 that were, in and of themselves, illegal to possess,
5 were there.
6 A. Not that I recall, no.
7 Q. Okay. And the magazines that you picked
8 out -- I won't put them back up unless you want me
9 to. But the magazines that you picked out and you
10 pulled out of the drawer to photograph on the bed,
11 for instance, those are commercially available
12 magazines. You could go to a store and buy them,
13 right.
14 A. Correct.
15 MR. SANGER: All right. Can we have the
16 screen again, please, Your Honor. And still up
17 there is No. 86.
18 Q. Did you determine the date of the top
19 magazine, the "Barely Legal".
20 A. I did not.
21 Q. Were you aware that it is dated after the
22 time that the Arvizos were at the ranch.
23 A. No.
24 Q. And that hasn't come to your attention.
25 A. No.
26 Q. All right. You don't know -- of the
27 materials you seized, you don't know when they were
28 actually placed or stored or put wherever you 2332

1 located them. In other words, you don't know when
2 they came to be there. You just know they were
3 there on November 18th, 2003; is that right.
4 A. Correct.
5 Q. So you don't know what, of those items, was

6 there, if any, in February or March of 2003,
7 correct.
8 A. Correct.
9 Q. You also indicated that you found Exhibit --
10 You can turn off the thing, Your Honor.
11 Thank you.
12 I think it's Exhibit 338. You found a
13 picture that appeared to be of the Arvizo children,
14 correct.
15 A. Yes.
16 Q. And it appears to be a picture -- well,
17 maybe I could put it up, Your Honor, if I may.
18 It appears to be a picture that was taken of
19 the children and probably given to Mr. Jackson,
20 correct.
21 A. Correct.
22 Q. It doesn't look like a candid snapshot. It
23 looks like some kind of a commercially prepared
24 picture; is that right.
25 A. Correct.
26 Q. All right. When you looked through the
27 house, just the main house that you looked through,
28 Mr. Jackson had a tremendous number of photographs 2333

1 of adults, children, people of all sorts all over
2 his house, did he not.

3 A. Yes.
4 Q. And it appeared that quite a number of those
5 photographs were, in fact, sent to him by fans or
6 people who were sending him photographs. They
7 weren't snapshots taken by Mr. Jackson; is that
8 correct.

9 A. Correct.
10 Q. All right. I want to ask you about the
11 mannequin and the -- well, it's not here. Do you
12 have the photograph of the mannequin.

13 A. Here it is.

14 Q. Oh. It's up there.

15 A. Yes.

16 MR. SANGER: May I approach, Your Honor.

17 THE COURT: Yes.

18 MR. SANGER: Thank you.

19 THE WITNESS: Uh-huh.

20 MR. SANGER: What else do you have there.

21 Let me see, so I don't make too many trips.

22 Now, 153 I believe is in evidence; is that
23 correct, Your Honor. In any event, I'd like to
24 publish it. I believe it is.

25 THE COURT: Yes. 153's in evidence. You

26 may show it.

27 MR. SANGER: Thank you.

28 Q. When you look at 153 - and you have to wait 2334

1 a second - it appears to be a -- a mannequin of a
2 child, you said, right.
3 A. Yes.
4 Q. Do you know if that is a mannequin that
5 represents some member of Mr. Jackson's family.
6 A. I don't know.
7 Q. Were you aware that someone had defaced this
8 mannequin.
9 A. Yes.
10 Q. All right. And did you examine the
11 mannequin to see the portion that was, in fact,
12 defaced.
13 A. Yes.
14 Q. All right.
15 I'd like to have I think it's 5033. This
16 was marked for identification previously with
17 another witness, Your Honor.
18 THE COURT: It was.
19 MR. SANGER: I'd like to approach the
20 witness, if I may.
21 THE COURT: Yes.
22 MR. SANGER: Thank you.
23 Q. Let me show you 5033, and ask you -- let
24 me -- let me go back here to ask you a question, if
25 I may.
26 Showing you 5033, does that appear to be the
27 portion of the mannequin that was defaced.
28 A. Yes. 2335

1 Q. Basically -- and let me ask, is that -- does
2 that appear to be an accurate depiction of the
3 actual subject matter.
4 A. Yes.
5 MR. SANGER: Your Honor, I'd move 5033 into
6 evidence.
7 THE COURT: It's admitted.
8 MR. SANGER: May I approach to retrieve it.
9 THE COURT: Yes.
10 Q. BY MR. SANGER: Now, does it appear that
11 somebody defaced this with a marking pen of some
12 sort.
13 A. Yes.
14 MR. SANGER: All right. Your Honor, I'd
15 like to publish this, if I may.
16 THE COURT: You may.
17 Q. BY MR. SANGER: Standing -- and I'm going to
18 turn it first so you can see the evidence -- exhibit
19 tag, and then I'll show this here.
20 So it looked like somebody had drawn in --

21 drawn this in on this particular doll; is that
22 correct.
23 A. It appears that way, yes.
24 Q. Did you find out who did that.
25 A. No.
26 Q. You interviewed the Arvizos a number of
27 times, the Arvizo children, Star, Davellin and
28 Gavin, correct. 2336

1 A. Correct.
2 Q. Did you ever ask them if they did this.
3 A. No.
4 Q. Excuse me one second.
5 Did you ever have occasion to go up to
6 the --
7 Your Honor, if you wanted to hit the light,
8 that would be okay. Thank you.
9 Did you ever have occasion to go up to the
10 administrative office for the ranch.
11 A. Yes.
12 Q. And the administrative office of the ranch
13 is up on the hill -- well, there are a lot of hills
14 there. But anyway, let's try it this way.
15 The administrative office for the ranch is
16 not in the residential complex we just described
17 down below; is that correct.
18 A. Correct.
19 Q. It's up on a hill, right.
20 A. Yes.
21 Q. And it's a working office, correct.
22 A. Appears that way, yes.
23 Q. There's secretaries or assistants -- there's
24 a couple of executive offices of some sort.
25 A. Yes.
26 Q. Okay. It's actually a metal building,
27 something you'd see on a ranch, I suppose; is that
28 right. 2337

1 A. I didn't take notice.
2 Q. Okay. And there's actually a fire
3 department there. There's a bay with a fire truck
4 there.
5 A. Yes.
6 Q. All right. Now, in the administrative
7 office, when you're up there, did you have occasion
8 to see -- on November 18, to see the pile of
9 materials that had been sent by fans within the last
10 five to seven days.
11 MR. SNEDDON: Your Honor, I'm going to
12 object. It assumes facts not in evidence and lack

13 of foundation as to the date.
14 THE COURT: Sustained.
15 MR. SANGER: Okay.
16 Q. I'm talking about November 18, 2003, the --
17 is that when you were at the administrative office.
18 A. No.
19 Q. Oh, I see. When were you at the
20 administrative office.
21 A. The last search warrant, which was in
22 December of '04.
23 Q. Okay. All right. That's fine.
24 You were part of the group that came to
25 Mr. Jackson's house early in the morning on
26 December - what was it - 3rd of 2004; is that
27 correct.
28 A. I'm not specifically sure on the date. But 2338

1 it was December of '04, yes.
2 Q. All right. It was a Friday, was it not.
3 A. Yes.
4 Q. And what time did you arrive.
5 A. I believe it was around nine o'clock, maybe
6 ten o'clock in the morning.
7 Q. Did you arrive at the first -- with the
8 first car on that occasion.
9 A. Yes.
10 Q. Okay. And Mr. Jackson and his children were
11 in residence there, in their house at that hour.
12 A. That was my understanding.
13 Q. Nobody called ahead to say, "We'd like to
14 come out to your ranch and look at things".
15 A. Not to my knowledge.
16 Q. And how many people showed up that day from
17 law enforcement, or associated with your search.
18 MR. SNEDDON: Your Honor, I'm going to
19 object as beyond the scope of direct examination and
20 relevance.
21 THE COURT: Are you saying that none of the
22 seizures that he was testifying to on direct
23 occurred on December 4th.
24 MR. SNEDDON: That's correct, Your Honor.
25 And I didn't ask any questions about December.
26 MR. SANGER: The question was the materials
27 received from fans. And this is evidently when he
28 saw them. 2339

1 MR. SNEDDON: Well, no.
2 THE COURT: The question you asked was, "How
3 many people showed up on that search." I'll sustain
4 the objection.

5 MR. SANGER: Okay.
6 Q. At some point, you went from the house area
7 up to the administrative building; is that correct.
8 A. In 2004.
9 Q. December of 2004, the Friday, which --
10 A. Correct.
11 Q. -- could be the 3rd.
12 Okay. And when you went up to the
13 administrative office, did you search the
14 administrative office.
15 A. No.
16 Q. Did somebody search it.
17 A. I don't believe so.
18 Q. Were you given something from the office
19 voluntarily.
20 A. No.
21 Q. When you were up there and you went through
22 the office, did you see a large pile of materials,
23 of things, sent to Mr. Jackson from all over the
24 world.
25 A. No.
26 Q. Okay. Let me --
27 If I may, Your Honor, I'd like to show that
28 Exhibit 72, which shows the door to the closet. 2340

1 THE COURT: All right.
2 MR. SANGER: And that's been received.
3 Q. Okay. You indicated that that was the
4 stairway that goes up to Mr. Jackson's upper bedroom
5 area, correct.
6 A. Correct.
7 Q. And what we're talking about, this is the
8 door to his downstairs area; is that correct.
9 A. Yes.
10 Q. And just to the left of that, there are
11 bookcases; is that correct.
12 A. Yes.
13 Q. And to the right of that, along the outside
14 of that wall, there were piles of books; is that
15 correct.
16 A. Yes.
17 Q. All right. And around the piano, behind the
18 piano, there are bookcases. The piano's on the
19 other side of the wall in that room; is that
20 correct.
21 A. I'm not sure if there was a bookcase.
22 Q. And there were books piled up around and
23 near the piano; is that correct.
24 A. I don't know.
25 Q. All right. And besides books, there were
26 magazines, reading material of all sorts all over
27 the place, right.

28 A. Correct. 2341

1 Q. All right. Now, where you -- where you put
2 your initials there on the door, that is a long,
3 walk-in kind of closet, correct.

4 A. Yes.

5 Q. And there were quite a number of items
6 stored specifically in that closet; is that correct.

7 A. Appeared so, yes.

8 Q. Again, memorabilia, photographs, boxes, all
9 sorts of things, right.

10 A. Yes.

11 Q. And there was also clothing in there,
12 correct.

13 A. Yes.

14 Q. All right. Now, what I want to do is go to
15 a question that Mr. Zonen -- Mr. Sneddon had asked
16 you if you did these interviews.

17 And, Your Honor, we can turn the light on,
18 if you want.

19 And, in fact, there were interviews which
20 were done of the Arvizo children on 7-7-03, July 7,
21 '03, correct.

22 A. Correct.

23 Q. And you participated in that interview; is
24 that correct.

25 A. Yes.

26 Q. You interviewed Davellin, Star and Gavin on
27 that day; is that correct.

28 A. Correct. 2342

1 Q. And that's tape-recorded.

2 A. Yes.

3 Q. And you have transcripts of the tape,
4 correct.

5 A. Yes.

6 Q. And then there were follow-up interviews on
7 8-13-03. You participated in those; is that
8 correct.

9 A. Yes.

10 Q. And again, you interviewed all three of the
11 children at that time; is that correct.

12 A. Yes.

13 Q. You then had the search, which was November
14 18 of '03, correct.

15 A. Yes.

16 Q. And then there was some brief interviews on
17 November 26, '03; is that correct.

18 A. I don't -- I don't remember that date
19 specifically.

20 Q. Well, do you remember a date in November.
21 Was it the day of the month or you don't remember
22 doing it at all. Did I say 26th or 25th. In any
23 event, November 25th.
24 A. Of 2003.
25 Q. Of 2003.
26 A. Interview with the children.
27 Q. With Gavin and with Star that were
28 tape-recorded and transcripts made. 2343

1 A. I'm not sure.
2 Q. Okay. Would it help if I showed you a
3 transcript to see if that refreshes your
4 recollection.
5 A. Yes.
6 Q. Take a look at that. My question was, were
7 you there. I'm showing you a transcript of an
8 interview.
9 And I believe Detective Robel indicated he
10 was there, if that helps you.
11 A. I don't recall this interview.
12 Q. Were you advised of that interview at all by
13 Detective Robel.
14 A. I would have to read it further.
15 Q. Take your time.
16 A. He may have briefed me on the interview. I
17 don't think he got into detail.
18 Q. All right. In any event, so what you're
19 saying, you may or may not have known that there was
20 an interview. You think you probably were told.
21 A. Correct.
22 Q. And you don't think you were there.
23 A. I don't believe so.
24 Q. Okay. The next interview was January the
25 19th, 2004; is that correct.
26 A. Correct.
27 Q. And you were at that one.
28 A. Yes. 2344

1 Q. And who was at that interview.
2 A. Deputy District Attorney Ron Zonen. I
3 believe District Attorney Tom Sneddon.
4 Q. And who else.
5 A. Lieutenant Jeff Klapakis. Sergeant Robel.
6 The Arvizo children.
7 Q. All right. Did Sergeant Robel stay for the
8 entire interview.
9 A. I do not believe so.
10 Q. Okay. Did you stay for the entire
11 interview.

12 A. Yes.
13 MR. SANGER: All right. May I retrieve my
14 book, Your Honor.
15 THE COURT: Yes.
16 MR. SANGER: Thank you.
17 Q. Now, at the time of this interview, let's
18 say before January 19th, had you ever seen the
19 rebuttal video.
20 A. I don't believe so.
21 Q. All right. And this interview process
22 started with a showing to the Arvizo children of the
23 rebuttal video; is that correct.
24 A. Yes.
25 Q. And before it was shown to them, they
26 were -- let me withdraw that.
27 Before the rebuttal film was shown to them,
28 the Arvizo children were told what they were about 2345

1 to see; is that correct.
2 A. Yes.
3 Q. And after the film was shown to them, they
4 were then interviewed on tape; is that correct.
5 A. Correct.
6 Q. And Mr. Sneddon actively participated in the
7 interview; is that right.
8 A. I do not believe so.
9 Q. Okay. We'll come back to that. I want to
10 direct your attention to Davellin's interview first,
11 if I may. And in Davellin's interview, she was
12 asked, in general, how they could have responded the
13 way they did in this rebuttal film based on the
14 allegations that they were making, correct.
15 A. Yes.
16 Q. And specifically Davellin was asked about
17 the hand-holding. Remember that.
18 A. Vaguely, yes.
19 Q. Do you remember the scene in the rebuttal
20 video where Janet Arvizo doesn't appear to know that
21 she's even on film and she says, "Hey, hey, get
22 this, get this. Get us holding hands just like
23 Bashir," and everybody kind of joins in as to what a
24 good idea it is. Do you remember that.
25 A. Vaguely.
26 Q. All right. And do you recall asking her --
27 did anybody ever talk to you or talk to Gavin and
28 your mother that they should hold hands together, 2346

1 "Gavin and your mother during this," and then it's
2 unintelligible.
3 Remember that question.

4 A. Yes.
5 Q. And Davellin says, "Oh, yeah, they --
6 because they -- they wanted to -- because the fact
7 that they did the Bashir thing, they wanted my mom
8 to do it so it could erase what they saw of
9 Michael."
10 Remember that.
11 A. Yes.
12 Q. And later, as she was asked, she was asked
13 about the part of the video where they are calling
14 Michael Jackson "daddy" and talking about him as
15 "daddy" and his family. Do you remember that.
16 A. Yes.
17 Q. And her explanation for that was that Frank
18 and Dieter told them to do that; is that correct.
19 A. Mainly Dieter is my recollection.
20 Q. Okay. Primarily Dieter. But you remember
21 her talking about Frank as well, "Frank told us,"
22 and "Dieter told us" at one point, too.
23 A. I recall mainly she mentioned Dieter.
24 Q. Okay. Now, did you interview the kids
25 independently, or were they all sitting there
26 together.
27 A. Independently.
28 Q. They were all sitting there together to 2347

1 watch the film, though, correct.
2 A. Correct.
3 Q. And you didn't record what they said during
4 the film while the film was being played for them,
5 did you.
6 MR. SNEDDON: Your Honor, I'm going to
7 object. Assumes facts not in evidence.
8 THE COURT: Sustained.
9 Q. BY MR. SANGER: Okay. Did they say anything
10 while the film was being played.
11 A. No.
12 Q. Nothing at all.
13 A. They were instructed not to talk to each
14 other.
15 Q. All right. On the -- when you talked to
16 Gavin -- let me withdraw that for a second.
17 Before they saw the film, they -- the Arvizo
18 children, Gavin and Star in particular, had been
19 confronted before that -- before they saw the film,
20 they had been confronted by law enforcement as to
21 the fact that there was a film in which they
22 appeared to be very happy with Michael Jackson,
23 correct.
24 MR. SNEDDON: Your Honor, I'm going to
25 object to the use of --
26 MR. SANGER: I'll withdraw it. We won't say

27 "confronted." We'll say they were advised. They
28 were asked. 2348

1 THE WITNESS: I'm sorry, could you repeat
2 the question.

3 Q. BY MR. SANGER: The Arvizo children,
4 particularly Gavin and Star, were asked about the
5 rebuttal film before they saw it.

6 A. I'm not sure.

7 Q. Okay. And when you just briefly reviewed
8 the Gavin transcript there from 11-25-03, was there
9 any question asked about a rebuttal video at that
10 time.

11 MR. SNEDDON: Your Honor, I'm going to
12 object to the question. He said he doesn't believe
13 he was present.

14 MR. SANGER: Okay.

15 THE COURT: Sustained.

16 Q. BY MR. SANGER: Were you advised that --
17 before they saw the video on -- you're the
18 detective, one of the lead detectives in this case,
19 right.

20 MR. SNEDDON: Asked and answered.

21 THE COURT: Sustained.

22 Q. BY MR. SANGER: Okay. When you're sitting
23 there on January 19th, 2004, with Mr. Sneddon, Mr.
24 Zonen and the other people, including your
25 lieutenant and your sergeant, you are concerned
26 about what these kids are going to say about this
27 video, correct. You want to know what they have to
28 say. 2349

1 A. Yes.

2 MR. SNEDDON: Object. That's compound.

3 THE COURT: Sustained.

4 MR. SANGER: Okay.

5 MR. SNEDDON: Move to strike the answer.

6 THE COURT: Stricken.

7 Q. BY MR. SANGER: You wanted to know what they
8 had to say about the video, right.

9 A. Yes.

10 Q. And so as the investigator, one of the lead
11 investigators at that time, you were aware that the
12 fact that the video had been discussed with at least
13 Gavin and Star -- I'm not talking about Janet
14 Arvizo. That's another subject. But as to the
15 children, it's been discussed with at least Gavin
16 and Star the fact that there was a video where they
17 portrayed themselves of being very supportive of
18 Michael Jackson. That was discussed with them

19 before --
20 THE COURT: This question is just going on
21 and on.
22 MR. SNEDDON: Move to strike.
23 THE COURT: Start over.
24 MR. SANGER: Let me start over, okay.
25 Q. Did you discuss -- let me withdraw that.
26 Were you aware that the Arvizo children had
27 discussed with law enforcement the fact that there
28 was a rebuttal video before they showed up on the 2350

1 19th to watch it.
2 A. I don't believe I was aware.
3 Q. So you thought this was just cold, outside
4 the box; nobody had ever talked to them about it.
5 MR. SNEDDON: Your Honor, that's
6 argumentative.
7 THE COURT: Sustained.
8 Q. BY MR. SANGER: When you say you weren't
9 aware, was it your belief at that time when they sat
10 down that they weren't even aware you had a rebuttal
11 video.
12 A. I don't know what they were aware of and
13 what they were not aware of.
14 Q. Well, as an investigator, the state of mind
15 of the subject that you're interviewing is
16 important, is it not.
17 MR. SNEDDON: Object; argumentative.
18 THE COURT: Overruled.
19 THE WITNESS: Maybe I should clarify that.
20 THE COURT: No, you should just answer the
21 question. Do you want the question read back.
22 THE WITNESS: Please.
23 (Record read.)
24 THE WITNESS: Yes.
25 Q. BY MR. SANGER: Okay. Now, when Gavin was
26 asked about the video, after he saw the rebuttal
27 video on January 19, 2004, he said that Dieter had
28 told them what to say; is that correct. 2351

1 A. Yes.
2 Q. And he also said that 99.9 percent of what
3 was shown on the rebuttal video was not true -- or
4 let me rephrase that. 99.9 percent of what was said
5 on the rebuttal video was not true; isn't that
6 correct.
7 A. That is not correct.
8 Q. All right. You don't have a copy of this
9 with you, do you.
10 A. I may have.

11 Q. I think you attached it to one of your
12 police reports. If it's not handy, I'll show you
13 mine.
14 A. It may take me some time to find it. If you
15 have it handy, that would be more efficient.
16 Q. All right. I think it was -- let me -- I'll
17 just show you mine.
18 May I approach, Your Honor.
19 THE COURT: Yes.
20 Q. BY MR. SANGER: I'm showing you page 12.
21 And you're welcome to read before and after,
22 whatever you want to do, but I'm kind of directing
23 your attention there to the middle of that page.
24 I'd like you to read that. And then after
25 you're through, tell me if that refreshes your
26 recollection as to what Gavin said.
27 A. Okay.
28 Q. Okay. And that refreshes your recollection. 2352

1 A. Yes.
2 Q. And he said, "Like 99 percent of the things
3 weren't true"; is that correct.
4 A. That Dieter, or "they," were telling them
5 what to say on the rebuttal video. Not what was
6 said on the rebuttal video. What they were told to
7 say.
8 Q. And what they were told to say was the same
9 they said they were saying. They were claiming it
10 was the same thing that they said, was it not.
11 MR. SNEDDON: Object as argumentative.
12 THE COURT: Do you understand the question.
13 THE WITNESS: Well, I don't know the exact
14 specifics of what Dieter told them to say prior.
15 Q. BY MR. SANGER: The question -- you'd be
16 asking questions about the calling Michael "daddy"
17 and saying they were members of his family, and they
18 were -- all of those things were the subject matter
19 of what you were asking about, correct.
20 A. Correct.
21 Q. And he said Dieter told him to say it,
22 right.
23 A. Of the things to say, yes.
24 Q. And he said 99.9 percent of that wasn't
25 true, right.
26 A. Yes, he does say that, to what Dieter told
27 him to say.
28 Q. All right. Never told you Dieter told him 2353

1 to say anything that he didn't say, did he. He
2 didn't say, "Dieter told me the moon's made out of

3 blue cheese, but I wouldn't say it".

4 A. No.

5 Q. All right. Now, on another issue in this
6 same interview -- well, let's set the stage by going
7 back to the 7th of July interview. And let me ask
8 you in general.

9 During the -- during the three interviews
10 that you had conducted -- and there was a fourth
11 one, the 11-25-03, but you don't know about that
12 other than what you've seen, so I'll exclude that.
13 Of the three interviews, July, August and
14 January, was Gavin consistent as to when he claimed
15 the acts of molest that he was alleging had
16 occurred.

17 A. Yes.

18 Q. In July, he said, "It was one of the last
19 days that I was staying at Neverland," correct.

20 A. Something to that effect. I believe so,
21 yes.

22 Q. Okay. And in August, he was not clear as to
23 whether it was before or after the DCFS interview,
24 correct.

25 MR. SNEDDON: Your Honor, I'm -- I'm going
26 to object, Your Honor. That --

27 THE COURT: Sustained. It's a conclusion.

28 Calls for a conclusion. 2354

1 MR. SANGER: All right.

2 Q. Let's just go to the January 19th, 2004 --
3 okay. In January of 2004, did he tell you that he
4 was sure as to the dates when the molest occurred,
5 the alleged molests.

6 A. That he was sure.

7 Q. Yes.

8 A. No.

9 Q. And at that time, he said he didn't know
10 whether it was before or after DCSF, but that, "You
11 guys would know." Remember him saying that.

12 A. That's not what he said.

13 Q. Okay. What did he say.

14 A. He was asked -- and this is my recollection.
15 He was asked of when the molestations occurred, and
16 if they could have been prior, or if they were prior
17 or after the DCFS interview. And he said, "I think
18 so," period. That's my recollection.

19 Q. He thought so, that they were prior to it,
20 before it.

21 A. I think so.

22 Q. He said, "I think so." And then he said,
23 "You guys would know," right.

24 A. No. He said we would know to when the DCFS
25 interview occurred.

26 Q. Okay. So you're interpreting that as, "You
27 would know when DCFS occurred".
28 A. Correct. 2355

1 Q. He didn't say, "You guys would know when the
2 DCFS interview occurred".

3 A. He indicated that we would know when the
4 DCFS interview occurred.

5 Q. Okay. So he said he thought it could be
6 prior, could be before.

7 A. The molestations occurred.

8 Q. Yes.

9 A. He said he thought so.

10 Q. He thought so.

11 A. Yes.

12 Q. All right. And then you also interviewed
13 Star on that same occasion, on January 19th; is that
14 correct.

15 A. Yes.

16 Q. And once again, Star's answer, after he saw
17 the video, was that Dieter told him to use terms
18 such as "father" and "humble"; is that correct.

19 A. Yes.

20 Q. And at that time you didn't ask him about
21 using those terms before he ever met Dieter, did
22 you.

23 A. No.

24 Q. At that time were you aware that Star and
25 the rest of the family had sent cards to Michael
26 Jackson in 2001 calling him "father," talking about
27 him being part of their family, using all those same
28 terms that are on the video. 2356

1 A. Can you repeat the question.

2 MR. SANGER: Could we have that read back.

3 THE COURT: All right.

4 (Record read.)

5 THE WITNESS: I know cards were sent. I do
6 not know the dates of when those cards were sent.

7 Q. BY MR. SANGER: Did you ask him about those
8 cards.

9 A. Personally, I don't think so.

10 Q. So you didn't say, "Well, Dieter told you to
11 say this, but you also said this in the cards". You
12 didn't ask him about that subject matter.

13 A. No.

14 Q. Were you aware that the family used that
15 same language in dealing with other people such as
16 Louise Palanker.

17 MR. SNEDDON: Can I object as to vague as to

18 the "same language". Because there's a number of
19 different terms.
20 MR. SANGER: Okay. "Mommy" instead of
21 "daddy."
22 THE COURT: Sustained.
23 Q. BY MR. SANGER: Were you aware that they
24 were calling Louise Palanker "mommy" and saying they
25 were part of her family --
26 A. No.
27 Q. -- using the same kind of language.
28 Did you recently learn that. 2357

1 A. No.
2 Q. Are you still on this case.
3 A. Yes.
4 Q. Okay. Let me have just one second, Your
5 Honor.
6 Let me go one more time to the interview on
7 January the 19th. And do you remember Mr. Sneddon
8 actually asking questions in that interview, or
9 making comments in that interview.
10 A. Which interview. Of which interview.
11 Q. Of Gavin. Yes, of Gavin.
12 A. I --
13 Q. January 19th, 2004, interview of Gavin.
14 Sorry.
15 A. I do not recall.
16 Q. Okay. Do you recall whether or not Mr.
17 Sneddon expressed concern in the presence of Gavin,
18 the complaining witness in this case, about why he
19 made these kinds of remarks on the rebuttal video.
20 A. I do not recall.
21 Q. Do you recall whether or not Gavin responded
22 to Mr. Sneddon, to Mr. Sneddon's remarks.
23 A. I do not know.
24 MR. SANGER: Okay. May I approach, Your
25 Honor.
26 THE COURT: Yes.
27 MR. SNEDDON: What page are you talking
28 about, Counsel. 2358

1 MR. SANGER: 13.
2 Q. I'm going to show you page 13, but you can
3 read the whole thing if you want. Do whatever you
4 want. I'm going to ask you if it refreshes your
5 recollection about the exchange between Mr. Sneddon
6 and Gavin Arvizo.
7 A. Okay.
8 MR. SANGER: May I retrieve the book, Your
9 Honor.

10 Q. Does that refresh your recollection.
11 A. Yes.
12 Q. Before I ask you about what was said, let me
13 put this in context.
14 As an investigator, when you're interviewing
15 a witness, you're supposed to get information.
16 You're not supposed to convey to the witness what
17 you would like them to say, correct.
18 A. Yes.
19 Q. Do you recall now, having refreshed your
20 recollection, that Mr. Sneddon said, "So, in your
21 mind, one of the things that you're thinking is,
22 they're doing this video that they want you guys to
23 do, that if you ever told them the truth about being
24 molested by him, that nobody would believe you".
25 Remember that question.
26 A. Yes.
27 Q. And then Gavin Arvizo says, "Yeah, that they
28 would use that and say that we're lying. That's 2359

1 what I think they used it for. I think that's why
2 they told us to say all those things in the tape.
3 They told us it was for -- they told us it was for
4 so they could release the tape out to the media for
5 rebuttal for what they were all saying, but I don't
6 think -- they were, like, kind of forcing us to say
7 those things. 99.9 percent of the things they were
8 telling us to say weren't even true."
9 So -- and then the answer ends.
10 Was that what Mr. Sneddon said and what
11 Gavin Arvizo said in response.
12 A. Yes.
13 Q. And at that point in the interview, as the
14 investigator in the case, it was your understanding
15 that what Gavin Arvizo was saying at that point is
16 that he was claiming he was molested before the
17 rebuttal, and that this was to -- the rebuttal was
18 to cover up a molest; is that correct.
19 A. No.
20 Q. Well, that's what Mr. Sneddon was asking,
21 wasn't it. "If you ever told the truth about being
22 molested by him, that nobody would believe you".
23 MR. SNEDDON: Your Honor, that calls for a
24 conclusion on the part of the witness. It's --
25 THE COURT: Sustained.
26 MR. SANGER: All right. Excuse me one
27 second.
28 Q. You may need to look at this again, so I'll 2360

1 let you do that if you need to. But just so we're

2 clear on that -- and Mr. Mesereau was kind enough to
3 direct me on this. Just so you're clear on this,
4 just preceding this exchange with Mr. Sneddon, the
5 question was asked, "The acts of molestation, had
6 they already begun by the time you did this video."
7 MR. SNEDDON: I'm going to object to this
8 as asked and answered. He's just reading. There's
9 no question pending.
10 THE COURT: No, I'm going to allow him to
11 read that. I assume it's the preface to a question.
12 MR. SANGER: Right.
13 THE COURT: Go ahead.
14 Q. BY MR. SANGER: And I think you did refer to
15 this, but to put it in context, the question:
16 "The acts of molestation, had they already
17 begun by the time did you this video; do you know.
18 "A. I think so."
19 And then:
20 "Q. Within hours after doing the video was
21 that meeting with the workers from the Child
22 Protective Services. Is that how you remembered
23 it, or you're not certain.
24 "A. I don't know. I'm not sure it
25 happened -- whether it happened before or after.
26 You guys probably would know that date."
27 That's what I had asked you about before.
28 Is that all accurate. 2361

1 A. Yes.
2 Q. And then immediately following that, Mr.
3 Sneddon says, "So, in your mind, one of the things
4 you're thinking is, they've done this video that
5 they want you guys to do so that if you ever told
6 them the truth about being molested by him, that
7 nobody would believe you," correct.
8 A. Correct.
9 Q. And then Gavin Arvizo essentially adopts
10 Mr. Sneddon's interpretation.
11 A. It was -- that question asked by Mr. Sneddon
12 was a clarification of an idea that was given to us
13 by Gavin prior to that.
14 Q. So that he was molested before the video,
15 and the video was done in order to negate any claim
16 that he was molested.
17 A. No.
18 Q. And you understand that other times, Gavin
19 Arvizo has claimed that the molest occurred at the
20 end of his stay at Neverland, not in early February
21 or mid-February, correct.
22 A. Are you asking my understanding. I'm sorry,
23 could you repeat the question.
24 Q. Well, let me clarify it, if I may.

25 Other times, you told us July 7th, he said
26 it was right at the end of his stay. That would
27 have been March, correct.
28 A. Correct. 2362

1 Q. And you don't know what he testified to here
2 in court.

3 A. No.

4 Q. You weren't here.

5 All right. Now, let me go back to the
6 beginning of your involvement in this case. You
7 said you started in June, June the 13th of 2003,
8 correct.

9 A. Correct.

10 Q. When you took over this case, it already had
11 a case number; is that right.

12 A. Yes.

13 Q. Now, case numbers are assigned in the
14 sheriff's department for each new case, correct.

15 A. Correct.

16 Q. In other words, just because a person was
17 involved in a case doesn't mean that person will
18 have the same number, either as a suspect or
19 reporting party or anything else, correct.

20 A. Correct.

21 Q. A case number is assigned when a case is
22 open, when an investigation is open on a particular
23 subject matter, right.

24 A. Correct.

25 Q. And it's your understanding that Terry Flaa,
26 Detective Terry Flaa, had been assigned to go
27 investigate this case when it was first opened,
28 correct. 2363

1 A. Yes.

2 Q. Terry Flaa at that time, in fact, was the
3 lead investigator on the case; is that correct.

4 A. I believe so, yes.

5 Q. You -- he -- let me withdraw that.

6 He filed a report saying that there was no
7 criminal activity; is that right.

8 A. Correct.

9 Q. And that report was filed on April the 16th
10 of 2003, correct.

11 A. I'm not sure of the date.

12 Q. It was filed sometime before you got
13 involved in the case, right.

14 A. Yes.

15 Q. Okay. And then June 13th you requested his
16 police reports and files; is that correct.

17 A. Yes.
18 Q. Did you ever talk to Detective Flaa.
19 A. Yes.
20 Q. When did you talk to him. Well, did you
21 ever talk to him about this case.
22 A. I don't believe so.
23 Q. All right. So you took over the case and
24 requested his reports, but you never talked to him
25 about the case.
26 A. Correct.
27 Q. And then about a month after you got
28 involved in the case, Sergeant Robel was brought in; 2364

1 is that correct.
2 A. No. He was brought in right away.
3 Q. "Right away," meaning what. The 13th, 14th
4 of June, or sometime later.
5 A. I don't know. You'd have to ask him. I
6 don't remember.
7 Q. Well, we did. But do you recall.
8 A. No.
9 Q. All right. When you were first assigned to
10 the case, you were the lead investigator in the
11 case; is that correct.
12 A. Correct.
13 Q. And eventually when Sergeant Robel was
14 brought in, he was then designated as the lead
15 investigator.
16 A. Co-lead.
17 Q. So you and he were co-lead investigators.
18 A. Correct.
19 THE COURT: All right. Let's take our break.
20 (Recess taken.)
21 THE COURT: Go ahead.
22 MR. SANGER: Are we to assume that somebody
23 brought food for the Court. Just a joke.
24 THE COURT: The people in the back of the
25 room didn't hear your joke.
26 MR. SANGER: Ahh. Having risked my life
27 once on that joke, I think I'll let it go, if that's
28 all right with the Court. 2365

1 A VOICE FROM THE AUDIENCE: Ahh.
2 MR. SANGER: All right. May I proceed, Your
3 Honor.
4 THE COURT: Yes.
5 MR. SANGER: Thank you.
6 Q. All right. So before the break, just to
7 pick up where we left off, you indicated you were
8 appointed as an investigator on this case June the

9 13th of 2003, correct.
10 A. Yes.
11 Q. And then Sergeant Robel, sometime after
12 that, came in as co-lead investigator, correct.
13 A. Correct.
14 Q. And you told us you did not call Terry Flaa
15 to gain the benefit of what he had done on the case;
16 is that correct.
17 A. I did say that before the break. But I
18 thought about it, and I believe I may have spoken
19 with him.
20 Q. You may have. Do you know if Sergeant Robel
21 spoke to him.
22 A. I don't know.
23 Q. Okay. And Detective Flaa was still working
24 for your department in June of 2003, correct.
25 A. I'm not sure.
26 Q. And he had -- and again, I don't mean any
27 offense, but he had considerably more experience as
28 a detective than you had at that point; is that 2366

1 correct.
2 A. Yes. He'd been in the division a lot longer
3 than I had.
4 Q. And he also had quite a bit of specialized
5 training in sexual offense cases; is that correct.
6 A. That's my -- that's what I believe, yes.
7 Q. Okay. And he eventually, by the end of the
8 year or so, he left the sheriff's department,
9 correct.
10 A. Yes.
11 Q. And then he went to work at the Santa Maria
12 Police Department; is that correct.
13 A. Correct.
14 Q. Okay. During that year, or I'm sorry, half
15 a year while he was still at the department, did you
16 and Sergeant Robel consult with him on this case.
17 A. Together, do you mean.
18 Q. Independently or together.
19 A. I can't speak for Sergeant Robel, but I
20 believe I may have talked with him, yes.
21 Q. You may have talked with him. Do you recall
22 consulting with him on this case.
23 A. Not specifically, but I may have.
24 Q. Okay. And he found that there was no
25 criminal activity, right.
26 A. Correct.
27 Q. And he was pretty much out of the picture
28 after that; is that correct. 2367

1 A. Yes.
2 MR. SANGER: Okay. No further questions.
3
4 REDIRECT EXAMINATION
5 BY MR. SNEDDON:
6 Q. Detective Zelis, I actually have just one
7 question. And I want to direct your attention back
8 to Mr. Sanger's examination about Gavin's response
9 to my question on the day that you were interviewing
10 him. Do you recall that.
11 A. Yes.
12 Q. Do you recall, that report in front of you,
13 is that with the one you took a long time to find.
14 A. Yes.
15 Q. All right. At the time -- let me ask you a
16 question. If you don't remember the answer, I'll
17 allow you to look at it and you can refresh your
18 recollection.
19 Mr. Sanger didn't finish reading the rest of
20 the questions and answers, but at the time that
21 Gavin made that statement, was he talking about
22 something that he believed at the time that the
23 rebuttal was made or something that he was
24 reflecting back on.
25 MR. SANGER: Objection; calls for
26 speculation.
27 THE COURT: Sustained.
28 Q. BY MR. SNEDDON: Based -- based on Gavin's 2368

1 statement during that conversation, was he
2 indicating that that was his current belief as to
3 what happened or that was his state of mind at the
4 time that the rebuttal film was made.
5 MR. SANGER: I still object. That calls for
6 speculation.
7 THE COURT: Sustained.
8 MR. SNEDDON: Judge --
9 THE COURT: You can have him state what he
10 said, not what his conclusion is.
11 MR. SNEDDON: All right. I was trying to do
12 it -- all right. I'll do that.
13 Q. Question by me: "Did you think that at the
14 time, or that that's what you think now, now that
15 you see it.
16 "A. No. That's what I think now, when I
17 see it, everything."
18 Was that his statement to you at that
19 time --
20 A. Yes.
21 Q. -- in relationship to the question Mr.
22 Sanger had brought to your attention that I asked
23 him earlier.

24 A. Yes.
25 Q. That was the question and answer that
26 preceded the entire conversation.
27 A. Correct.
28 MR. SNEDDON: Nothing further. 2369

1 RE-CROSS-EXAMINATION

2 BY MR. SANGER:

3 Q. All right. Just so we're clear, because we
4 had the words "preceded" and so on there, what Mr.
5 Sneddon just read to you, you were following in the
6 transcript; is that correct.

7 A. Not at the same time, no.

8 Q. Oh, okay. Then during the break he reviewed
9 this with you; is that correct.

10 A. No.

11 Q. Did you see this during the break.

12 A. You let me read it.

13 Q. Pardon.

14 A. I believe you let me read it.

15 Q. Okay. Okay. So maybe I didn't ask that
16 question correctly. Mr. Sneddon, during the break,
17 let you read that part of the transcript.

18 A. No.

19 Q. What are you talking about. You said he let
20 you read it.

21 A. No, I said, "You let me read it."

22 Q. Oh, okay. I didn't let you read it during
23 the break.

24 A. No.

25 Q. But if you'd asked, I probably would have,
26 but -- all right. During the break, did you discuss
27 that with Mr. Sneddon at all.

28 A. No. 2370

1 Q. All right. So he got up there and he asked
2 you about these comments preceding the comments that
3 he made; is that right.

4 A. Yes.

5 Q. These comments did not precede the comments
6 that Mr. Sneddon made, did they.

7 May I approach the witness.

8 THE COURT: Yes.

9 Q. BY MR. SANGER: I'm going to show you the
10 transcript.

11 MR. SNEDDON: That's what I was trying to
12 do.

13 Q. BY MR. SANGER: What Mr. Sneddon just read
14 to you came after the exchange between Mr. Sneddon
15 and Gavin; is that correct.

16 A. May I --
17 Q. You can look at whatever you want to look at
18 in there.
19 A. It is after the question by Mr. Sneddon to
20 Gavin.
21 Q. And after Gavin gave his explanation about,
22 "Yeah, that's what they were doing, and it was 99.9
23 percent of it was not true." Right.
24 A. Correct.
25 Q. And then what Mr. Sneddon read followed
26 that; is that correct.
27 A. Correct.
28 MR. SANGER: Okay. I have no further 2371

1 questions.
2 May I approach to retrieve my book.
3 MR. SNEDDON: No questions, Your Honor.
4 THE COURT: Yes.
5 All right. You may step down. Call your
6 next witness.
7 MR. SNEDDON: Detective Alvarez.
8 THE COURT: All right. When you get to the
9 witness stand, please remain standing. Face the
10 clerk and raise your right hand.
11
12 VICTOR M. ALVAREZ
13 Having been sworn, testified as follows:
14
15 THE WITNESS: I do.
16 THE CLERK: Please be seated. State and
17 spell your name for the record.
18 THE WITNESS: My name is Victor M. Alvarez.
19 A-l-v-a-r-e-z.
20 THE CLERK: Thank you.
21
22 DIRECT EXAMINATION
23 BY MR. SNEDDON:
24 Q. Detective Alvarez, you're a deputy sheriff.
25 A. That's correct.
26 Q. How long have you been a deputy sheriff.
27 A. About 25 and a half years.
28 Q. And you're a detective now, correct. 2372

1 A. That's correct.
2 Q. How long have you been a detective.
3 A. Five and a half years.
4 Q. And did -- some point in time, did you get
5 assigned to work as one of the detectives on the
6 investigation into the child molestation charges
7 against the defendant in this case, Mr. Jackson.

8 A. Yes, I did.

9 Q. Do you recall when it was that you were
10 assigned.

11 A. I think it was approximately one week before
12 the initial search warrant.

13 Q. And do you remember what month and year that
14 would have been, then.

15 A. It would have been November of 2003.

16 Q. During the course of your time as a
17 detective on this particular case, were you asked to
18 obtain some rolled fingerprint impressions from the
19 Arvizo boys.

20 A. Yes.

21 Q. Do you remember when you did that. Just
22 generally the month and the year.

23 A. I would imagine it was three or four months
24 ago.

25 Q. All right. Let me show you an exhibit. It
26 might help.

27 (Off-the-record discussion held at counsel
28 table.) 2373

1 Q. BY MR. SNEDDON: I've handed you an exhibit
2 marked 287 for identification purposes. Do you
3 recognize that exhibit.

4 A. I do.

5 Q. When and where was the first time you saw
6 that exhibit.

7 A. When I sealed it, and when I rolled these
8 fingerprints.

9 Q. And you were the one responsible for rolling
10 those prints.

11 A. That's correct.

12 Q. Where were you when you rolled them.

13 A. At the Arvizo home.

14 Q. And the prints contained in that exhibit are
15 the prints of both boys.

16 A. That's correct.

17 Q. All right. And then you sealed and booked
18 it into evidence.

19 A. I did.

20 MR. SNEDDON: Your Honor, I move that be
21 admitted into evidence, People's 287.

22 MR. SANGER: No objection.

23 THE COURT: All right. It's admitted.

24 Q. BY MR. SNEDDON: All right. Let's go back a
25 little bit in time to prior, at the time that you
26 were assigned to the case.

27 Were you involved in the execution of the
28 search warrant on November the 18th of 2003 at 2374

1 Neverland Valley Ranch.
2 A. Not -- I was assigned to do an interview
3 prior to going to the ranch.
4 Q. And did somebody go with you to that
5 interview.
6 A. Yes.
7 Q. Who was that.
8 A. Detective Bonner.
9 Q. And where did the interview take place.
10 A. At the Santa Maria Sheriff's Department
11 Substation.
12 Q. And who did you meet there.
13 A. Jesus Salas.
14 Q. And did you videotape that conversation.
15 A. We did.
16 Q. And do you speak Spanish.
17 A. I do.
18 Q. Mr. Salas speaks Spanish.
19 A. He speaks English pretty good. But if there
20 was a word that he didn't understand or was stuck on
21 a word, I translated for him.
22 Q. Now, after you completed your conversation
23 with Mr. Salas on the 18th -- by the way, we didn't
24 establish everything, but what time was it when you
25 made contact with Mr. Salas.
26 A. We called Mr. Salas, or we were to meet with
27 Mr. Salas, it was a prearranged meeting, at 7:00 in
28 the morning. 2375

1 Q. Did Mr. Salas know what the purpose of the
2 meeting was.
3 A. No.
4 Q. And did you meet him at 7:00.
5 A. If it wasn't at 7:00, it was very close to
6 7:00, shortly thereafter.
7 Q. After you finished your conversation with
8 Mr. Salas, what did you do.
9 A. We left the Santa Maria substation and went
10 to Neverland Ranch.
11 Q. When you say "we," who was with you.
12 A. Detective Bonner.
13 Q. And do you remember about what time it was
14 when you got to the ranch.
15 A. Close to ten o'clock.
16 Q. And when you arrived at the ranch, were you
17 assigned any particular responsibilities at that
18 time.
19 A. Yes, I was.
20 Q. What responsibilities were you assigned.
21 A. To help with the interview of the Neverland
22 employees.

23 Q. And after you completed that, were you given
24 any other assignments.
25 A. Yes.
26 Q. And what assignments were those.
27 A. To search -- to help continue the search of
28 Mr. Jackson's master bedroom. 2376

1 Q. And do you recall approximately what time it
2 was when you became involved in those activities.
3 A. I'd say about 11:00 or 11:30 in the morning.
4 Q. During the course of the time that you were
5 there, did you seize some items that were eventually
6 booked into evidence.
7 A. I did.
8 Q. Do you remember the first thing that you
9 found.
10 A. Yes.
11 Q. And what was that.
12 A. They were some books containing adult
13 material that were located near the bathtub in the
14 master bedroom -- or master bathroom.
15 Q. All right. Anything else that you found
16 that day that you eventually seized.
17 A. Yes.
18 Q. What else.
19 A. A black computer bag that would be for a
20 laptop, the name was Targus, T-a-r-g-u-s, that
21 contained adult videos and adult magazines.
22 Q. And where was that located.
23 A. That was located on the floor in the master
24 bathroom next to the sink area, so it would be in
25 between the sink and the round bathtub.
26 Q. All right.
27 MR. SANGER: What's the number.
28 MR. SNEDDON: I'm putting that on there now. 2377

1 Your Honor, I have a large brown paper bag
2 with the numbers "03-5670" at the top in black.
3 I've shown the bag and its contents to Mr. Sanger
4 for his examination. I'd like to show it to the
5 witness.
6 THE COURT: All right.
7 MR. SANGER: I guess the question was, did
8 it have an exhibit number.
9 MR. SNEDDON: I beg your pardon. 288.
10 Q. Would you take a look at the item contained
11 in People's 288. Do you recognize that.
12 A. I do.
13 Q. And when and where was the first time you
14 saw that item.

15 A. I saw it in the master bedroom -- I'm
16 sorry, in the master bathroom downstairs area on the
17 floor next to the sink.

18 Q. Now, when you obtained that item, what did
19 you do with it after seizing it.

20 A. Prior to seizing it, I opened it up and saw
21 the material that was inside.

22 Q. All right. And then what did you do with --
23 did you take the materials out or did you leave them
24 inside.

25 A. I left them in, and I sealed this bag and
26 the big evidence bag.

27 Q. All right. So it was then booked into
28 evidence. 2378

1 A. The whole thing was, yes.

2 Q. Okay. Move that People's 288 be admitted
3 into evidence, Your Honor.

4 MR. SANGER: No objection. Obviously, other
5 than prior objections.

6 THE COURT: Right.

7 MR. SANGER: May that remain unstated.

8 THE COURT: Yes.

9 MR. SANGER: Thank you.

10 THE COURT: It's admitted.

11 Q. BY MR. SNEDDON: I'm going to show you a
12 photograph, and that photograph has been marked as
13 People's 57 for identification purposes, and ask if
14 you recognize that photograph.

15 A. I do.

16 Q. And are the areas depicted in that
17 photograph an accurate depiction as you saw it on
18 the morning of November the 18th, 2003.

19 A. Yes.

20 MR. SNEDDON: Move that be admitted into
21 evidence, Your Honor.

22 MR. SANGER: I have no objection.

23 THE COURT: All right. It's admitted.

24 THE BAILIFF: Your Honor, would you hit the
25 button.

26 MR. SNEDDON: Your Honor, we're going to
27 need the Elmo.

28 THE COURT: Yes. 2379

1 Q. BY MR. SNEDDON: All right. People's 57 is
2 up on the board. Do you recognize that photograph.

3 A. I do.

4 Q. All right. Could you show the ladies and
5 gentlemen of the jury where the bag, People's 288,
6 was the first time that you saw it on November 18th,

7 2003.
8 A. It would be right here. Can you see.
9 It would be right there.
10 Q. All right. You're indicating at the base of
11 the cabinet just below the big speaker.
12 A. Right. Here's the sink. There's the bag.
13 And the tub is over here somewhere.
14 Q. All right. Go ahead and sit down, if you
15 want.
16 Now, we can put the lights back on, Your
17 Honor, for right now.
18 All right. Are you okay.
19 Your Honor, I'll describe for the record
20 what we've just done with counsel. We've marked for
21 identification three items. The first item is a
22 small brown bag with some white paper on it, with
23 the number 0-3-5670, and has on it the Exhibit 565.
24 Exhibit No. 566 is a large plastic bag,
25 which has a white binder, and it has the number
26 "Item 309-B-1" on the front of it.
27 And the last item is Item 3 -- I'm sorry,
28 Item 567. That's another white, clear plastic bag, 2380

1 and with -- containing a white binder with the
2 number "Item 309-B-2" on it.
3 In addition to that, Your Honor, I have --
4 in addition to that, Your Honor, I've shown counsel
5 two photographs. The first one I'm going to have
6 marked as 289 for identification purposes, and the
7 second one I'm going to have marked as 290 for
8 identification purposes.
9 Madam Clerk, is that okay.
10 THE CLERK: Yes.
11 Q. BY MR. SNEDDON: Why don't you go ahead and
12 take that bag, the black bag, Exhibit 288, and put
13 it back in there, if you would.
14 All right. Let's start with the smallest of
15 the bags, the brown bag there, and the number on
16 that is 289.
17 A. It says "565."
18 Q. Oh, 565. I'm sorry. You're right. We
19 already pre-numbered those. Different numbering
20 system. Okay, 565.
21 A. Okay.
22 Q. And with regard to that particular item, do
23 you recognize it.
24 A. I do.
25 Q. And when and where was it the first time you
26 saw it.
27 A. Inside the black computer bag.
28 Q. Okay. 2381

1 A. Actually, the contents were inside the black
2 computer bag.
3 Q. The brown bag wasn't.
4 A. But the contents were, right. Correct.
5 Q. Why don't you take the brown bag out -- or
6 take the contents out.
7 A. Yes.
8 Q. All right. Now, do you recognize those
9 items that you just pulled out.
10 A. I do.
11 Q. And how do you recognize them.
12 A. Just from reading the contents, the outside
13 package of them.
14 Q. Do you recall those are the ones you found
15 inside of the Exhibit 288.
16 A. Yes.
17 Q. And were you -- were you the one responsible
18 for placing them into that envelope and booking them
19 into evidence.
20 A. Yes.
21 MR. SNEDDON: All right. I move that the
22 contents of 565, the bag and the contents, be
23 admitted into evidence.
24 THE COURT: It's admitted.
25 MR. SNEDDON: All right. Let me have those
26 for a second.
27 Your Honor, we're going to need the lights
28 down. 2382

1 Q. With regard to 565, there are two videos
2 inside and I'm going to show the first one. Just go
3 ahead and show it.
4 Now, is that one of the exhibits that you
5 found inside that black briefcase.
6 A. Yes.
7 Q. All right. Why don't you show the other
8 one.
9 A. Can you see.
10 THE JURY: (In unison) Yes.
11 MR. SNEDDON: Probably don't want to.
12 Q. Is that the other one that you found.
13 A. Yes.
14 Q. All right. Thank you.
15 By the way, inside of that briefcase, do you
16 recall whether you found any documents or indicia of
17 belonging to Mr. Jackson.
18 A. I don't recall.
19 Q. Okay. We'll get back to that.
20 Now, let's take the clear plastic bags that
21 are in front of you, okay. And let's talk, first of

22 all, about the one that is marked as 565 for
23 identification purposes. Do you see that.
24 A. No, I see 290 and 289.
25 Q. No, not the --
26 A. I'm sorry.
27 THE COURT: 565 is the one you just showed.
28 THE WITNESS: 567. 2383

1 THE COURT: Go ahead.
2 MR. SNEDDON: I'm sorry, Your Honor.
3 THE WITNESS: I have 567 and 566.
4 MR. SNEDDON: All right. My sheet's wrong.
5 Q. All right. Let's talk about 566 first.
6 Now, with regard to -- there's a photograph
7 up there in front of you that goes with that binder,
8 correct.
9 A. Yes.
10 Q. You can flip it over on the other side to
11 match up the number.
12 A. Okay.
13 Q. Is that correct.
14 A. Yes.
15 Q. And the photograph is exhibit what.
16 A. 289.
17 Q. All right. Now, is 289 an accurate
18 depiction of the front cover of the Exhibit 566.
19 Take it out and look at it, if you want to.
20 A. Yes, it is.
21 MR. SNEDDON: Move that 289 be admitted into
22 evidence, Your Honor.
23 THE COURT: It's admitted.
24 Q. BY MR. SNEDDON: And with regard to the
25 Exhibit 566, that's the item that you found in the
26 bag and that was also booked into evidence; is that
27 correct.
28 A. That's correct. 2384

1 Q. And you were responsible for that.
2 A. Yes.
3 MR. SNEDDON: All right. I move that 566 be
4 admitted.
5 MR. SANGER: I'm going to object to 566.
6 It's been placed in a binder, and there's -- there's
7 not an adequate foundation for the exhibit as
8 offered right now.
9 THE COURT: All right. Sustained.
10 MR. SNEDDON: Okay. That's not a problem.
11 Q. Okay. Why don't you put that back in the
12 bag.
13 Let's turn to 567.

14 A. Okay.
15 Q. And there's a photograph that goes with 567.
16 And what's the number on that. 290.
17 A. 290.
18 Q. All right. Now, with regard to the Exhibit
19 567, where was that the first time you saw it.
20 A. Inside the black computer bag.
21 Q. The one that's in evidence as 288.
22 A. Yes.
23 Q. All right. And were you responsible for
24 booking that into evidence.
25 A. I was.
26 Q. Now, at the time that -- that you booked
27 that particular item into evidence, was it in a
28 binder like that. 2385

1 A. No, it wasn't.
2 Q. It was still all together.
3 A. Like a normal paperback magazine.
4 Q. Okay. Now, take a look at the Exhibit 290,
5 the photograph.
6 A. Yes.
7 Q. Is the Exhibit 290 an accurate depiction of
8 the front cover of the Exhibit 567.
9 A. It is.
10 MR. SNEDDON: Move that 290 be admitted into
11 evidence, Your Honor.
12 THE COURT: It's admitted.
13 MR. SNEDDON: Ron. Would you scoot that
14 down so we can see. All right.
15 Q. Detective Alvarez, the exhibit marked as
16 289, is that the exhibit that you found inside of
17 288.
18 A. Yes.
19 Q. Is that the condition of the magazine at the
20 time that you seized it.
21 A. Yes.
22 Q. All right. Let's put up 290. And was this
23 the other magazine you seized.
24 A. Yes, it was.
25 Q. And was that the condition of the magazine
26 at the time you seized it.
27 A. Yes.
28 Q. All right. Thank you. 2386

1 (Off-the-record discussion held at counsel
2 table.)
3 MR. SNEDDON: Okay.
4 MR. SANGER: Yeah.
5 MR. SNEDDON: In addition to that, Your

6 Honor, I have -- I'll identify this in just a
7 moment.
8 THE COURT: All right.
9 MR. SNEDDON: Or I can do it now, if it
10 makes it easier.
11 I have a brown paper bag with the number
12 "304" in black letters in the upper right-hand
13 corner. And that's been marked as People's 562, the
14 brown and its contents. "The brown." The bag.
15 And then there is a clear plastic bag, Your
16 Honor, that contains two exhibits. One is a
17 white -- another plastic bag with a white binder
18 with the number "563" on it, and the number "Item
19 304-C" on the outside.
20 And the next item has been marked as 564,
21 and it's another white binder with "Item 304-D" on
22 it, Your Honor.
23 And then I have three exhibits that I'd like
24 to have marked. The first one is -- is a photograph
25 marked as 291. The second one is another photograph
26 that has the number "304-C" on it, and that is 292.
27 And the last photograph is 304-D, and that
28 will be 293. 2387

1 Do you want to look at these.
2 MR. SANGER: I think I know what they are,
3 but let me look at them.
4 MR. SNEDDON: Okay.
5 MR. SANGER: Yeah.
6 Q. BY MR. SNEDDON: And maybe you could -- I'll
7 take these back, actually. How's that.
8 Okay. Detective Alvarez, let's start with
9 the brown bag, if we could. That, I believe, is
10 Exhibit 563.
11 A. 291. Brown bag is 291. Or, I'm sorry, 562.
12 Q. 562, all right. Do you recognize the bag.
13 A. I do.
14 Q. And how do you recognize it.
15 A. I booked this into evidence.
16 Q. All right. Would you open the bag up and
17 take out the contents.
18 All right. Do you recognize the contents.
19 A. I do.
20 Q. And when and where was that. Where did you
21 see that for the first time.
22 A. In the master bed -- master bedroom bathroom
23 in between the sink and the tub, on the floor area.
24 Q. And is that one of the items you collected.
25 A. I did.
26 Q. Now, there is a photograph.
27 A. Yes.
28 Q. 291. Do you see that. 2388

1 A. I do.
2 Q. And is that photograph an accurate
3 depiction, or does it accurately depict the cover of
4 the exhibit --
5 A. Yes.
6 Q. -- 562.
7 A. Yes.
8 Q. And is the exhibit, 562, the magazine you've
9 taken out of the brown bag, in the same condition
10 that it was at the time that you seized it on
11 November 18th, 2003.
12 A. Yes.
13 MR. SNEDDON: All right. I move it be
14 admitted, Your Honor.
15 THE COURT: It's admitted.
16 BY MR. SNEDDON: All right. Let's move --
17 if I didn't, Your Honor, I'd like to move that 291
18 be admitted, the photograph.
19 THE COURT: It's admitted. Okay.
20 Q. BY MR. SNEDDON: Now, if we can move to the
21 next exhibit, one of the -- either one of the
22 binders is fine. Take whatever one you have. Tell
23 us an exhibit number on that one.
24 A. 564.
25 Q. And does that have an item number on it, on
26 the front of the binder.
27 A. Item number is 304-D.
28 Q. 304 -- 2389

1 A. "D" as in "David."
2 Q. Okay. Now, you have a photograph up there.
3 A. Yes.
4 Q. That's 293, I believe.
5 A. 293.
6 Q. Okay. Would you compare 293 with the front
7 cover of the Exhibit 564.
8 A. It's the same.
9 Q. And what's -- and that's 293, correct.
10 A. Yes.
11 Q. The photo. And is that --
12 A. 293.
13 Q. Is that an accurate depiction of the cover
14 of the Exhibit 564.
15 A. Yes.
16 Q. Now, with regard to the Exhibit 564, at the
17 time that you first saw it and the time that you
18 seized it, was it in the condition that it is in
19 now.
20 A. No.

21 Q. And when you seized it and placed it into
22 evidence, what was the condition of that particular
23 item that we've had identified as Exhibit 564.
24 A. It was in a regular paperback magazine
25 condition.
26 Q. Okay. All right. Let's -- you can put that
27 one back in the bag, if you'd like.
28 And if you'd keep the photograph, 293, with 2390

1 it, that would be great.
2 Now, let's direct your attention to the last
3 exhibit that you have up there.
4 A. Okay.
5 Q. And the number on that is what, on the
6 plastic bag with the --
7 A. Okay. The item number is 304-C --
8 Q. Okay.
9 A. -- as in "Charles."
10 Q. And what's the exhibit number.
11 A. 563.
12 Q. Okay. Now, with regard to that particular
13 exhibit, there is a photograph up there, correct.
14 A. Yes.
15 Q. 292.
16 A. 292.
17 Q. Would you compare the photograph, 292, with
18 the front cover of Exhibit 563.
19 A. Okay.
20 Q. And is it an accurate depiction of what that
21 cover looks like.
22 A. Yes, it is.
23 Q. And with regard to that particular exhibit,
24 563, was that exhibit in a binder when you first
25 found it.
26 A. No, it wasn't.
27 Q. What was its condition at the time that you
28 seized it and booked it into evidence. 2391

1 A. It was a regular paperback magazine
2 condition.
3 Q. Hand me the photographs, the three
4 photographs, if you would. And go ahead and put
5 that back in the bag.
6 All right. We're going to display the
7 exhibits on the board. We're going to start with
8 291. It's in evidence.
9 Is that an accurate depiction of the book at
10 the time you first saw it and seized it.
11 A. Yes.
12 Q. At least the cover.

13 A. Yes.
14 Q. All right. Go ahead, you can -- that's 293,
15 correct.
16 A. Yes.
17 Q. And is that an accurate depiction of the
18 book when you first saw it and seized it.
19 A. Yes.
20 THE COURT: 292 and 293 haven't gone into
21 evidence yet. You didn't ask for them.
22 MR. SNEDDON: I do, then, Your Honor. I
23 apologize. I get so routine about them.
24 THE COURT: All right. 292 and 293 are
25 admitted.
26 MR. SNEDDON: All right. So did we --
27 THE COURT: Go ahead.
28 MR. SNEDDON: Was 292 already up. 2392

1 MR. ZONEN: Yes.
2 MR. SNEDDON: All right. Let's do the last
3 one, 293, then.
4 MR. ZONEN: 293 was the last one. 292 is
5 the one before it.
6 MR. SNEDDON: We're going to do 292 now.
7 Q. Do you recognize that.
8 A. I do.
9 Q. Is that the condition of the magazine at the
10 time that you seized it.
11 A. Yes.
12 Q. And I say -- by "that," I mean the Exhibit
13 292.
14 A. Yes.
15 Q. That's depicted in that.
16 A. Yes.
17 Q. All right. Thank you.
18 When you seized the bag, 309 --
19 A. Yes.
20 Q. -- okay. - did you go through the contents
21 of the bag or did you just --
22 A. Yes, I did. I opened it up, and I saw what
23 was inside.
24 Q. Did you go through the paperwork in the bag.
25 A. I went through everything that was in that
26 bag.
27 Q. Okay. Let me -- and -- I guess I have to
28 ask you to take that bag out again. 2393

1 Your Honor, for purposes of the record, I
2 want to indicate that I've withdrawn a document from
3 Exhibit 309. I want to show it to counsel before we
4 move to the next step, but it did come out of the

5 exhibit. It's 288, I'm sorry.
6 THE COURT: 288.
7 MR. SNEDDON: Yes, sir. So if you'd just
8 hang on to that.
9 Your Honor, I'd like to have the document
10 marked as 294 for identification purposes.
11 THE COURT: All right. I'll need you to
12 bring that over to the clerk here.
13 MR. SNEDDON: May I go this way, Your Honor.
14 THE CLERK: He has a tag, Judge.
15 THE COURT: Oh, he has a tag.
16 MR. SNEDDON: Yes, she gave me some ahead of
17 time, Your Honor.
18 THE COURT: I didn't know that. Go ahead.
19 MR. SNEDDON: And I've shown this document
20 to counsel.
21 Q. Detective Alvarez, with regard to the
22 document I just handed you, Exhibit 294, was that
23 document inside the bag, 309, at the time that you
24 seized it on November the 18th, 2003.
25 A. Yes.
26 Q. And is it in the same condition now as it
27 was when you saw it for the first time inside that
28 bag. 2394

1 A. It sure looks like it, yes.
2 MR. SNEDDON: All right. Move that be
3 admitted into evidence, Your Honor.
4 MR. SANGER: I'm going to object on the
5 grounds that it violates a current order on a
6 pending matter, if that makes sense.
7 THE COURT: I don't have the document, so --
8 MR. SNEDDON: You don't have it.
9 MR. SANGER: Should I approach, Your Honor.
10 THE COURT: Just hand it to me. You don't
11 need to approach.
12 MR. SNEDDON: I'm sorry, Your Honor.
13 THE COURT: I'll sustain the objection
14 pending further ruling on that issue.
15 MR. SNEDDON: May I have the officer testify
16 at least showing indicia of the ownership of the
17 bag.
18 THE COURT: Oh. For that purpose.
19 MR. SNEDDON: That's why I was offering it.
20 THE COURT: That's the only purpose you're
21 offering it.
22 MR. SNEDDON: At this point in time, pending
23 the Court's ruling, that's why I'm offering it.
24 THE COURT: All right. Just limit his
25 testimony to that part of the document that would do
26 that.
27 MR. SNEDDON: Yes, sir.

28 Q. Now, the document that's in front of you 2395

1 that's 294 --

2 A. Yes.

3 Q. -- is it addressed to Mr. Jackson.

4 A. It is.

5 Q. And it's a multi-page document, correct.

6 A. Yes.

7 Q. Does each page bear the initials "MJ" on it.

8 A. On all 12 pages.

9 MR. SNEDDON: No further questions, Your

10 Honor.

11 MR. SANGER: May I approach to retrieve the

12 exhibits.

13 THE COURT: Yes.

14 MR. SANGER: Thank you.

15 MR. SNEDDON: Here's some of them.

16

17 CROSS-EXAMINATION

18 BY MR. SANGER:

19 Q. All right. Let's start with your

20 background, if I may, Detective Alvarez.

21 You were a deputy marshal.

22 A. Right.

23 Q. How many years.

24 A. Well, it was from '83 to '97.

25 Q. Okay. And your duties as a deputy marshal

26 were to be a bailiff in the Municipal Court in the

27 South County, in Santa Barbara.

28 A. For, yeah, that, and serve warrants, 2396

1 evictions, civil process.

2 Q. Okay.

3 A. Criminal warrants.

4 Q. And then after the courts consolidated, the

5 Municipal Court consolidated with the Superior

6 Court, you opted to become a deputy sheriff; is that

7 correct.

8 A. We were absorbed as a -- one department.

9 Q. Okay. So when the courts consolidated, the

10 marshal then -- the marshal's office consolidated.

11 A. Correct.

12 Q. And the deputy marshals then became deputy

13 sheriffs; is that right.

14 A. Yes.

15 Q. All right. And at that point you began

16 working as a detective immediately.

17 A. No.

18 Q. You were on patrol for a while.

19 A. Well, I went to -- I became a background

20 investigator. I actually had a knee injury that put
21 me out on light duty for about six months. And I
22 continued to work, and I was -- I worked in
23 personnel as a background investigator. I went --
24 once I was cleared by my doctor, I went back to work
25 in the courts for -- so --
26 Q. For a while, okay. And when you say
27 "personnel investigator," you were doing background
28 checks for people who were applying to work at the 2397

1 sheriff's department.

2 A. That's correct. New hires.

3 Q. All right.

4 A. And also, I was helping in the detective
5 bureau doing interviews and -- just helping out.

6 Q. All right. There you go. In any event, I
7 guess my question is, when did you become a
8 detective.

9 A. November of '99.

10 Q. Okay. So as of the time of the case that
11 we're talking about here, the -- let me withdraw
12 that.

13 When did you become involved in this case.

14 A. Approximately a week before the initial
15 search, which was November 18th of 2002.

16 Q. How about November 18th of 2003.

17 A. 2003.

18 Q. Okay.

19 A. Correct.

20 Q. I don't want to talk you into anything,
21 but --

22 A. A year and a half ago.

23 Q. Okay. So -- and you started as a detective
24 in November of '99, right. So you had four years as
25 a detective at the time you were assigned to this
26 case.

27 A. Approximately.

28 Q. All right. 2398

1 A. I've got over five years as a detective now,
2 and I've been on this case for about a year and a
3 half.

4 Q. Okay. So that would be about four years,
5 right.

6 A. Sounds good to me.

7 Q. Okay. And you remained -- after you were
8 brought into the case, you remained as one of the
9 main detectives on this case; is that correct.

10 A. That's correct. One of the lead
11 investigators.

12 Q. So you're a co-lead investigator with
13 Detective Zelis and with Sergeant Robel.
14 A. And Detective Bonner, yes.
15 Q. And Detective Bonner. All right.
16 Okay. Now, let me ask you -- let's just
17 start again somewhat at the end of things. You were
18 aware, were you not, sir, that the events in this
19 case were alleged to have occurred in February and
20 March of 2003; is that right.
21 A. Yes.
22 Q. And so in November of 2003, you get assigned
23 to the case and eventually you end up out at
24 Neverland Valley Ranch during the search, correct.
25 A. Yes.
26 Q. I'm going to ask you -- in fact, what I
27 might do is just approach -- well, let's do it this
28 way. Let me put it up, if the Court doesn't mind. 2399

1 Are we hooked up to this.
2 MR. ZONEN: Go ahead.
3 MR. SANGER: These were 293 and 292.
4 Q. 292 is a "Penthouse" magazine of some sort,
5 right.
6 A. Yes.
7 Q. And that's commercially available, correct.
8 A. Yes.
9 Q. It's also not unlawful to possess it, in and
10 of itself, correct.
11 A. No.
12 Q. I said "correct." I'm sorry. Is it lawful
13 to possess it, for an adult to possess this
14 magazine.
15 A. For an adult, yes.
16 Q. Okay. There you go.
17 All right. And you're aware that the
18 alleged incidents, the incidents were alleged to
19 have occurred in February and March of 2003, right.
20 A. Correct.
21 Q. What's the date on this magazine.
22 A. I can't read it from here. It's --
23 Q. Okay. May I approach, Your Honor.
24 THE COURT: Yes.
25 Q. BY MR. SANGER: I can bring you the
26 magazine, but I think you can see it on the exhibit
27 here.
28 A. I still can't read that. 2400

1 Q. All right. Let me bring you the book that
2 goes along with that.
3 May I approach, Your Honor.

4 THE COURT: Yes.
5 Q. BY MR. SANGER: I'm going to bring you the
6 books here, and we'll talk about these a little more
7 in a minute.
8 I'll ask you, if you look at that --
9 Let me stand here for one second, Your
10 Honor, and make sure.
11 THE COURT: Yes.
12 MR. SANGER: Okay.
13 Q. Okay. That's the actual magazine. What's
14 the date of the magazine.
15 A. I don't see a date on it.
16 Q. You don't see a date on it.
17 A. I don't.
18 THE COURT: You can go up and show where it
19 is.
20 Q. BY MR. SANGER: Look right under the "SE" in
21 "Penthouse."
22 A. Okay.
23 Q. Does it say "July-August of 2003".
24 A. It does.
25 Q. So is it safe to say, to your knowledge, as
26 one of the co-lead investigators, no individual
27 associated with this case, none of the Arvizos
28 claimed that they saw this particular magazine in 2401

1 February or March of 2003.
2 MR. SNEDDON: Your Honor, can I object to
3 that question as being compound. Because -- I won't
4 say anything else, but I object as compound.
5 THE COURT: Sustained.
6 MR. SANGER: All right.
7 Q. To your knowledge, did -- well, this may be
8 compound. I'm going to ask about them as a group.
9 You can say "yes" or "no," and we can take it one by
10 one.
11 To your knowledge, did any of the Arvizos
12 claim that they saw this magazine in February or
13 March of 2003.
14 A. This particular one.
15 Q. Yes. That particular one.
16 A. I don't know.
17 Q. As a detective, an investigator, you would
18 suspect that they would not have seen it, correct,
19 since it was published after the events.
20 MR. SNEDDON: Your Honor, I'm going to
21 object to that. It calls for a conclusion as to
22 when it was published. No more. I object. Lack of
23 foundation as to when the magazine actually hit the
24 stands.
25 THE COURT: Sustained.
26 MR. SANGER: All right.

27 Q. Based on your experience, do magazines hit
28 the stands, you know, three or four months before 2402

1 their publication date.

2 A. No.

3 Q. Sometimes it's a month before a publication
4 date.

5 A. I'd say a month. If you're a subscriber,
6 you usually get them a month early.

7 Q. All right. And I'm going -- I brought you
8 the other book, just in case you can't read this.
9 But I'm going to put up 293, if I may, Your Honor.
10 THE COURT: Yes.

11 Q. BY MR. SANGER: And again, this is a
12 commercially available magazine; is that correct.

13 A. Yes.

14 Q. And you can buy it in a store, in other
15 words.

16 A. Some stores.

17 Q. Yes. Well, not every store, I would agree.
18 What's the date on this magazine.

19 A. July 2003.

20 Q. While you have those books up there, you
21 notice that the books -- I'm going to take another
22 one out of the bag here, just as an example, just to
23 follow on, but you notice that the books are encased
24 in a three-ring binder, and then each page appears
25 to be in some kind of plastic sleeve; is that
26 correct.

27 A. That's correct.

28 Q. And did you do that. 2403

1 A. I did not.

2 Q. Let me ask you about the magazine -- I think
3 you may still have the actual magazine up there, but
4 I have 291, which is 562. Put it this way, 562 is
5 the actual magazine. 291 is the copy of the cover.
6 Oh, here it is.

7 A. I have 564 and 563, Mr. Sanger.

8 Q. You're right, it's over here.

9 In any event, I'm going to put this up, if I
10 may, 291, Your Honor.
11 291 is a book, correct.

12 A. Yes.

13 Q. That's a cover of the book that you seized;
14 is that right.

15 A. That's correct. Soft-cover book.

16 Q. And the actual book is a book of
17 illustrations done by an artist, is that correct, or
18 by artists.

19 A. Yes.
20 Q. All right. And that is also a commercially
21 available publication. Is that a commercially
22 available publication.
23 A. It appears to be.
24 Q. All right. And it's not illegal to possess
25 that per se.
26 A. No.
27 Q. Now, excuse me one second.
28 (Off-the-record discussion held at counsel 2404

1 table.)
2 Q. BY MR. SANGER: You did the prints that were
3 marked as Exhibit 287, right.
4 A. Yes.
5 Q. Okay. And you -- to take those
6 fingerprints, you simply rolled the fingerprints.
7 A. They weren't done with a machine. But the
8 palm prints were done with a roller.
9 Q. Okay. Say that again, because I couldn't
10 hear what you said.
11 A. You're looking at the fingerprints
12 themselves.
13 Q. Fingerprint cards.
14 A. Those were done by hand.
15 Q. So you actually rolled the prints.
16 A. Yes.
17 Q. You had --
18 A. There's a technique, but, yes.
19 Q. Okay. And you are not a certified
20 fingerprint examiner; is that correct.
21 A. Not examiner, no.
22 Q. All right. You, however, have experience in
23 booking people and rolling their prints, right.
24 A. Booking a lot of people and booking a lot of
25 prints.
26 Q. All right. But you know the difference
27 between that and being a certified fingerprint
28 examiner, of course. 2405

1 A. Yes.
2 Q. Okay. Now, going back to your testimony
3 about going through the house, you got there and
4 started your assignment of searching through the
5 house at some time late morning, I think you said it
6 was around 11:00.
7 A. I think I got there at -- I think we
8 interviewed Mr. Salas for about two hours. And
9 driving time from Santa Maria to Los Olivos,
10 another, I don't know, half hour, 40 minutes. So it

11 was close to 10:00 when we got there.
12 Q. All right. And then --
13 A. Or a little after 10:00.
14 Q. Okay. And your first assignment was to do
15 something else other than search.
16 A. Yes.
17 Q. So what I'm getting at, is when you started
18 to assist in the search, that was around 11:00.
19 A. Could be.
20 Q. All right. And by the time you got there to
21 search, quite a number of officers had already been
22 through the house; is that correct.
23 A. There were -- excuse me. There were a lot
24 of officers in the house, but not in Mr. Jackson's
25 master bedroom area.
26 Q. How many officers were in Mr. Jackson's
27 master bedroom area when you first arrived there.
28 A. Could have been two or three maybe. 2406

1 Q. When you --
2 A. To start.
3 Q. When you say "master bedroom area," you're
4 talking about the whole suite, the first floor,
5 second floor, the bathrooms, all that.
6 A. Yes, I'm talking about down the corridor
7 area where the secure door is.
8 Q. All right. And you believe there are two or
9 three officers there when you arrive.
10 A. No, when I started assisting.
11 Q. Well, that's what I meant. When you arrived
12 to assist. When you started assisting on the
13 search.
14 A. Yes, there wasn't a whole lot of detectives
15 in that area.
16 Q. All right. Were you joined by other
17 officers or other law enforcement people in that
18 room as the time went on.
19 A. Yes.
20 Q. How many people were in there. How many
21 different people were in there while you were there.
22 A. Throughout the day.
23 Q. Yes.
24 A. I -- there was quite a few detectives in
25 there, and forensic people, yes.
26 Q. And Mr. Sneddon came through at one point,
27 did he not.
28 A. He did. 2407

1 Q. All right. Did Mr. Franklin go through that
2 area of the house.

3 A. He did.
4 Q. Before you got there -- by "there," I mean,
5 you started your search detail. Do you know how
6 many officers had gone through that area.
7 A. I can't tell you an exact number, but I know
8 it was very limited, because that was the
9 instructions.
10 Q. Okay. So if people followed the
11 instructions, it would have been limited; is that
12 correct.
13 A. "If people followed the instructions,"
14 I didn't hear your second half.
15 Q. It would have been limited; is that correct.
16 A. Yes.
17 Q. And you're aware there was a cameraman and a
18 number of detectives who went through the area
19 before the search started itself; is that correct.
20 Well, let me put it this way: I guess
21 that's part of the search. Before the actual
22 seizures of items commenced, a cameraman and
23 detectives walked through the area; is that right.
24 MR. SNEDDON: Your Honor, I'm going to object
25 as lack of foundation.
26 THE COURT: Sustained.
27 Just a minute. My feed's not working.
28 THE REPORTER: I know, Judge. We're working 2408

1 on bringing it back up.
2 THE COURT: All right. Go ahead.
3 Q. BY MR. SANGER: When you located this black
4 bag that you referred to - and you've got it up
5 there. I believe it's Exhibit No. 288 - it was in
6 the position that you indicated to the jury on the
7 photograph, correct.
8 A. Yes.
9 Q. And about what time of day did you locate
10 that black bag there.
11 A. I can't recall the exact time.
12 Q. Did you note it in a report.
13 A. It might be on the bag when it was booked
14 in.
15 Q. Do you have the bag there or -- if it helps
16 refresh your recollection.
17 A. That looks right.
18 Q. Now, having looked at that, do you have a
19 recollection of when you located that bag.
20 A. It says two o'clock in the afternoon.
21 Q. Okay. But the question is, did that refresh
22 your recollection as to approximately when you
23 located it. About two o'clock.
24 A. It's hard to say. Probably -- I was there
25 from eleven o'clock, starting the search, to 11:30

26 that night, so somewhere between 11:00, I would say,
27 and early afternoon.
28 Q. All right. Do you have Exhibit 294 up 2409

1 there.

2 No, you don't. It's here.

3 Do you remember Exhibit 294.

4 May I approach to show him.

5 A. Yes. The paperwork.

6 Q. The paperwork. All right.

7 The paperwork is -- without going into the
8 contents of it, it's addressed to Michael -- it's a
9 letter addressed to Michael Jackson, care of a
10 company in Los Angeles; is that correct.

11 A. Yes.

12 Q. And then it's also addressed to two other
13 entities of some sort, two other entities.

14 A. Right.

15 Q. So it appears to you, from the letter, that
16 it's the kind of letter that went out -- or is a
17 letter that went out to three different recipients;
18 is that right.

19 A. Yes. It's addressed to three different
20 people, it looks like, on the front page.

21 Q. Okay. And there's no indication by way of a
22 check mark, or a circle, or anything else, as to
23 which copy this was; is that correct.

24 A. No, I don't believe so.

25 Q. All right. In the exhibit that's marked
26 Exhibit 565, there's two videos; is that correct.

27 A. Yes.

28 Q. Or there are two video cases; is that 2410

1 correct.

2 A. Right.

3 Q. And one of the video cases does not have a
4 video -- I mean, it doesn't have a CD in it, or
5 whatever, DVD; is that correct.

6 A. That's correct.

7 Q. There's no contents is what I'm trying to
8 say.

9 A. It's an empty case.

10 Q. And you didn't find that video anywhere in
11 your search, did you.

12 A. I personally did not.

13 Q. That also -- that appears to be a
14 commercially prepared -- or commercially, yeah,
15 prepared video of some sort; is that right.

16 A. Yes.

17 Q. Okay. And nothing unlawful about owning

18 that video.
19 A. If you're over 18.
20 Q. If you're over 18.
21 The other one, entitled "Believe It or Not,"
22 appears to be a Leisure Time Europe video; is that
23 correct.
24 A. I remember the front of it. I don't know
25 anything about Leisure Time Europe.
26 Q. Okay. And this particular video -- okay.
27 Mr. Zonen is trying to bring me up to date
28 here. 2411

1 A. Okay.
2 Q. He's reminding me it's a DVD, not a video.
3 But all right. I suppose it's a video captured on a
4 DVD, but we could both be right. But I accept that
5 assistance.
6 May I approach the witness, Your Honor.
7 THE COURT: Yes.
8 MR. SANGER: Thank you.
9 Q. I'm going to ask you about this. And put on
10 your glasses, if necessary, reading the fine print
11 down there.
12 A. I don't have my glasses.
13 Q. These won't help you. Can you see it.
14 A. No.
15 Q. Can't see it.
16 Do we, by any chance, have a magnifying
17 glass, or does somebody have reading glasses. I
18 have bifocals, and I don't want to --
19 Are these reading glasses. We've got some.
20 We'll find out how well they work. I should get a
21 waiver on practicing optometry.
22 A. I can read it now. It's still really small,
23 but I can read it.
24 Q. Okay. Didn't get any bigger, but you can
25 read it. All right.
26 On that disk, does it say when the disk was
27 released.
28 A. Well, it says July 3 of 1995. 2412

1 Q. No, that's not when it was released. That's
2 something to do with the -- it's not in front of me,
3 but it has something to do with the law.
4 A. I'm still reading.
5 Q. Right down at the very end.
6 A. "Which was produced on 1-22-03 and released
7 on 3-27 of '03. Printed in the USA."
8 Q. All right. To your knowledge, as a co-lead
9 investigator in this case, to your knowledge, no

10 witness has identified either one of those videos or
11 video boxes; is that correct.
12 A. Per name, no.
13 MR. SANGER: Hang on one second.
14 All right. I have no further questions.
15 Oh, wait. Wait one second.
16 Q. One of my colleagues pointed out something.
17 Let me ask you about this. And I may have to
18 approach for this purpose.
19 May I do that, Your Honor.
20 THE COURT: Yes.
21 Q. BY MR. SANGER: I'm going to show you 294,
22 which again has not been received into evidence.
23 There's been limited testimony about it. I'll take
24 these back.
25 A. Okay.
26 Q. What is the date of that letter.
27 A. May 1, 2003.
28 Q. Okay. Thank you. 2413

1 All right. I have no further questions.
2 MR. SNEDDON: No questions.
3 THE COURT: All right. Thank you. You may
4 step down.
5 THE WITNESS: Thank you.
6 THE COURT: I think I'll let the jury step
7 out early. I have a couple of things to take up
8 with the attorneys before we take our break, so you
9 get a longer break right now.
10 THE JURY: (In unison) Thank you.
11 THE COURT: But no pizza.
12 THE JURY: (In unison) Ahh.
13
14 (The following proceedings were held in
15 open court outside the presence and hearing of the
16 jury:)
17
18 THE COURT: All right. The jury is out of
19 the room.
20 The first thing I wanted to take up with you
21 is the -- the prosecution has asked for a little
22 more time to respond to the motion -- points and
23 authorities on George Lopez evidence, which I had
24 asked them to have in by today, I think.
25 So I'm not quite sure what -- how much more
26 time did you want.
27 MR. ZONEN: Your Honor, is it the case that
28 the Court requests of Mr. Blancarte, who's the 2414

1 attorney --

2 THE COURT: No, no, I'm not addressing that.
3 They can't hear you in the back here.
4 I just want to know how much time you need
5 to respond. I know what you said.
6 MR. ZONEN: This is on the issue of Lopez.
7 THE COURT: Get to the microphone.
8 MR. ZONEN: I'm sorry. The answer is a
9 couple days after we received --
10 THE COURT: I don't know about receiving it.
11 It's not conditional on that. I'd like you to
12 respond to the points and authorities.
13 MR. ZONEN: Then we can have it within two
14 days.
15 THE COURT: All right. Friday.
16 MR. ZONEN: Yes, Your Honor.
17 THE COURT: All right. I'll extend that
18 time.
19 MR. SANGER: Is there going to be a date for
20 a hearing on that, Your Honor.
21 THE COURT: We're just going to fit it in.
22 It wasn't a formal motion. I asked you -- or you
23 volunteered a little more points and authorities,
24 and I'm not treating it as some date. I want to
25 read what you say, and if I want to hear any more
26 from you, I'll let you know.
27 MR. SANGER: All right.
28 THE COURT: The second thing is the issue of 2415

1 the request by the People to respond -- to have
2 their 1108 hearing. And did you just get that today.
3 MR. MESEREAU: Just got it, yes, Your Honor.
4 THE COURT: I'm going to treat this the same
5 way. It's not a motion, you know. It's something
6 in abeyance; when are we going to have it; and
7 they're asking, "Can we have it sooner than later."
8 And I want to give you a couple of days to
9 respond. How much time do you need.
10 MR. MESEREAU: Let's see, today's Wednesday.
11 Could we -- we would certainly need through the end
12 of the week.
13 THE COURT: Through Friday.
14 MR. MESEREAU: Could we -- could we file it
15 Monday, Your Honor.
16 THE COURT: They're asking to do it next
17 week, so I don't think that's right. We could
18 handle it orally. I mean, it's not a thing that
19 even needs written points and authorities. The
20 question is, when is the right time to hear it.
21 I want to give you a chance to file something.
22 MR. MESEREAU: I appreciate it. Today's --
23 I guess we could file something Friday, Your Honor.
24 THE COURT: Okay. Bring it in with you --

25 MR. MESEREAU: Okay.
26 THE COURT: -- when you come in.
27 MR. MESEREAU: As far as the hearing goes,
28 is the Court contemplating a hearing where they 2416

1 simply call witnesses, or do we get a chance, if we
2 choose, to put on our own witnesses to attack their
3 credibility.

4 THE COURT: Well, I said that they definitely
5 have to call witnesses. Then -- and I'm really
6 going to be judging their evidence. But I would
7 consider an offer by you.

8 MR. MESEREAU: Okay. For example, Your
9 Honor, there's some witnesses --

10 THE COURT: You don't need to -- I can
11 imagine the example already. You don't need to go
12 into it.

13 MR. MESEREAU: Okay.

14 THE COURT: I guess the answer is maybe,
15 depending on what I hear and what your offer of
16 proof is then. And let me look at -- in the
17 meantime, I'll look at the law, if you want to give
18 me anything on that.

19 It is unusual to have opposing evidence at a
20 hearing like that, but I'm not sure it's not -- I'm
21 not sure that that means that that's not what we
22 should do.

23 MR. MESEREAU: You could at a hearing, for
24 example, put on witnesses that say, "They told me
25 the opposite," or "They have a reputation for
26 lying," that type of thing.

27 THE COURT: I see. I expected you to be
28 talking about credibility issues. 2417

1 MR. MESEREAU: We have one Judge's order
2 certified from another trial that --

3 THE COURT: This is not the time to argue.
4 But I will take under consideration what you're
5 suggesting. All right.

6 MR. SANGER: There was one other matter that
7 is still floating - if I could just click my
8 computer once. Thank you - and that was the issue
9 you were going to take up on Thursday, which --

10 THE COURT: That's the George Lopez.

11 MR. SANGER: No, there was the motions to
12 quash and the remedy, the financial --

13 THE COURT: Oh, yes. Yeah.

14 They can't hear you in the back.

15 I need the break. I've promised the court
16 reporters not to do this.

17 MR. SANGER: Just wanted to remind you,
18 that's all.
19 (Recess taken.)
20
21 (The following proceedings were held in
22 open court in the presence and hearing of the jury:)
23
24 THE COURT: Call your next witness.
25 MR. SNEDDON: Karen Shepherd.
26 THE COURT: Come forward, please.
27 When you get to the witness stand, remain
28 standing, raise your right hand and face the clerk. 2418

1 KAREN SHEPHERD
2 Having been sworn, testified as follows:
3
4 THE WITNESS: I do.
5 THE CLERK: Please be seated. State and
6 spell your name for the record.
7 THE WITNESS: Karen Shepherd, S-h-e-p-h-e-r-d.
8 THE CLERK: Thank you.
9
10 DIRECT EXAMINATION
11 BY MR. SNEDDON:
12 Q. Okay. Scoot up close to that thing so we
13 can all hear what you have to say. Thank you.
14 You're employed by the Santa Barbara
15 Sheriff's Department.
16 A. Yes.
17 Q. And how long have you been with the
18 department.
19 A. For approximately seven and a half years.
20 Q. And did you have any law enforcement
21 experience before that.
22 A. No.
23 Q. And what is your current assignment.
24 A. My current assignment is I'm a detective
25 with the Special Operations Division. That started
26 just this Monday. Before that, I was assigned to
27 the Criminal Investigations Division.
28 Q. And in connection with those responsibilities, 2419

1 were you assigned to perform some search
2 responsibilities in connection with a search
3 warrant executed on Neverland Valley Ranch on
4 November the 18th of 2003.
5 A. Yes.
6 Q. And specifically, do you recall about what
7 time you got there.
8 A. It was early in the morning before the sun

9 was out. We had a briefing in the Solvang area.
10 Q. Okay. And you eventually went to the ranch.
11 A. Yes.
12 Q. What responsibilities were you assigned at
13 the ranch.
14 A. I was first assigned to search the main
15 house, the master bedroom and master bathroom area.
16 Q. And do you recall about what time it was
17 that you started those responsibilities.
18 A. I believe -- I don't know the exact time. I
19 can estimate maybe 10:00 a.m. is when we started.
20 Q. Now, in the course of your working and doing
21 this search, what area were you searching.
22 A. I focused most of my searching in the master
23 bathroom area.
24 Q. Now, during the course of the time that you
25 were there, did you seize some items for evidence.
26 A. Yes.
27 Q. And when you seized an item or items, what
28 was the process you used in order to have them 2420

1 booked into evidence.
2 A. If I found an item that I thought was of
3 interest, I would tell either the investigating
4 officer or someone who was in charge. I would take
5 the evidence, if it was something that they wanted,
6 and I gave it to Detective Padilla, who was in
7 charge of seizing and packaging the evidence.
8 Q. And in some cases were the items
9 photographed in their location.
10 A. Yes.
11 Q. All right. Now, I'm going to show you some
12 photographs and ask you some questions about those
13 photographs.
14 (Off-the-record discussion held at counsel
15 table.)
16 Q. BY MR. SNEDDON: All right. Do you
17 recognize the photograph, People's 59. It's 59, is
18 it not --
19 A. Yes.
20 Q. -- for identification that I placed in front
21 of you.
22 A. Yes, I do recognize it.
23 Q. And does it accurately depict the area that
24 it purports to represent.
25 A. Yes.
26 MR. SNEDDON: All right. Move that it be
27 admitted into evidence, Your Honor.
28 THE COURT: It's admitted. 2421

1 THE WITNESS: I'm going to need it.
2 MR. SNEDDON: Yes, you are.
3 Okay. Now, before we get to the overhead, I
4 want to ask you a couple of other questions.
5 I have a package that's been marked, Your
6 Honor, as People's 569 for identification purposes.
7 It's a brown bag; has Item No. 301 at the top, and
8 inside the bag are five DVDs. I'm withdrawing them
9 from the bag, showing them to counsel, and they're
10 marked 570 through 574 respectively.
11 Q. Detective Shepherd, I've handed you the
12 exhibit that's been marked as 569, which is the
13 brown bag, and the five DVDs that are marked 70
14 through 74 respectively. Would you take the DVDs
15 out of the bag and examine them, please.
16 Do you recognize those.
17 A. Yes.
18 Q. And do you recall where they were the first
19 time that you saw them.
20 A. Yes. They were on top of the television.
21 There's a television that's alongside the Jacuzzi
22 tub and they were stacked on top of the television.
23 Q. And did you seize those items.
24 A. Yes.
25 Q. And did you arrange to have them booked into
26 evidence.
27 A. Yes.
28 Q. And are those items in the same condition 2422

1 now as they were when you seized them.
2 A. Yes.
3 MR. SNEDDON: Move that they be admitted
4 into evidence, Your Honor; 69 through 74.
5 THE COURT: They're admitted.
6 MR. SNEDDON: Now I'm going to put the
7 overhead on for just a second.
8 Q. Okay. This is the photograph that you have
9 just identified moments ago as People's 59, which is
10 now in evidence. Do you recognize that.
11 A. Yes.
12 Q. All right. I had you pick up a little laser
13 pointer. And could you indicate to the ladies and
14 gentlemen of the jury the location of the Items
15 570 through 574 at the time that you first saw them.
16 A. Right there on top of the T.V.
17 Q. Right on top of the T.V., okay.
18 Now, at the time that you were out there
19 that day, did you take any other items of evidence.
20 A. Yes.
21 Q. What else did you take.
22 A. Can I use the laser pointer.
23 Q. Sure. Absolutely. That's what I want you

24 to do.
25 A. Okay. There was a magazine that contained
26 adult material that I found within this stack of
27 books and magazines. There was another magazine
28 containing adult material which was inside of this 2423

1 metal briefcase. And I also found three books in
2 this plastic bag that contained adult material.
3 Q. Okay. Now, we're going to talk about those
4 in a little bit more detail now, but I think we can
5 turn the lights back on.
6 Okay. I've handed you back the photograph
7 that the jury just saw that was up on the board,
8 People's 59. What I want you to do, there's a black
9 pen right in front of you there, and I'm going to
10 ask you to take the exhibit, People's 59, and I want
11 you to draw a little circle around the area where
12 you found the DVDs that are in People's 570 through
13 574, and right from the circle put a little line,
14 "570 through 574."

15 A. Okay.

16 Q. And would you put your initials by that,
17 please.

18 And what did you put.

19 A. "KKS."

20 Q. "KKS".

21 A. Uh-huh.

22 Q. Okay.

23 (Off-the-record discussion held at counsel
24 table.)

25 MR. SNEDDON: Okay. I think we're ready to
26 go now.

27 Q. All right. We have a brown paper bag which
28 has been marked as People's 576 for identification 2424

1 purposes, okay. I want to ask you to take a look at
2 that bag, and then I'm going to ask you some
3 questions about it and the contents.

4 All right. Do you recognize the items that
5 were contained in the bag, 576.

6 A. Yes.

7 Q. And when and where were those items the
8 first time that you saw them.

9 A. They were inside the plastic bag near the
10 bookcase.

11 Q. And were you the one responsible for taking
12 those and placing them into evidence, having them
13 booked.

14 A. Yes.

15 Q. Now, with regard to the item -- the items

16 that you took out are what, three books.
17 A. Three books, yes.
18 Q. And those books have individual numbers; is
19 that correct.
20 A. Yes.
21 Q. And with regard to Item No. 577, do you see
22 that.
23 A. Yes.
24 Q. All right. Now, in front of you are some
25 photographs. Can you mate up the photograph with
26 the -- I believe it's 297.
27 A. Correct.
28 Q. Is that correct. 2425

1 A. Yes.
2 Q. Is that photograph an accurate depiction of
3 a book that you seized, which is marked as 577.
4 A. Yes.
5 Q. All right. Let's go to the next one, 578.
6 Do you have that in front of you.
7 A. Yes.
8 Q. That's one of the books you seized, correct.
9 A. Correct.
10 Q. And with regard to 578, there's a
11 photograph, 296.
12 A. Correct.
13 Q. Is that photograph, 296, an accurate
14 depiction of the book that you seized, 578.
15 A. Yes.
16 Q. And with regard to the next item, which is
17 579 --
18 A. Correct.
19 Q. -- do you see that.
20 A. Yes.
21 Q. And 579, there's a photograph marked as 631.
22 A. Correct.
23 Q. Is that an accurate depiction of the front
24 cover of the Item 579.
25 A. Yes.
26 Q. All right. Now, with regard to the Items
27 577, 78 and 79, these are the items that you seized
28 and then had booked into evidence; is that correct. 2426

1 A. Yes.
2 Q. And are they in the same condition now as
3 they were at the time you seized them and had them
4 booked.
5 A. Yes.
6 MR. SNEDDON: Your Honor, I move 576 through
7 579 be admitted into evidence.

8 THE COURT: All right. They're admitted.
9 MR. SNEDDON: And I request that photograph
10 297, 296 and 631 be admitted into evidence.
11 THE COURT: They're admitted.
12 MR. SNEDDON: Mr. Zonen thinks I neglected
13 578. If I did, I'm sorry. It should be 576, 77,
14 78, 79.
15 THE COURT: That's what I thought you had
16 requested admission of. I admitted those.
17 MR. SNEDDON: Thank you.
18 Q. With regard to the exhibits, 577 through 79,
19 you have the photograph in front of you, People's
20 59.
21 A. Yes.
22 Q. And could you indicate to the ladies and
23 gentlemen of the jury, by placing on that exhibit,
24 the location of the area, the approximate location
25 of where you seized the Items 577, 578 and 579.
26 A. With a black marker.
27 Q. Please. If you would.
28 A. Okay. 2427

1 MR. SNEDDON: All right. Mr. Zonen.
2 We're going to need the lights, Your Honor.
3 Q. Now, on the board is the exhibit marked as
4 People's 296 that's in evidence. Do you recognize
5 that.
6 A. Yes.
7 Q. And that's the cover -- that's the
8 photograph that you indicated reflects the cover of
9 that particular item that you seized.
10 A. Yes.
11 Q. And by "that particular item that you
12 seized," I'm talking about 578 --
13 A. Correct.
14 Q. -- is that correct.
15 A. Correct.
16 Q. All right. Thank you.
17 And 297, the photograph of 297 reflects the
18 front cover of Item 577; is that correct.
19 A. That's correct.
20 Q. And those were all seized in that plastic
21 bag.
22 A. Yes.
23 Q. And the last one, which is 631, do you
24 recognize that.
25 A. Yes.
26 Q. Was that also in the plastic bag.
27 A. Yes.
28 Q. And this is Exhibit 631, and it would be -- 2428

1 the actual book itself is 579.
2 A. Correct.
3 Q. Thank you.
4 Your Honor, I have another bag that I've
5 shown to counsel for his examination that I'd like
6 to have marked as 575 for identification purposes.
7 It's a brown bag with the number "#302" at the top.
8 THE COURT: All right.
9 Q. BY MR. SNEDDON: I'm going to hand you --
10 oh, wait. I need to show these to counsel.
11 While we're doing this, if you would simply
12 look at the Exhibit 575, it might save some time. I
13 guess I've already showed it to him.
14 Okay.
15 A. Okay.
16 Q. Now, before we start talking about 575 for a
17 moment, I want to go back. I gave you some
18 photographs, correct.
19 A. Correct.
20 Q. And there's a photograph that shows the
21 Exhibit 570 through 574, correct.
22 A. Correct.
23 Q. And what exhibit number is that.
24 A. 65.
25 Q. And with regard to that particular
26 photograph, is that an accurate depiction of where
27 those items were located at the time that you seized
28 them -- 2429

1 A. Yes.
2 Q. -- on November 18th.
3 A. Yes.
4 MR. SNEDDON: Move that that photograph,
5 People's 65, be admitted into evidence, Your Honor.
6 THE COURT: It's admitted.
7 Q. BY MR. SNEDDON: Okay. Now let's deal with
8 that bag that I gave you, which is 575. All right.
9 Do you recognize the bag.
10 A. Yes.
11 Q. And do you recognize the contents inside the
12 bag.
13 A. Yes.
14 Q. And with regard to that particular item,
15 where was it the first time that you saw it.
16 A. It was within a stack of books and magazines
17 located on the edge of the Jacuzzi tub.
18 Q. And were you the one responsible for seizing
19 it and booking it into evidence.
20 A. Yes.
21 MR. SNEDDON: Now, with regard to the
22 Exhibit 575, Your Honor, which I seek to admit into

23 evidence at this time --
24 THE COURT: All right.
25 Q. BY MR. SNEDDON: Now, there's a photograph
26 in front of you. It's marked as People's 64 for
27 identification.
28 A. That's correct. 2430

1 Q. I better look at that. That didn't quite
2 look like the right one.
3 Have I asked you about this one here.
4 A. No.
5 Q. Okay. This is the one.
6 All right. I misspoke myself. Not for the
7 first time today.
8 People's 62 for identification, do you
9 recognize that.
10 A. Yes.
11 Q. And is it an accurate depiction of what it
12 purports to represent.
13 A. Yes.
14 MR. SNEDDON: I'd move that 62 be admitted
15 into evidence, Your Honor.
16 THE COURT: It's admitted.
17 Q. BY MR. SNEDDON: Now, with regard to the
18 exhibit, People's 62, do you see in that exhibit the
19 location where you found the Item 575.
20 A. Yes.
21 Q. Okay. Could you take that little magic
22 marker you've got up there again and put a little
23 line to just the general area, and then put a
24 "575" on it.
25 A. Okay.
26 MR. SNEDDON: The next exhibit, Your Honor,
27 has been marked as People's 580 for identification.
28 It's a clear plastic bag; has "#306" marked on it, 2431

1 and it appears to contain a binder. I've shown it
2 to counsel.
3 THE COURT: All right.
4 Q. BY MR. SNEDDON: All right. Do you
5 recognize the item depicted in that photograph. I'm
6 sorry, I'm on automatic pilot here.
7 With regard to the exhibit I just handed
8 you, the item number on that is 580, the plastic
9 bag.
10 A. Yes.
11 Q. All right. Now, could you take the binder
12 out of it, if you would, please, and just examine --
13 there was a brown bag inside of the plastic bag,
14 correct.

15 A. Correct.
16 Q. And that's the brown bag that you use for
17 booking evidence; is that correct.
18 A. Correct.
19 Q. Now, look at the binder, if you would. Just
20 the front cover.
21 All right. Do you recognize that item.
22 A. Yes.
23 Q. Where was that item the first time that you
24 saw it.
25 A. It was located inside the metal briefcase
26 that was on the edge of the Jacuzzi tub.
27 Q. And you opened the briefcase and withdrew
28 the item. 2432

1 A. Yes.
2 Q. And did you have a photograph of it taken
3 before you had it booked into evidence --
4 A. Yes.
5 Q. -- to document the location of where you
6 found it.
7 A. Yes.
8 Q. And I believe there's a photograph in front
9 of you.
10 A. Correct.
11 Q. Was that the photograph that was used to
12 document it.
13 A. Correct.
14 Q. What number is that.
15 A. It's Exhibit No. 62.
16 Q. And is that Exhibit 62 an accurate depiction
17 of what it purports to represent.
18 A. Yes.
19 MR. SNEDDON: Move that People's 62 be
20 admitted into evidence, Your Honor.
21 THE COURT: I think it already was.
22 MR. SNEDDON: Is that already in.
23 THE COURT: It's in.
24 MR. SNEDDON: Judge, I don't want to show
25 something that hasn't been admitted, and I want to
26 make sure I've got this down correctly before I do
27 it, so I don't want to get at cross-purposes. But
28 as I understand it, People's 65 is in evidence, 2433

1 People's 64 is in evidence, and People's 63 is in
2 evidence.
3 THE COURT: 62 and 65 are in evidence.
4 THE CLERK: 64 hasn't been identified.
5 MR. SNEDDON: 64 has not been identified.
6 THE COURT: No.

7 MR. SNEDDON: But 65 and 63 have been and
8 are in evidence.
9 THE COURT: No, 62 and 65 are in evidence.
10 THE CLERK: Just 62 and 65. 63 and 64 have
11 not been identified.
12 MR. SNEDDON: I'll take care of that. Thank
13 you.
14 Q. With regard to the exhibit in front of you,
15 People's 64, do you recognize that.
16 A. Yes.
17 Q. And what is that.
18 A. It's adult content magazine.
19 Q. And is that an accurate depiction of what it
20 purports to represent.
21 A. Yes.
22 Q. And what exhibit does that match up to.
23 What's the title on that.
24 First of all, let me do this: Move that it
25 be admitted into evidence, Your Honor.
26 THE COURT: All right. It's admitted.
27 MR. SNEDDON: Man, I can't find 62.
28 THE WITNESS: 62 is right here. 2434

1 MR. SNEDDON: Okay. That's fine.
2 Q. When I showed you Exhibit 62 and I asked you
3 to make notations on it as to the location where you
4 found Item 575, was that photograph an accurate
5 depiction of what it purports to represent.
6 A. Yes.
7 MR. SNEDDON: Okay, Your Honor. I believe
8 62 and 64 should now come into evidence.
9 THE COURT: 64 and 65 are in. And you have
10 not yet identified 63. 62 is in.
11 MR. SNEDDON: Yeah, I -- this is 63.
12 No, I....
13 Q. All right. Let's try it again. 63; do you
14 recognize 63.
15 A. Yes.
16 Q. And is that an accurate depiction of what it
17 purports to represent.
18 A. Yes.
19 MR. SNEDDON: Move that it be admitted, Your
20 Honor.
21 THE COURT: It's admitted.
22 Q. BY MR. SNEDDON: I'm going to ask you some
23 questions.
24 A. Okay.
25 MR. SNEDDON: Go ahead.
26 MR. ZONEN: We need the individuals and the
27 video.
28 MR. SNEDDON: I need the exhibit number on 2435

1 it, of 65.
2 Q. With regard to the exhibit People's No. 65,
3 do you recognize that.
4 A. Yes.
5 Q. Is that the location of those items when you
6 seized them.
7 A. Yes.
8 Q. All right. And with regard to People's 64,
9 do you recognize that.
10 A. Yes.
11 Q. And is that the condition of the magazine at
12 the time that you seized it.
13 A. Yes.
14 Q. All right. And People's 63, that's the one
15 that was inside of the metal case.
16 A. Yes.
17 Q. And you took it out and put it on the metal
18 case and photodocumented it.
19 A. Yes.
20 Q. All right. And People's 62 is the one that
21 you indicated the location of the Item 575.
22 A. Yes.
23 Q. All right. Thank you.
24 All right. I think we can have the lights,
25 Your Honor.
26 I have one last exhibit, Your Honor, that
27 has the number "633" on it. It's a brown paper bag
28 with the number "315" at the top right-hand corner 2436

1 in black. I've shown it to Mr. Sanger, and I'll
2 show it to the witness.
3 THE COURT: All right.
4 Q. BY MR. SNEDDON: Have you had a chance to
5 examine it.
6 A. Yes.
7 Q. Do you recognize the item --
8 A. Yes.
9 Q. -- 633.
10 A. Yes.
11 Q. And where were those items when you first
12 saw them.
13 A. I located these items. They were inside the
14 master bathroom closet area. They were inside a
15 black E-Z-Go suitcase located inside this manila
16 envelope.
17 Q. And you were responsible for taking those
18 and having them booked into evidence; is that
19 correct.
20 A. Yes.
21 Q. All right. And are they in the same

22 condition as they were at the time that you seized
23 them on November the 18th.
24 A. Yes.
25 MR. SNEDDON: All right. Move they be
26 admitted, Your Honor.
27 THE COURT: All right. They're admitted.
28 MR. SNEDDON: And I believe everything is in 2437

1 evidence, and I appreciate the Court and clerk's
2 help. I have no further questions.

3

4 CROSS-EXAMINATION

5 BY MR. SANGER:

6 Q. Detective Shepherd, you were assigned -- you
7 were detailed to do this particular work; is that
8 correct.

9 A. Correct.

10 Q. You were not assigned as a co-lead
11 investigator, or anything, on this case; is that
12 correct.

13 A. No.

14 Q. So a number of detectives and deputies and
15 other personnel were brought to Neverland Ranch on
16 the 18th of November to assist, correct.

17 A. Correct.

18 Q. And do you know the approximate number of
19 people that were there.

20 A. No.

21 Q. All right. Quite a few, though.

22 A. Quite a few.

23 Q. And a number of those people, then, after
24 doing whatever they did, they went on with other
25 assignments and no longer worked on the case; is
26 that correct.

27 A. Correct.

28 Q. And that was pretty much your situation; is 2438

1 that right.

2 A. Correct.

3 Q. All right. Now, among the materials -- let
4 me stop for a second. You went through -- as a part
5 of your assignment that day, you went through the
6 master bedroom suite; is that correct.

7 A. Correct.

8 Q. What other parts of the premises at
9 Neverland did you go through.

10 A. I was assigned, after the master suite area,
11 to be the scribe in the office memorabilia room.

12 Q. All right. So just as far as what you saw -
13 you don't have tell me what you did, but what you

14 saw of the premises - was the main house -- did you
15 see the whole main house.
16 A. No. I was just in the master suite area.
17 Q. Okay. Did you see the library, by any
18 chance.
19 A. No.
20 Q. Okay. And then you went to the -- to the
21 office, so you saw the office area, which is a
22 building adjacent to the main house, correct.
23 A. Correct.
24 Q. Did you go to any other structures while you
25 were there.
26 A. No.
27 Q. All right. Now, in the part of the house
28 that you were in, there were books and magazines and 2439

1 photographs and other items that were pretty much
2 stacked up all over the place; is that right.
3 A. Correct.
4 Q. Okay. And among the items that were stacked
5 up there were art books; is that correct.
6 A. Correct.
7 Q. History books.
8 A. I'm sure.
9 Q. Okay. Do you remember seeing any Black
10 History books, for instance.
11 A. I don't recall seeing any.
12 Q. Okay. Did you -- and you saw a lot of
13 memorabilia from different kinds of films or things
14 from The Three Stooges, for instance; is that
15 correct.
16 A. I don't recall seeing any.
17 Q. You don't, okay.
18 Do you recall that there were a number of
19 Three Stooges -- when I'm saying "memorabilia," a
20 number of things that related to The Three Stooges.
21 A. I don't remember seeing anything related to
22 The Three Stooges.
23 Q. A number of things related to Shirley
24 Temple, right.
25 A. I believe so, yes.
26 Q. A number of things related to Disney and
27 Disney productions, correct.
28 A. Correct. 2440

1 MR. SANGER: If we could, Your Honor, I'd
2 like to put 65 up.
3 Q. Just coincidentally, right under the thing
4 on the right, is something about The Three Stooges,
5 is it not.

6 A. Correct.
7 Q. None of the things that you seized were
8 contraband; is that correct.
9 A. No.
10 Q. So, in other words, they were lawful for
11 adults to possess.
12 A. Correct.
13 Q. All right. And all of what you seized was
14 essentially commercially produced, commercially
15 available material; is that right.
16 A. Correct.
17 Q. All right. Now, there were -- when we
18 talked about art books, there were a lot of art and
19 photography books that you saw --
20 A. Correct.
21 Q. -- in the various places. And in the office
22 as well, correct.
23 A. Correct.
24 Q. And Mr. Jackson is a performer and an
25 artist; is that correct.
26 A. That's correct.
27 Q. You're aware that his -- that his likeness
28 is sought by photographers all over the world. Are 2441

1 you aware of that.
2 A. No.
3 Q. Okay. Are you aware that photographers send
4 him their work on a regular basis with the hope that
5 he'll let them photograph him and be his
6 photographer.
7 A. I'm not aware of that.
8 Q. None of the items that -- none of the items
9 that you seized -- well, let me withdraw that for a
10 second.
11 I think I need to look at what you have up
12 there.
13 So may I approach, Your Honor.
14 THE COURT: Yes.
15 MR. SANGER: Why don't I just take it all.
16 THE WITNESS: Oh, okay.
17 MR. SANGER: And then I don't have to keep
18 coming back.
19 Q. Now, I think we talked about books and
20 magazines as being commercially available, books and
21 magazines being commercially available. That's also
22 true of all the DVDs.
23 A. Correct.
24 Q. They're something you can buy at the store,
25 correct.
26 A. Correct.
27 Q. And you conducted your part of this search
28 on November 18th, 2003, correct. 2442

1 A. Yes.
2 Q. And you don't know what, if any of this, was
3 there in the residence in February and March of
4 2003, correct.
5 A. No.
6 Q. One of the items that you actually seized
7 was shown in the picture, 65. G2445 27.
8 And if I may, I'll put that back up here,
9 which is there on that side there.
10 Are you aware that that is a film that was
11 shown on HBO.
12 A. At the time that I seized it, I was not.
13 But then I saw it, after the search warrant, on HBO.
14 MR. SANGER: All right. May I have just a
15 moment, Your Honor.
16 THE COURT: Yes.
17 Q. BY MR. SANGER: All right. Let me ask just
18 a few more questions based on what we were just
19 discussing there.
20 Do you recall the nature of the various art
21 books that you saw. The other ones. Not the ones
22 you seized.
23 A. Yes.
24 Q. And what was the nature of the art books
25 that you saw.
26 A. One of the books was -- contained children
27 and --
28 Q. Other than the ones that you seized. 2443

1 A. Oh, other than the ones.
2 Q. Other than the ones, yes.
3 A. The one that I do remember seeing in the
4 office was -- I believe it was pictures of Marilyn
5 Monroe.
6 Q. Okay.
7 A. It was a memorabilia book. And that's --
8 there were a lot of books, so I don't remember a
9 whole bunch of them off the top of my head.
10 Q. All right. Well, let's take the office for
11 just a second. The office is in the building right
12 next to the house itself, correct.
13 A. Correct.
14 Q. And the office itself has a room that you
15 walk into. It might be, in some other
16 circumstances, like a reception area; is that
17 correct.
18 A. That's correct.
19 Q. And then you go through a door, and the next
20 door -- or the next room is what appears to be Mr.

21 Jackson's private or personal office, with a desk
22 and so on; is that correct.
23 A. Correct.
24 Q. And in those offices, there are mannequins
25 of various sorts; is that right.
26 A. That's right.
27 Q. Some of them somewhat humorous.
28 A. Correct. 2444

1 Q. Depending on your point of view, I suppose.
2 All right. And there are also displays of
3 various movie memorabilia and things from Disney,
4 that sort of thing; is that correct.
5 A. Yes.
6 Q. As you go through the door into this first
7 area that I called the reception area, for lack of a
8 better term, if you go to the left there's a
9 hallway; is that correct.
10 A. Yes.
11 Q. And if you go all the way down to the end,
12 there's a bathroom, right.
13 A. Correct.
14 Q. But if you take a left from that hallway,
15 there's an L-shaped room. It might be like a
16 walk-in-closet-size sort of thing, correct.
17 A. Correct.
18 Q. And that's actually lined with bookcases,
19 and there's hundreds, probably thousands of books in
20 there; is that correct.
21 A. Correct.
22 Q. And then in Mr. Jackson's office itself,
23 besides chairs and mannequins and memorabilia, there
24 were stacks of books in different places, correct.
25 A. Correct.
26 Q. Now, do you recall seeing items in that
27 office; for instance, a letter from President Bush.
28 A. No. 2445

1 Q. Okay. Do you recall seeing letters or
2 items from various other celebrities or
3 personalities or --
4 A. No.
5 Q. -- people of stature.
6 A. I was assigned as a scribe in that area, so
7 I didn't do any of the searching.
8 Q. So -- okay. So you didn't look through the
9 materials that were there.
10 A. No.
11 Q. All right. But did you go in that room,
12 that L-shaped room, and look at some of the books in

13 there.

14 A. I saw the L-shaped room. I noticed there
15 was a lot of books and there was a lot of stuff in
16 there.

17 Q. All right. Did you notice that, as you
18 just -- I understand you didn't search it per se,
19 but did you notice that there was some books where
20 there were multiple copies of the same book.

21 A. No.

22 Q. Okay. Back in the house, where you were
23 going through the residence, did you focus your
24 entire efforts in the master bathroom.

25 A. Yes.

26 Q. Okay. So you didn't go upstairs.

27 A. No.

28 Q. Did you even walk upstairs to see what was -- 2446

1 A. I did walk up, but I didn't search.

2 Q. So when you walked up and you saw upstairs,
3 there was stacks of books and items stacked and
4 lined up and in bookcases around that room; is that
5 correct.

6 A. Stacks of -- I don't know if they were
7 books. There was stacks of stuff everywhere.

8 Q. A lot of movie memorabilia.

9 A. Yes.

10 Q. A lot of art type of books, photography type
11 of books.

12 A. Yes.

13 Q. And downstairs, going back downstairs, did
14 you go into the hallway and the bathroom areas on
15 the right side of the -- of the room, if you were to
16 face the big screen television.

17 A. Yes, I walked through there.

18 Q. You walked through. You were not detailed
19 to search that area, though; is that correct.

20 A. No.

21 Q. And did you notice that there was movie
22 memorabilia there.

23 A. Yes.

24 Q. Things from Disney, again Shirley Temple,
25 other regular commercial movies and that sort of
26 thing.

27 A. Yes.

28 Q. Okay. And then in the main -- on the main 2447

1 floor, in the big room on the main floor with the
2 big screen T.V., there were stacks of books on the
3 floor right next to the television; is that correct.

4 A. Yes.

5 Q. And again, there were books in a bookcase to
6 the right, just before you went into the hallway
7 before going up the stairs, correct.
8 A. Yes.
9 Q. And do you remember a piano there in the big
10 room.
11 A. Yes.
12 Q. The grand piano, the black one.
13 A. Yes, I remember that.
14 Q. And there were -- there were some books and
15 things that were sitting on that piano.
16 A. There might have been.
17 Q. Okay. And do you remember, behind the
18 piano, there was an alcove there where there was
19 bookcases with books.
20 A. Yes.
21 Q. Now, did you discern that in different
22 areas, there were different themes, or did all the
23 books seem to be pretty much mixed up.
24 A. I didn't search through those books. I
25 spent my time searching in the bathroom.
26 Q. But you did notice, when you were going
27 through, a tremendous number of books in that whole
28 area on the first floor were photography and art or 2448

1 entertainment kind of books; is that correct.
2 A. I can guess, assume so, yes. I didn't go
3 through all of them.
4 Q. You didn't go through all of them, but what
5 you saw --
6 MR. SNEDDON: Excuse me, move to strike.
7 Speculation. Use of the word "assume so." Lack of
8 foundation.
9 THE COURT: Sustained.
10 MR. SANGER: Okay.
11 THE COURT: Stricken.
12 Q. BY MR. SANGER: I don't want you to just
13 assume. I realize you didn't go through every one,
14 but as you picture it in your mind and as you looked
15 at it at the time, did you notice there were a lot
16 of books about movies and art and photography in
17 this area.
18 A. Yes.
19 Q. All right. And in the master bathroom area
20 that you've described, there were a number of books
21 about art and photography and entertainment.
22 A. Yes.
23 Q. And as we -- as I asked before, in addition,
24 mixed in with that in this particular area, there
25 were, from time to time, some other books on other
26 issues, like history or current events, that sort of
27 thing.

28 A. There may have been. I don't remember 2449

1 seeing any.

2 Q. All right. Did you go into the closet.

3 There was a closet off that master bathroom, like a
4 walk-in closet there.

5 A. Yes.

6 Q. And there were some books in there, were
7 there not.

8 A. Yes, a lot of books.

9 Q. Do you remember the subject matter of those
10 books.

11 A. No.

12 Q. Were you assigned to search that area as
13 well.

14 A. Yes.

15 Q. So in that master bathroom, with the books
16 that we saw stacked up here and there, and the
17 closet, those were two areas that you were
18 searching. Were there any other areas that you
19 searched.

20 A. No, that's it.

21 Q. Okay. So, just in that -- in those areas,
22 how many books do you think there were.

23 A. Hundreds. I --

24 Q. And of the hundreds, you seized the ones
25 that you felt were appropriate; is that correct.

26 A. Yes.

27 MR. SANGER: Okay. Thank you. I have no
28 further questions. 2450

1 MR. SNEDDON: No questions, Your Honor.

2 THE COURT: All right. Thank you. You may
3 step down.

4 All right. We'll recess until tomorrow
5 morning, 8:30. See you then. Remember the
6 admonitions.

7 MR. ZONEN: Your Honor, could the Court wait
8 one moment as to one small detail.

9 MR. SANGER: Remember, he asked.

10 MR. ZONEN: Two small details.

11

12 (The following proceedings were held in
13 open court outside the presence and hearing of the
14 jury:)

15

16 THE COURT: All right. Go ahead.

17 MR. ZONEN: Your Honor, we've -- apparently
18 the Court's in possession of the product of the
19 subpoena duces tecum issued by the People for legal

20 records relating to the 1993 matter in Mr. Feldman's
21 office. I've asked counsel to think about whether
22 they would agree to it being turned over to us for
23 copying, and they're still debating the issue. If,
24 in the event their position is "No," we'd like the
25 Court to set a time when we can argue it.
26 MR. OXMAN: Excuse me, Your Honor. On the
27 subpoena, I think we would like to have time to
28 determine what we want to do with it. 2451

1 THE COURT: Yes, I'll give you time.
2 MR. OXMAN: Okay.
3 THE COURT: How much time do you want.
4 MR. ZONEN: The Court should know, they've
5 known about it for a couple of days already.
6 MR. OXMAN: Would till Monday be acceptable.
7 THE COURT: Sure.
8 MR. ZONEN: Monday would be fine.
9 THE COURT: You have one other --
10 MR. SNEDDON: Short, I promise.
11 I promised the Court and counsel and the
12 clerk that I would find the rest of the exhibit that
13 goes to -- there's a photograph we used, which is, I
14 believe, 346, Madam Clerk. And these are the
15 originals. And we were going to substitute. But if
16 you would rather me just have them marked as a
17 separate number, we could do that as well, Your
18 Honor. I just wanted to make sure we have the
19 originals in evidence.
20 THE CLERK: That was 246.
21 MR. SNEDDON: 346, I'm sorry.
22 THE CLERK: I'm sorry.
23 THE COURT: All right. Mr. Mesereau, is it
24 all right if he substitutes the original of those
25 notes for the copy and we leave the same number on
26 them.
27 MR. MESEREAU: Yes, Your Honor.
28 MR. SNEDDON: Thank you, Your Honor. 2452

1 Thank you, Mr. Mesereau.
2 MR. MESEREAU: Your Honor, we had stipulated
3 to make a copy of the cover of the Neverland Valley
4 Guest Book --
5 THE COURT: Yes.
6 MR. MESEREAU: -- which is Exhibit 5031, and
7 we have made copies. With the Court's permission,
8 we'll have them entered in evidence.
9 THE COURT: All right. Do you want the book
10 itself to remain in evidence, or do you want to
11 substitute the photos of the front for the --

12 MR. MESEREAU: We had agreed to use the
13 front cover.
14 THE COURT: Okay.
15 MR. MESEREAU: The prosecutor had objected
16 to other pages of numerous writings, so at this
17 point we may use the original further in our case.
18 THE COURT: Do you want to just leave it in
19 right now and mark those at a different time.
20 MR. MESEREAU: Sure, if we could, Your
21 Honor. Thank you very much.
22 MR. SNEDDON: That's acceptable, Your Honor.
23 THE COURT: What number would that be.
24 THE CLERK: Would you want that an A and a B.
25 THE COURT: We'll put it under A under the --
26 MR. MESEREAU: Whatever the Court would
27 like.
28 THE COURT: Under the number that the actual 2453

1 guest book is, we'll put those as an A. Is there
2 two separate exhibits.
3 MR. MESEREAU: No, there's just one, Your
4 Honor. That will be A, whatever number that is.
5 MR. SANGER: Let me just address that. The
6 book was withdrawn so we could make the cover, so we
7 have to bring the book back.
8 MS. YU: Tomorrow.
9 THE COURT: That will be fine.
10 MR. SANGER: We'll bring the book back.
11 THE COURT: You have enough witnesses through
12 Friday. There's no problem.
13 MR. SNEDDON: You warned me. I'm not going
14 to get chewed out. We'll make one up if we have to.
15 (The proceedings adjourned at 2:35 p.m.)
16 --o0o--

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1 REPORTER'S CERTIFICATE
2
3

4 THE PEOPLE OF THE STATE)
5 OF CALIFORNIA,)
6 Plaintiff,)
7 -vs-) No. 1133603
8 MICHAEL JOE JACKSON,)
9 Defendant.)
10
11
12 I, MICHELE MATTSON McNEIL, RPR, CRR,
13 CSR #3304, Official Court Reporter, do hereby
14 certify:
15 That the foregoing pages 2307 through 2454
16 contain a true and correct transcript of the
17 proceedings had in the within and above-entitled
18 matter as by me taken down in shorthand writing at
19 said proceedings on March 16, 2005, and thereafter
20 reduced to typewriting by computer-aided
21 transcription under my direction.
22 DATED: Santa Maria, California,
23 March 16, 2005.
24
25
26
27 MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
28 2455