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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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6

7 / THE PEOPLE OF THE STATE OF)

8 CALIFORNIA,)

9 Plaintiff,)

10 -vs-) No. 1133603

11 MICHAEL JOE JACKSON,)

12 Defendant.)

13

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17 REPORTER'S TRANSCRIPT OF PROCEEDINGS

18

19 FRIDAY, APRIL 8, 2005

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21 8:30 A.M.

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23 (PAGES 5395 THROUGH 5446)

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

28 BY: Official Court Reporter 5395

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2

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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. Nicola is listed as "N" on index. Mr. Mesereau is listed as "M" on
index.

6 Ms. Yu is listed as "Y" on index. Mr. Sanger is listed as "SA" on
index.

7 Mr. Oxman is listed as "O" on index.

8

9 PLAINTIFF'S

10 WITNESSES DIRECT CROSS REDIRECT RECROSS

11 McMANUS, 5398-M 5434-Z 5441-M

12 Adrian Marie (Cont'd)

13 5447-Z (Further)

14 LeMARQUE, Phillip 5443-A

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1 Santa Maria, California

2 Friday, April 8, 2005

3 8:30 a.m.

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5 THE COURT: Good morning.

6 THE JURY: (In unison) Good morning.

7 THE COURT: You may proceed, Counsel.

8 MR. MESEREAU: Thank you, Your Honor.

9

10 ADRIAN MARIE McMANUS

11 Having been previously sworn, resumed the

12 stand and testified further as follows:

13

14 CROSS-EXAMINATION (Continued)

15 BY MR. MESEREAU:

16 Q. Ms. McManus, your -- excuse me.

17 Ms. McManus, your deposition in the Chandler

18 lawsuit was on December 7th, 1993, right?

19 A. Correct.

20 Q. And the Complaint you filed against Michael

21 Jackson, along with Ralph Chacon, was December 2nd,

22 1994, a year later, approximately a year later,

23 right?

24 A. I believe so.

25 Q. Okay. Would it refresh your recollection

26 just to take a look at the Complaint?

27 A. Sure.

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28 MR. MESEREAU: May I approach, Your Honor? 5398

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1 THE COURT: Yes.

2 THE WITNESS: Okay. Yeah.

3 MR. MESEREAU: Thank you.

4 Q. Now, in that lawsuit, you were suing Mr.

5 Jackson for a number of different claims, and one of

6 the claims talked about you having appeared at a

7 deposition taken by Larry Feldman, and the claim

8 said that you were a potential material witness

9 against Jackson in both the civil suit and a

10 criminal investigation, right?

11 A. I believe so.

12 Q. And what that really meant was, by filing

13 that Complaint with that language, you were

14 essentially threatening Mr. Jackson that you would

15 change your testimony unless you were paid, right?

16 A. I'm not familiar with a lot of attorney

17 language, so I really don't know how to answer that.

18 Q. How much money do you recall you were

19 seeking from Mr. Jackson in that lawsuit?

20 A. That's another question I cannot answer.

21 That was dealing with my attorney.

22 Q. Well, you were in court when he argued to

23 the Santa Maria jury for millions of dollars, right?

24 A. I don't even know if I was there at that

25 time. I could have been. I don't remember.

26 Q. You certainly must have discussed with your

27 attorney during that six-month trial how much money

28 you were trying to get for yourself from Mr. 5399

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1 Jackson, right?

2 A. Honestly, I don't believe anybody knew how
3 much money anybody would be getting out of a trial.

4 Q. But how much did you want?

5 A. I really didn't want anything. I just
6 wanted justice for what I had gone through.

7 Q. You didn't want millions of dollars in that
8 lawsuit?

9 A. I wanted justice. I didn't -- whatever -- I
10 wanted justice.

11 Q. But your idea of justice was millions of
12 bucks, right?

13 A. Well, that's not what I call justice.

14 Q. You file a lawsuit, you go through
15 approximately eight days of depositions, all sorts
16 of paperwork, and you're in trial for six months.
17 You wanted millions, right?

18 A. Honestly, a simple "Sorry for what we did to
19 you" would have been great for me.

20 Q. Did you ever write a letter to Mr. Jackson
21 saying, "Mr. Jackson, I don't want to sue you. Just
22 tell me you're sorry"?

23 A. No, I did not.

24 Q. Ever call Mr. Jackson and say, "Mr. Jackson,
25 I don't really want to sue you. Just say you're
26 sorry"?

27 A. I didn't have a number to contact Mr.

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1 Q. Okay. When did you first go to the police
2 to tell them you had seen anything improper about
3 Mr. Jackson?

4 A. I can't recall the date. I don't remember.

5 Q. It was after your deposition in the Chandler
6 case, correct?

7 A. It might have been.

8 Q. Do you know approximately when you first
9 talked to anyone from the Santa Barbara Sheriff's
10 Department about your claim that you'd seen Mr.

11 Jackson do anything improper?

12 A. You know, it might have been when I talked
13 to my attorney, Mr. Ring. It might have been
14 sometime then, that I can recall.

15 Q. And when you did that, you thought going to
16 the sheriffs would put pressure on Mr. Jackson to
17 pay money in your civil case, right?

18 A. No, I did not.

19 Q. Did you go to the sheriffs with your
20 attorney?

21 A. I don't believe so.

22 Q. But certainly you went to an attorney before
23 anyone from law enforcement, right?

24 A. Actually, I recall going to law enforcement
25 to com -- to complain about the death threat that I
26 got from James Van Norman and strange circumstances
27 that were going on at Neverland Valley Ranch.

28 Q. But that was also to bolster your claim for 5401

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1 millions of dollars, right?

2 A. That was before I even contacted an
3 attorney.

4 Q. But by doing that, you were setting the
5 stage for a lawsuit for millions of dollars against
6 Mr. Jackson, correct?

7 A. No, I was not.

8 Q. You went to tabloids, a lawyer, and the
9 sheriffs, all to get millions of bucks, right?

10 A. You're wrong.

11 MR. ZONEN: Objection; compound.

12 THE COURT: The answer was, "You're wrong."

13 Overruled. Next question.

14 Q. BY MR. MESEREAU: Do you know Leslie Gomez?

15 A. No, I don't.

16 Q. Do you know she was the manager of
17 McFrugal's?

18 A. I think I know her as Beaver. That's the
19 name I think I'm thinking of.

20 Q. You told her you had never seen Michael
21 Jackson act inappropriately with children, right?

22 A. I've never talked to her about Michael
23 Jackson.

24 Q. You told Leslie Gomez that, "The suit by
25 that kid," meaning Mr. Chandler, "was a bunch of
26 bull," right?

27 A. I've never told -- I've never talked to her

28 about anything to do with lawsuits or anything with 5402

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1 Mr. Jackson.

2 Q. And do you know someone named Ludi Trujillo?

3 A. Yes, I do.

4 Q. Ludi Trujillo is your former boss at

5 Gottschalk's, right?

6 A. No, she was not.

7 Q. Who is she?

8 A. She's a girl that worked at Gottschalk's.

9 Just a lady.

10 Q. She didn't have any position above you?

11 A. No, she did not.

12 Q. Okay. You talked to her about the Chandler

13 lawsuit, didn't you?

14 A. No, I did not.

15 Q. She asked you specifically if Mr. Jackson

16 ever molested children, and you told her, "Of course

17 Michael did not," right?

18 A. No, I did not.

19 Q. You told her Michael Jackson was a great

20 boss, didn't you?

21 A. No, I did not.

22 Q. Do you know someone named Jamie Vail?

23 A. No, I don't.

24 Q. Didn't Jamie Vail live across the street

25 from you?

26 A. Where was this? I don't know the name.

27 Q. Okay. Do you remember telling someone named

28 Jamie Vail that you loved Michael Jackson, you love 5403

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1 working at the ranch, and you never believed any of
2 the charges against him?

3 A. I don't even know that person.

4 Q. Okay. Do you know who Gayle Goforth is?

5 A. Yes, I do.

6 Q. And who is Gayle Goforth?

7 A. She was a supervisor that worked at

8 Neverland Valley Ranch.

9 Q. Do you remember Gayle asked you if there was

10 anything to rumors about inappropriate conduct by

11 Mr. Jackson?

12 A. She never -- we never talked about that, no.

13 Q. In the autumn of 1993, you told her there

14 was no truth to those rumors about Mr. Jackson

15 acting inappropriately, right?

16 A. No, I did not.

17 Q. Now, you and Ralph Chacon and Kassim Abdool

18 started meeting secretly at Neverland to talk about

19 your lawsuit, didn't you?

20 A. No, we did not.

21 Q. You and Ralph Chacon and Kassim Abdool began

22 to meet at Neverland to discuss the possibility of

23 selling stories to the media, right?

24 A. No, we did not.

25 Q. Did you ever discuss selling a story to the

26 media with Ralph Chacon?

27 A. No, I did not.

28 Q. When you were working at Neverland, did you 5404

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1 ever learn that Ralph Chacon was thinking of selling
2 any story about Michael Jackson to the media?

3 A. No.

4 Q. When did you first hear anything about Ralph
5 Chacon's willingness to go to the media with
6 information about Michael Jackson?

7 A. The only time that we all sold a story was
8 when we were already in our lawsuit with Mr.
9 Jackson, which was with Mr. Ring, our attorney.

10 Q. Now, at some point, you learned that Blanca
11 Francia had sold a story to Hard Copy, correct?

12 A. Yes.

13 Q. She sold her information before you sold
14 yours, right?

15 A. I don't recall when Bianca -- Blanca sold
16 the story.

17 Q. Do you know someone named Charli Michaels?

18 A. Yes, I do.

19 Q. Who is Charli Michaels?

20 A. She was a security guard for Neverland
21 Valley Ranch.

22 Q. Did you ever hear information that Charli
23 Michaels was trying to sell a story about Michael
24 Jackson to the media?

25 A. No, I did not.

26 Q. To date, have you ever heard anything about
27 that?

1 Q. Ever have a discussion with Charli Michaels
2 about the possibility of making money from
3 information you'd learned at Neverland?

4 A. No. I only recall talking to Charli about
5 her having sexual harassment with people at the
6 ranch.

7 Q. Okay. So you and she never said anything
8 about the possibility of making a buck from the
9 media, correct?

10 A. No. No.

11 Q. Okay. Now, when you were at Neverland, you
12 learned that security guards at the Encino home of
13 the Jacksons on Havenhurst had sold stories for
14 approximately \$100,000, right?

15 A. No, I never heard that.

16 Q. You knew they had sold stories about Michael
17 Jackson, didn't you?

18 A. No.

19 MR. ZONEN: I'm going to object as asked and
20 answered.

21 THE COURT: Sustained.

22 Q. BY MR. MESEREAU: Do you know someone named
23 Francine Orosco?

24 A. Yes, I do.

25 Q. And who is Francine Orosco?

26 A. She was a maid for Neverland Valley Ranch.

27 Q. And at some point, she was a personal friend

28 of yours, was she not? 5406

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1 A. We became friends, yes.

2 Q. Now, you knew that she became a witness
3 against your claims in the lawsuit, right?

4 A. Yes, I believe so.

5 Q. She said you were never sexually harassed by
6 anybody, right?

7 MR. ZONEN: I'll object as hearsay.

8 THE COURT: Sustained.

9 Q. BY MR. MESEREAU: Didn't you repeatedly tell
10 Francine Orosco that Michael Jackson was innocent of
11 any charge of molestation?

12 A. No, I did not.

13 Q. Do you remember telling Francine Orosco that
14 you were going to get big-time money in your lawsuit
15 against Michael Jackson?

16 A. No, I did not.

17 Q. And you tried to convince her to say that
18 she had seen acts of sexual harassment involving
19 you, right?

20 A. No, I did not.

21 Q. While you worked at Neverland, Francine
22 Orosco visited you at home, did she not?

23 A. Maybe one time.

24 Q. And you showed her a room in your house
25 filled with watches, posters, clocks, sunglasses,
26 T-shirts and other items you had taken from
27 Neverland, correct?

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1 Q. You showed her laundry baskets filled with
2 Michael Jackson's clothes that you had taken from
3 Neverland, right?

4 A. No, I did not.

5 Q. Do you remember one time at Neverland when a
6 box of black felt hats came for Mr. Jackson?

7 A. I can't recall that.

8 Q. Do you remember that box of hats had Michael
9 Jackson's name printed on the inside of the rim of
10 the hats?

11 A. I know he had hats, but I don't recall the
12 hats being sent there.

13 Q. Do you remember taking a hat and saying you
14 were going to bring it home?

15 A. No.

16 Q. Now, you used to take food home from the
17 theater, did you not?

18 A. Food, like what are you talking about?

19 Dinners?

20 Q. Candy?

21 A. No.

22 Q. Never took bags of candy home?

23 A. There was a time when -- you say "take,"
24 you're saying like -- you're saying I'm just going
25 to take it, that is not correct.

26 There was a time when Gayle Goforth, a
27 supervisor, went down to the theater and took a lot

28 of the candy from there, because it was expired. 5408

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1 She brought it back to the maids, the maids' room,
2 and she let all the maids take candy that was
3 expired. She also gave it to security. That was
4 the only time.

5 Q. So you never stole any candy from Michael
6 Jackson?

7 A. No, I did not.

8 Q. Do you remember around Christmastime when
9 you worked at Neverland, Mr. Jackson used to
10 purchase toys for needy children?

11 A. I believe he did.

12 Q. And they tended to be fairly expensive toys,
13 did they not?

14 A. I really don't know.

15 Q. You took some of those toys home, did you
16 not?

17 A. No, I did not. That was Janelle Wahl.

18 Q. Pardon me?

19 A. That was Janelle Wahl that would take that.

20 Q. You never took any Super Soaker guns home?

21 A. No, sir.

22 Q. Now, these are the kinds of things the jury
23 found that you had actually done, correct?

24 A. I don't believe so.

25 Q. Well, they found that you had stolen from
26 Mr. Jackson, correct?

27 A. I believe it was what they thought I had

28 stolen was that sketch that I found in the trash. 5409

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1 Q. And you're saying you didn't steal that
2 either, right?

3 A. I didn't. I found it in the trash.

4 Q. That's the sketch of Elvis?

5 A. Yes.

6 Q. You complained at Neverland that you should
7 be paid more, right?

8 A. I don't believe I did.

9 Q. Never said that to anybody?

10 A. I don't recall saying that.

11 Q. Okay. And you say you left voluntarily,
12 correct?

13 A. I left after the harassment and the death
14 threats, yes.

15 Q. And then you filed a claim for disability
16 with EDD, right?

17 A. No.

18 MR. ZONEN: Objection; asked and answered.

19 THE COURT: Sustained.

20 Q. BY MR. MESEREAU: Ralph Chacon stopped
21 working at Neverland the same day you stopped,
22 right?

23 A. I don't believe so.

24 Q. Kassim Abdool stopped working there the same
25 day you stopped, didn't he?

26 A. I don't believe so.

27 Q. All -- excuse me.

28 Now, you sued someone named Bill Bray, 5410

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1 correct?

2 A. Yes.

3 Q. And who is Bill Bray?

4 A. He was the -- how would you say it? Maybe
5 the top man for the Office of Special Services.

6 Q. You sued Betty Bailey, right?

7 A. Yes.

8 Q. And who was Betty Bailey?

9 A. She was maybe like his right hand.

10 Q. And you sued Mr. Jackson's personal security
11 people, right?

12 A. Yes, I did.

13 Q. You sued Jimmy Van Norman, right?

14 A. Yes, I did.

15 Q. Marcus Johnson, right?

16 A. Yes. Yes.

17 Q. Tony Coleman?

18 A. Yes.

19 Q. And Jerome J.J. Johnson, right?

20 A. Yes.

21 Q. And at some point you approached Mr. Johnson
22 about testifying for you, right?

23 A. No, I did not.

24 Q. Someone on your behalf did, right?

25 A. All I know is that I believe that, from what
26 I understand, he jumped onto our side and decided to
27 tell the truth about what was going on.

28 Q. And when you say he "decided to tell the 5411

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1 truth," you dropped your suit against him, right?

2 A. I believe we did.

3 Q. And the jury didn't believe him either,

4 right?

5 MR. ZONEN: Objection.

6 THE COURT: Sustained.

7 MR. ZONEN: He never testified. Assumes

8 facts not in evidence that he testified.

9 THE COURT: I sustained your objection.

10 Q. BY MR. MESEREAU: Do you remember when Mr.

11 Johnson got in trouble for sending an extortion

12 letter to Mr. Jackson asking for three million

13 dollars?

14 A. I did learn of that through the later part

15 of my deposition, which I knew nothing about.

16 Q. At the point where you learned about Mr.

17 Johnson's \$3 million extortion letter to Mr.

18 Jackson, were you working with him on your lawsuit?

19 A. No.

20 Q. You stole commemorative Pepsi cans from

21 Neverland, did you not?

22 A. No, I did not.

23 Q. You were accused of that, right?

24 A. No, I was not.

25 Q. Do you know someone name Peter Burt?

26 A. No, I do not.

27 Q. Never heard the name?

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28 A. I've heard of the name, but I do not know 5412

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1 him.

2 Q. Okay. You do know Sandie Domz, do you not?

3 A. Yes, I do.

4 Q. Who is Sandie Domz?

5 A. She was an office administrator, a secretary
6 for Neverland Valley Ranch.

7 Q. You and the other plaintiffs in that lawsuit
8 decided that she would go to the show Hard Copy to
9 try and sell a story, correct?

10 A. Not that I ever recall.

11 Q. Are you saying that didn't happen, or you
12 just don't remember?

13 A. That did not happen.

14 Q. So you never got together and said, "We'll
15 split money that we could get from Hard Copy"?

16 A. No, I did not.

17 MR. SANGER: Inside Edition.

18 (Off-the-record discussion held at counsel
19 table.)

20 Q. BY MR. MESEREAU: How much in total did Mr.
21 Ring collect on your behalf from tabloids or media?

22 A. From what I recall from my deposition, which
23 there were stubs in my deposition, that showed, I'm
24 thinking, maybe 32,000.

25 Q. Okay. Did any of that go to you?

26 A. 1,000.

27 Q. Now, you spent days being interviewed by a

28 book author named Mr. Gutierrez, right? 5413

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1 A. Days being interviewed?

2 Q. Yes.

3 A. No.

4 Q. Were you interviewed by a book author named

5 Mr. Gutierrez?

6 A. I never was interviewed, but I did meet with

7 him.

8 Q. And approximately when did you meet with

9 him?

10 A. You know, I cannot recall the date.

11 Q. Well, you certainly had a discussion with

12 him about the fact that he was writing a book,

13 didn't you?

14 A. No, I did not.

15 Q. So when you met with him, you didn't know he

16 was writing a book?

17 A. No, when I met with him, he was going to try

18 to help us in our lawsuit.

19 Q. Did you ever learn he was writing a book

20 about Mr. Jackson?

21 A. I never -- I don't recall him saying that he

22 was writing a book. I don't remember that.

23 Q. Did you give him information about Mr.

24 Jackson?

25 A. Um, later I did.

26 Q. When you first talked to the Santa Barbara

27 Sheriffs, you didn't tell them about inappropriate

28 behavior you'd seen by Mr. Jackson, correct? 5414

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1 A. Probably not.

2 Q. You waited to say that in your lawsuit,

3 correct?

4 A. I don't recall.

5 Q. Going back to your deposition in the

6 Chandler suit - okay? --

7 A. Uh-huh.

8 Q. -- you were asked if you'd ever seen Wade

9 Robeson at the ranch without one of his parents, and

10 you said, "No," right?

11 A. I don't -- I have not gone over that, so I

12 do not recall what I've said or --

13 Q. Would it refresh your recollection to just

14 take a look at the page?

15 A. Yeah.

16 MR. MESEREAU: May I approach, Your Honor?

17 THE COURT: Yes.

18 THE WITNESS: Okay.

19 Q. BY MR. MESEREAU: Have you had a chance to

20 look at that page?

21 A. Yes.

22 Q. Does it refresh your recollection about what

23 you said under oath in that deposition?

24 A. Yes.

25 Q. And on that issue, what did you say?

26 A. "No."

27 Q. You said you had never seen Wade Robeson at

28 the ranch without one of his parents, right? 5415

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1 A. Correct.

2 Q. You were asked if you had ever seen Brett
3 Barnes' clothes in Mr. Jackson's bedroom, right?

4 A. If it's there. Like I said, I have not gone
5 over that.

6 Q. And your response was sometimes his mother
7 would give you his clothes to wash, right?

8 A. Yeah, probably.

9 Q. Is that what you remember saying?

10 A. Like I said, I have not gone over that in
11 probably ten years.

12 Q. Would it refresh your recollection to just
13 take a look at that page?

14 A. Sure.

15 MR. MESEREAU: May I approach, Your Honor?

16 THE COURT: Yes.

17 Q. BY MR. MESEREAU: Have you had a chance to
18 look at that page?

19 A. Yes, I did.

20 Q. Does it refresh your recollection about what
21 you said?

22 A. Yes.

23 Q. And you said that his mother would give you
24 his clothes, correct?

25 A. Correct.

26 Q. You didn't see his clothes in Mr. Jackson's
27 bedroom, right?

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1 Q. Excuse me, at that point in time, you said
2 you didn't see his clothes in Mr. Jackson's bedroom,
3 his mother would give you his clothes, correct?

4 A. Correct.

5 Q. You also said you'd never seen any of the
6 Culkin boys' clothes in Mr. Jackson's bedroom,
7 right?

8 A. If it's there, that's probably what I said
9 at that time.

10 Q. Let me just go back a little bit. You said
11 that you saw Macaulay Culkin and his brother at
12 Neverland, right?

13 A. I probably did.

14 Q. Would it refresh your recollection to look
15 at that page?

16 A. Sure.

17 MR. MESEREAU: Okay. May I approach?

18 THE COURT: Yes.

19 THE WITNESS: Okay. Okay.

20 Q. BY MR. MESEREAU: Have you had a chance to
21 look at that page?

22 A. Yes, I did.

23 Q. Does it refresh your recollection about what
24 you said on that topic?

25 A. Yes.

26 Q. You said that you had never seen the Culkin
27 boys' clothes in Mr. Jackson's bedroom, right?

28 A. Yes. 5417

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1 Q. You also told Mr. Feldman that you had never
2 come to Mr. Jackson's room in the morning and seen
3 anything that indicated somebody may have slept on
4 his floor, right?

5 A. I don't recall. Sorry.

6 Q. Would it refresh your recollection to look
7 at that page?

8 A. Sure.

9 MR. MESEREAU: May I, Your Honor?

10 THE COURT: Yes.

11 THE WITNESS: Okay.

12 MR. MESEREAU: Thank you.

13 THE WITNESS: Uh-huh.

14 MR. MESEREAU: Have you had a chance to look
15 at that?

16 A. Yes.

17 Q. Does that refresh your recollection about
18 what you said?

19 A. Yes.

20 Q. And what did you say?

21 A. "No."

22 Q. Do you remember testifying that Mr. Jackson
23 had never given you money?

24 A. I don't recall that. I don't --

25 Q. Did Mr. Jackson give you money from time to
26 time?

27 A. No. There was just one time.

28 Q. Okay. And that was when you told the jury 5418

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1 that you got 300 bucks to lie in a deposition?

2 A. That --

3 MR. ZONEN: Objection; misstates the

4 testimony of the witness.

5 MR. MESEREAU: Let me rephrase that.

6 Q. Did you tell the jury that Mr. Jackson gave

7 you \$300 to lie in a deposition?

8 MR. ZONEN: Objection; misstatement of

9 evidence.

10 THE COURT: Overruled.

11 You may answer.

12 THE WITNESS: What I said was the \$300 was

13 given to me after Mr. Jackson had read the

14 transcripts of Jordie Chandler.

15 Q. BY MR. MESEREAU: Okay. And you interpreted

16 that as a token of his appreciation?

17 A. Yes, for covering up for him.

18 Q. Okay. 300 bucks?

19 A. Yes.

20 Q. Okay. Do you remember being asked if you'd

21 ever seen a woman in Mr. Jackson's bedroom?

22 A. I can't recall that.

23 Q. You said you had seen June Chandler in his

24 bedroom, right?

25 A. I believe to bring in Jordie's clothes.

26 Q. Well, let me just go step by step. You

27 testified under oath in the deposition that you had

28 seen June Chandler in Mr. Jackson's bedroom, right? 5419

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1 A. To bring in his clothes, yes.

2 Q. You said you had never seen Mr. Jackson and
3 June Chandler in any romantic relationship, right?

4 A. Correct.

5 Q. You weren't aware of her sleeping with Mr.
6 Jackson, right?

7 A. No.

8 Q. But you saw her in his room?

9 A. To bring in the clothes, yes.

10 Q. Well, you didn't say "to bring in the
11 clothes" in the deposition, right?

12 A. I don't know what's in the deposition.

13 Q. Would it refresh your recollection to look
14 at that page?

15 A. Sure.

16 MR. ZONEN: I'll object as irrelevant and
17 hearsay.

18 MR. MESEREAU: I think the prosecution
19 raised the issue of what was happening in that
20 bedroom.

21 THE COURT: I'll allow you to refresh her
22 recollection.

23 MR. MESEREAU: May I approach, Your Honor?

24 THE COURT: Yes.

25 THE WITNESS: Okay.

26 Q. BY MR. MESEREAU: Have you had a chance to
27 look at that page of your deposition?

28 A. Yes, I did. 5420

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1 Q. Does it refresh your recollection about what
2 you said about June Chandler being in Mr. Jackson's
3 room?

4 A. Yes.

5 Q. You said you had seen June Chandler in his
6 room, right?

7 A. Yes.

8 Q. You didn't explain it in terms of her coming
9 there for clothes, or with clothes, right?

10 A. I guess not, no.

11 Q. You testified that you had seen Jordie
12 Chandler and Michael Jackson together outside on a
13 Jet Ski in the water, right?

14 A. I probably did.

15 Q. Do you remember that?

16 A. Slightly.

17 Q. You indicated you had seen Mr. Jackson in
18 water balloon fights and squirt gun fights, right?

19 A. I believe so.

20 Q. And you saw that once in a while, didn't
21 you, while you worked there?

22 A. Yes.

23 Q. He would do that with kids all the time,
24 wouldn't he?

25 A. Yeah, sometimes.

26 Q. Was it your impression that Mr. Jackson
27 liked water balloon fights?

28 MR. ZONEN: I'll object as speculative. 5421

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1 THE COURT: Sustained.

2 Q. BY MR. MESEREAU: You said you had never
3 seen Mr. Jackson hold hands with anyone at the
4 ranch, right?

5 A. I don't recall that.

6 Q. Could I refresh your recollection --

7 A. Sure.

8 Q. -- by showing you the page?

9 A. Sure.

10 MR. MESEREAU: May I, Your Honor?

11 THE COURT: Yes.

12 THE WITNESS: Okay.

13 Q. BY MR. MESEREAU: Have you had a chance to
14 look at that page?

15 A. Yes, I did.

16 Q. Does it refresh your recollection about what
17 you said?

18 A. Yes.

19 Q. You said you'd never seen Michael Jackson
20 hold hands with anybody at the ranch, right?

21 A. Correct.

22 Q. Okay. Now, there was approximately a
23 one-year period between this deposition and the
24 actual filing of your lawsuit against Mr. Jackson,
25 right?

26 A. Are you talking about Jordie Chandler?

27 Q. Well, approximately a one-year period

28 between your deposition in the Chandler case and the 5422

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1 filing of your lawsuit, correct?

2 A. I believe so.

3 Q. Now, the Chandler deposition was in

4 December, and the next December you filed your

5 lawsuit, right?

6 A. I know the Chandler one was probably

7 December 7th of -- oh, gosh, I don't know if it was

8 '93 or '94. I don't -- I'm not -- I don't know the

9 dates.

10 Q. Okay. We talked about a little earlier that

11 December 7th, 1993, is the deposition in the

12 Chandler case.

13 A. Okay.

14 Q. And your lawsuit is December 2nd, 1994?

15 A. Okay.

16 Q. Okay?

17 A. Yes.

18 Q. Now, how long after the Feldman deposition

19 in the Chandler case did you go a lawyer to talk

20 about suing?

21 A. I don't know how long after it was. I

22 just -- I know I left Neverland in the end of July

23 of '94. It might have been -- I don't even want to

24 guess because I'm not real -- I'm not sure.

25 Q. You must have had a lot of meetings with Mr.

26 Ring before you actually finalized the lawsuit,

27 right?

28 A. I believe so. 5423

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1 Q. And do you know roughly when that started?

2 A. You know, in my head, I don't know why I
3 keep thinking 1995, but I don't know.

4 Q. For how many months do you think you and
5 Ralph Chacon and Kassim Abdool met with Mr. Ring
6 before the action was filed?

7 A. I really can't answer that, because I really
8 don't know.

9 Q. Approximately when did you stop working at
10 Neverland?

11 A. The exact date -- my last day, I believe,
12 was July the 31st of '94.

13 Q. Do you recall participating in an Inside
14 Edition show?

15 A. I believe so.

16 Q. And when did you participate in a show about
17 Mr. Jackson for Inside Edition?

18 A. I believe that had to do when we contacted
19 Gary Morgan. That was all around the same time, so
20 our lawsuit had already been going on.

21 Q. Do you remember meeting with representatives
22 of Inside Edition?

23 A. I remember -- I remember those -- the people
24 from Inside Edition showing up at our attorney's
25 office, so I guess, yeah.

26 Q. Did you meet with them with your lawyer?

27 A. Yes.

28 Q. And was Ralph Chacon in that meeting? 5424

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1 A. You know what, I really can't recall.

2 Q. Was Kassim Abdool in that meeting?

3 A. I don't want to say yes, because I can't
4 recall.

5 Q. But the subject was Mr. Jackson, right?

6 A. Yes, it was.

7 Q. Do you remember trying to sell information
8 about Mr. Jackson's relationship with Ms. Presley?

9 A. There could have been something of that.

10 Possibly, yes.

11 Q. You say, "Possibly, yes"?

12 A. Yeah.

13 Q. Well, I mean, you were actually trying to
14 get money from tabloids in return for your giving
15 them personal information about Mr. Jackson's
16 relationship with Miss Presley, right?

17 A. We were trying to get money to help with our
18 lawsuit to fight Mr. Jackson.

19 Q. Do you recall ever going to anyone in the
20 media and telling them you had inside information on
21 Mr. Jackson's relationship with Miss Presley?

22 A. I don't recall that.

23 Q. Okay. Do you recall ever giving information
24 to anyone in the media involving Miss Presley and
25 Mr. Jackson?

26 A. I believe we probably did with Gary Morgan.

27 Q. And he was your media broker, wasn't he?

28 A. I believe so. 5425

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1 Q. He was the one that you were using and Ralph
2 Chacon was using to find media outlets to sell
3 information to, right?

4 A. I believe so.

5 Q. Okay. And you met him through Attorney
6 Ring; is that correct?

7 A. Yes.

8 Q. Okay. Did you ever see any tabloids that
9 quoted you about Mr. Jackson?

10 A. I -- I could have.

11 Q. You're not sure?

12 A. I'm not real, real sure.

13 Q. Did you ever see any tabloids that quoted
14 you about Mr. Jackson's relationship with Miss
15 Presley?

16 A. I could have. It's been a long time. I
17 kind of can't remember.

18 Q. Do you remember Star magazine asking you to
19 sign a contract whereby you would give them
20 information about Mr. Jackson and his relationship
21 with his wife, Lisa Marie Presley?

22 A. I remember something to do with Gary Morgan
23 and something with Star, but I don't remember
24 everything that was discussed with that.

25 Q. Might it refresh your recollection if I just
26 show you that document?

27 A. Sure.

28 MR. MESEREAU: May I, Your Honor? 5426

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1 THE COURT: Yes.

2 THE WITNESS: Okay.

3 Q. BY MR. MESEREAU: Have you had a chance to
4 look at that document?

5 A. Yes.

6 Q. Does it appear to be a contract with Star
7 magazine?

8 A. Yes.

9 Q. And you signed that, correct?

10 A. Yes.

11 Q. Okay. And among other things, you agreed to
12 provide information about Mr. Jackson's relationship
13 with Lisa Marie Presley, right?

14 A. I believe so.

15 Q. And Ralph Chacon signed that, did he not?

16 A. I believe so.

17 Q. Now, you've heard the name Splash, correct?

18 A. Correct.

19 Q. And who was Splash?

20 A. I really -- all I know about Splash is that
21 it was linked up with Gary Morgan, so I don't know a
22 lot of this tabloid stuff. I don't know.

23 Q. Well, Splash was an agency, was it not, that
24 was retained by you to find media sources, right?

25 A. If it was retained, it would have been with
26 Michael Ring, my attorney.

27 Q. Okay. You signed an agreement with Splash

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28 News and Picture Agency, right? 5427

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1 A. I believe so.

2 Q. And was your involvement with Splash always
3 through Mr. Ring?

4 A. Yes.

5 Q. Did you ever deal with Splash directly?

6 A. No, I did not.

7 Q. How long were you working with Splash?

8 A. I have no idea. I don't know the dates.

9 Q. At some point -- at some point did your
10 relationship with Splash end?

11 A. I'm sure it did.

12 Q. Okay. Do you know approximately when?

13 A. No, I do not.

14 Q. Were you giving information to any tabloids
15 or media sources during your trial?

16 A. Only through Splash.

17 Q. And that went on during the trial, right?

18 A. Probably sometime during the trial, yes.

19 Q. Do you recall trying to sell what you called
20 "Mr. Jackson's sex secrets"? Do you remember that?

21 A. I know something was written about that, but
22 I know sometimes tabloids write other stuff that
23 they like to put in, so I don't know.

24 Q. You were quoted in an issue of Star magazine
25 titled "Five of His Closest Servants Tell All.
26 Kinky Sex Secrets of Michael and Lisa Marie's
27 Bedroom," right?

28 A. I don't believe I said that. 5428

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1 Q. Have you seen that article before?

2 A. I did during my deposition.

3 Q. Was that the first time you'd ever seen this
4 article?

5 A. Yes.

6 Q. You are quoted in the article, correct?

7 A. I don't know. I could be. I don't know.

8 Q. Would it refresh your recollection if I just
9 show you --

10 A. Sure, you can.

11 MR. MESEREAU: May I, Your Honor?

12 THE COURT: Yes.

13 THE WITNESS: Kind of hard to see that.

14 Okay.

15 Q. BY MR. MESEREAU: Have you had a chance to
16 look at that article?

17 A. Yes.

18 Q. Does it refresh your recollection about you
19 being quoted in that article?

20 A. Yes.

21 Q. You were going to tabloids and saying that
22 you were the only person with a key to Mr. Jackson's
23 bedroom and you had information to sell, right?

24 A. Um, as I've said, I know we did interview --
25 the interview with Gary Morgan. But a lot of the
26 times with those tabloids, those tabloids write
27 other stuff and put it in there, and it makes it

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28 look like I said it, when I didn't say it. So I 5429

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1 don't know how to answer that.

2 Q. Well, did he have authorization from you to
3 quote you with various tabloids?

4 A. You know what, that's where I don't know.

5 He was dealing with Michael Ring, so I really don't
6 know. I kind of got stuck in the middle.

7 Q. Well, at some point you must have known that
8 your quotes were appearing in tabloids regarding Mr.
9 Jackson, true?

10 MR. ZONEN: Assumes facts not in evidence
11 that there were quotes.

12 THE COURT: Sustained.

13 Q. BY MR. MESEREAU: During the time you were
14 represented by Attorney Ring, did you learn from
15 time to time that your name and various quotes about
16 Mr. Jackson were appearing in the media?

17 A. Just through the Gary Morgan deal. That's
18 all I recall.

19 Q. What I'm trying to find out is this: Did
20 you sort of leave it to other people to sort of
21 quote you when they wanted in the media?

22 A. Actually, sometimes you have no control over
23 what people quote you in the media.

24 Q. But you're not saying you had nothing to do
25 with these quotes, are you?

26 A. I can't answer that, because I don't know
27 what was quoted.

28 Q. Okay. You never learned? 5430

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1 A. No. Huh-uh.

2 Q. During your trial with Mr. Jackson, were you
3 speaking to various newscasters?

4 A. Only Gary Morgan is all that I recall, and
5 when we met with Victor Gutierrez, and that was it.

6 Q. Would he arrange meetings for you?

7 A. Victor Gutierrez?

8 Q. No, Mr. Morgan.

9 A. I believe he might have, through Mr. Ring.

10 Q. Was it -- let me rephrase that.

11 Was it typical during your relationship with
12 Mr. Morgan that he would fax a story to you to have
13 you review it, and ask you to see if you wanted any
14 changes, and then you would fax it back?

15 A. What I recall is viewing one -- I don't know
16 what you call it, I don't know if it was a
17 transcript, and that's the only thing I remember
18 seeing.

19 Q. Did the group used to meet with Mr. Morgan?

20 A. The only time we all met was with Mr. Ring
21 at his office.

22 Q. And you had a number of meetings with Mr.
23 Ring, Mr. Morgan, and the group that was suing
24 Michael Jackson, true?

25 A. Maybe two meetings that I can recall.

26 Q. And Ralph Chacon was at those meetings,
27 right?

28 A. He might have been at one. I don't know if 5431

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1 he was at all of them.

2 Q. When did you last talk to Ralph Chacon?

3 A. It's been a while. I don't know, maybe -- I
4 really can't -- it's been a while.

5 Q. When did you last talk to Kassim Abdool?

6 A. Actually, the last time I spoke with Kassim
7 was during our verdict, when we lost, and I have not
8 seen him since.

9 Q. How about Melanie Bagnall?

10 A. I see her off and on.

11 Q. Do you recall your being quoted in any
12 Australian newspapers about Mr. Jackson's private
13 life?

14 A. No.

15 Q. Was it your understanding that Mr. Morgan
16 was going to try and use your quotes in foreign
17 newspapers about Mr. Jackson?

18 A. I have no idea.

19 Q. How many television shows do you think you
20 appeared on where you purported to give private
21 information about Michael Jackson?

22 A. The only thing that I can recall that I
23 appeared on was maybe with Inside -- I think it was
24 Inside Edition. There wasn't an interview with me,
25 but I think they captured me walking, maybe, with --
26 I don't know if it was Kassim.

27 Q. Do you recall meeting with any

28 representative of the media while you worked at 5432

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1 Neverland?

2 A. No.

3 Q. And you're telling the jury that you never
4 had any discussion with any employee while you
5 worked at Neverland about what you could make by
6 selling a story?

7 A. The only thing I recall when I worked at
8 Neverland was one of the maids, Francine Orosco, had
9 contacted the media. I don't know if it was -- it
10 was one of the tabloids and they had offered her
11 \$2,000, and she was going to come out and talk, but
12 they wanted her picture. And she was considering
13 doing that. That's the only thing I ever remember
14 with that.

15 Q. Finally, when did you last talk to anyone
16 representing any media outlet about Mr. Jackson?

17 A. I have not interviewed with anybody about
18 Mr. Jackson.

19 Q. I don't mean an interview. I mean when have
20 you last spoken with anyone who purported to
21 represent the media?

22 A. I haven't really been talking to anybody
23 about anything in the -- with the media.

24 Q. Has anyone called you from the media?

25 A. I did get a call from somebody from London
26 at my job, and they wanted to interview, and I told
27 them no.

28 Q. When was that? 5433

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1 A. Maybe about -- within the last week.

2 Q. And you didn't interview because there is a
3 court order in this case that you're not allowed to
4 do that if you're a witness, right?

5 A. That's correct.

6 Q. Did you agree with them that on a future
7 date you may speak to them?

8 A. I told them that I was not interested in
9 doing any interviews, that I was under a gag order.

10 MR. MESEREAU: No further questions at this
11 time.

12 THE COURT: Redirect?

13

14 REDIRECT EXAMINATION

15 BY MR. ZONEN:

16 Q. Mr. Mesereau asked you some questions about
17 an article that was in a tabloid that quotes you as
18 saying that you have all kinds of information about
19 kinky sex secrets between Michael Jackson and Lisa
20 Marie Presley. He showed you that article and asked
21 you if it refreshed your recollection as to whether
22 there was, in fact, such an article, and you said
23 yes, it refreshed your recollection as to that
24 article.

25 About the quotations in the article, are
26 they accurate?

27 A. No, they are not.

28 Q. Did you ever give information about kinky 5434

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1 sex secrets between Michael Jackson and Lisa Marie
2 Presley to any publication, any media, or any
3 reporter?

4 A. No, never.

5 Q. Do you, in fact, have information of kinky
6 sex secrets between Michael Jackson and Lisa Marie
7 Presley?

8 A. No, I do not.

9 Q. Have you ever seen Michael Jackson with Lisa
10 Marie Presley?

11 A. How do you mean, "seen"?

12 Q. Was she at the ranch during the period of
13 time that you were there?

14 A. Yes, she was.

15 Q. Were they married during that time?

16 A. No.

17 Q. Were they visiting one another?

18 A. I believe so.

19 Q. Do you have any information at all that Lisa
20 Marie Presley ever stayed with Michael Jackson in
21 his room?

22 A. No.

23 Q. Did you ever see any woman stay with Michael
24 Jackson in his room in the four years you worked for
25 him?

26 A. No, I did not.

27 Q. You stated in the deposition that you had

28 never seen Michael Jackson hold hands with anyone. 5435

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1 Is that a correct statement?

2 A. No.

3 Q. Have you seen him holding hands with people?

4 A. Yes.

5 Q. Who?

6 A. Brett Barnes. The children that were at the
7 ranch.

8 Q. You told Mr. Feldman during the deposition
9 that you had never come into Mr. Jackson's room and
10 seen evidence that somebody had slept on the floor.

11 Was that, in fact, a correct statement?

12 A. That's correct.

13 Q. In fact, during the time that you had worked
14 there, you had never seen any evidence that someone
15 had slept on the floor?

16 A. Correct.

17 Q. You told Mr. Mesereau about June Chandler
18 unpacking clothing in Mr. Jackson's bedroom. Did
19 that, in fact, happen?

20 A. Yes, it did.

21 Q. Explain that to us, please.

22 A. June Chandler had gone into Mr. Jackson's
23 room and brought in suitcases of Jordie Chandler's
24 clothes, since he was staying with Mr. Jackson in
25 his bedroom.

26 Q. I guess that begs the question, Miss
27 Chandler obviously knew that her son was sleeping in

28 that room, correct? 5436

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1 A. Yes.

2 MR. MESEREAU: Objection; calls for

3 speculation.

4 THE COURT: Argumentative; sustained.

5 Q. BY MR. ZONEN: Did she do this on more than

6 one occasion?

7 A. I believe so.

8 Q. Was there a dresser or a drawer set up for

9 Jordie's clothing?

10 A. No. The clothes would just get put anywhere

11 in the room.

12 Q. Were there any -- was there any occasion

13 that you saw June Chandler in Michael Jackson's room

14 when she was not attending to her child's clothing?

15 A. Not that I can recall.

16 Q. You testified in the deposition that you had

17 not seen Wade Robeson on the property without a

18 parent. Was that a correct statement?

19 A. I'm sorry, you lost me.

20 Q. Had you ever seen Wade Robeson at Neverland

21 without a parent?

22 A. No.

23 Q. Who was the parent that was always there?

24 A. His mother.

25 Q. And you never met the father?

26 A. No.

27 Q. Your initial conversations with the

28 sheriff's office, were they at a time that you were 5437

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1 still employed at Neverland Ranch?

2 A. Yes.

3 Q. You testified in the deposition that Brett
4 Barnes' mother would bring you his clothes to wash.

5 Was that, in fact, true?

6 A. At times that was true.

7 Q. Was that always the manner in which you
8 washed his clothes?

9 A. No.

10 Q. In what other ways would you be washing his
11 clothes?

12 A. If they were left in Mr. Jackson's room, I
13 would take them and wash them along with Mr.
14 Jackson's clothes.

15 Q. You have testified in the Chandler
16 deposition that you never saw Jordie and Michael
17 Jackson in his bedroom together. Was that a correct
18 statement?

19 A. No, it was not.

20 Q. Had you seen the two of them together in the
21 bedroom?

22 A. Yes.

23 Q. On more than one occasion?

24 A. Yes.

25 Q. Had you ever seen them in bed together?

26 A. Not in bed, no.

27 Q. You testified that you never saw Brett

28 Barnes sleep in the bedroom with Michael Jackson. 5438

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1 You testified to that in the deposition, the
2 Chandler deposition. Was that a correct statement?

3 A. No, it was not.

4 Q. Had you, in fact, seen Brett Barnes sleep in
5 a bedroom with Michael Jackson?

6 A. He was staying with Mr. Jackson.

7 Q. Did you ever actually see either Michael
8 Jackson or Brett Barnes in bed in Michael Jackson's
9 room?

10 A. One morning I might have seen them in bed,
11 yes.

12 Q. Do you have a recollection of that?

13 A. Yes.

14 Q. What did you see?

15 A. I brought breakfast and they were sitting in
16 the bed.

17 Q. Both of them together?

18 A. Yes.

19 Q. Do you recall how they were dressed?

20 A. I don't recall.

21 Q. Were they in the bed, under the covers,
22 or --

23 A. Yes.

24 Q. They were in the bed under the covers?

25 A. Yes.

26 Q. You testified that you never saw Jordie
27 Chandler either get ready for bed or get up in the

28 morning. Were either of those statements true? 5439

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1 A. Yes.

2 Q. Both of them?

3 A. Yes.

4 Q. You testified that you never saw a chimp in
5 his bedroom. Was that statement true?

6 A. No.

7 Q. In fact, you'd been bitten by a chimp in his
8 bedroom; is that true?

9 A. Yes.

10 Q. Did you used to clean up after the monkeys?

11 A. Yes.

12 Q. Did you ever have to change their diapers?

13 MR. MESEREAU: Objection; leading.

14 THE COURT: Overruled.

15 You may answer.

16 THE WITNESS: Yes, I did.

17 Q. BY MR. ZONEN: Did you ever have to clean up
18 monkey droppings on the floors?

19 A. Not on the floor. Just on the walls.

20 Q. On the walls?

21 A. Sometimes monkeys get wild.

22 Q. You actually have to clean up their --

23 A. Yes.

24 Q. -- mess on the walls?

25 A. Yes.

26 Q. You testified that you had never seen Jordie
27 and Michael Jackson in the Jacuzzi. Is that a

28 correct statement? 5440

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1 A. Yes.

2 Q. You had testified yesterday that you had
3 testified in the Chandler lawsuit that you had no
4 problems leaving your son with Michael Jackson. Was
5 that true?

6 A. No.

7 Q. Were you, in fact, concerned about your son
8 and Michael Jackson?

9 A. Yes, I was.

10 Q. Did you ever see Michael Jackson with your
11 son behave in a way that concerned you?

12 A. Yes.

13 Q. What did he do?

14 A. Mr. Jackson would rub his fingers through my
15 son's hair.

16 Q. Did that concern you at the time?

17 A. A little bit, yeah. I was a little upset.

18 MR. ZONEN: I have no further questions.

19 MR. MESEREAU: Very briefly.

20

21 RE-CROSS-EXAMINATION

22 BY MR. MESEREAU:

23 Q. You tried to sell a story to a tabloid about
24 Mr. Jackson putting his fingers through your son's
25 hair, didn't you?

26 A. No, I did not.

27 Q. You tried to sell stories to tabloids about

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28 your son's experiences at Neverland, correct? 5441

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1 A. No, I did not.

2 Q. Do you recall Mr. Jackson living at Lisa

3 Marie Presley's home during the week, and Lisa Marie

4 Presley visiting on weekends during the time that

5 you worked at Neverland?

6 A. No.

7 Q. You saw her there?

8 A. Yes, I did.

9 Q. Okay. Did you ever see Brooke Shields there

10 before Lisa Marie Presley?

11 A. Yes, I -- I saw Brooke Shields, but I don't

12 know if it was before.

13 MR. MESEREAU: No further questions.

14

15 FURTHER REDIRECT EXAMINATION

16 BY MR. ZONEN:

17 Q. Where did Brooke Shields stay when she

18 stayed at Neverland Ranch?

19 A. In a guest unit.

20 MR. ZONEN: No further questions.

21 MR. MESEREAU: No further questions.

22 THE COURT: All right. Thank you. You may

23 step down.

24 THE WITNESS: Thank you.

25 THE COURT: Call your next witness.

26 MR. MESEREAU: Witness be subject to

27 re-call, Your Honor?

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1 MR. AUCHINCLOSS: Phillip LeMarque would be
2 our next witness, Your Honor.

3 THE COURT: Remain standing. Raise your
4 right hand. Face the clerk here.

5

6 PHILLIP LeMARQUE

7 Having been sworn, testified as follows:

8

9 THE WITNESS: I do.

10 THE CLERK: Please be seated. State and
11 spell your name for the record.

12 THE WITNESS: My name is Phillip LeMarque.

13 P-h-i-l-l-i-p; LeMarque, L-e-M-a-r-q-u-e.

14 MR. MESEREAU: Excuse me, Your Honor.

15 I think we have that issue that was raised.

16 THE COURT: That doesn't come up until your
17 exam.

18 MR. MESEREAU: Okay.

19 THE COURT: Go ahead.

20 MR. AUCHINCLOSS: All right.

21

22 DIRECT EXAMINATION

23 BY MR. AUCHINCLOSS:

24 Q. Good morning, Mr. LeMarque. Where did you
25 work in 1991?

26 A. At the Neverland Valley.

27 Q. And who was your employer?

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1 Q. Is he the man seated to my right?

2 A. Yes.

3 Q. How long did you work at Neverland?

4 A. Oh, somewhere around ten months or more.

5 Somewhere like that.

6 Q. And what did you do at Neverland?

7 A. Was in charge of the food. Majordomo of the

8 food. And my wife was the cook.

9 Q. All right. What do you mean by "majordomo

10 of the food"?

11 A. Well, in charge of serving the food and

12 preparing and organizing for the guests and so

13 forth.

14 Q. And you said your wife also worked there at

15 the same time?

16 A. That's correct.

17 Q. Where did you live while you were living --

18 or while you were working at Neverland?

19 A. We were living at the ranch.

20 Q. Whereabouts at the ranch?

21 A. It was a house which is maybe -- was by the

22 zoo.

23 Q. Were you involved in serving the food as

24 well as preparing it?

25 A. Yes.

26 Q. And you said you left your employment there

27 after about ten months?

28 A. Yes, somewhere around ten months. 5444

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1 Q. Why did you leave Neverland? Why did you
2 leave the employment there?

3 A. There was an issue happening with Norma
4 Stakos, who was Michael's private secretary.

5 THE COURT: All right. We're going to take a
6 break.

7 MR. AUCHINCLOSS: All right. We have a
8 morning break.

9 (Recess taken.)

10 --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 5398 through 5445

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 April 8, 2005, and thereafter

20 reduced to typewriting by computer-aided

21 transcription under my direction.

22 DATED: Santa Maria, California,

23 April 8, 2005.

24

25

26

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

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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.)

13

14

15

16

17 REPORTER'S TRANSCRIPT OF PROCEEDINGS

18

19 FRIDAY, APRIL 8, 2005

20

21 8:30 A.M.

22

23 (PAGES 5447 THROUGH 5515)

24

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26

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

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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. Nicola is listed as "N" on index. Mr. Mesereau is listed as "M" on
index.

6 Ms. Yu is listed as "Y" on index. Mr. Sanger is listed as "SA" on
index.

7 Mr. Oxman is listed as "O" on index.

8

9 PLAINTIFF'S

10 WITNESSES DIRECT CROSS REDIRECT RECROSS

11 LeMARQUE, Phillip 5470-M 5493-A 5495-M

12 5498-A 5499-M

13 (Further) (Further)

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28 5449

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1 E X H I B I T S

2 FOR IN

3 PLAINTIFF'S NO. DESCRIPTION I.D. EVID.

4 800 Photograph of arcade 5459 5460

5 801 Photograph of arcade 5460 5460

6 802 Handwritten Statement by

7 Phillip LeMarque 5495 5495

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1 (The following proceedings were held in
2 open court outside the presence and hearing of the
3 jury:)

4

5 THE COURT: Counsel? Did you wish to address
6 me?

7 MR. MESEREAU: Yeah, Your Honor. I believe
8 the prosecutor filed a memorandum this morning
9 regarding impeachment of this witness.

10 THE BAILIFF: No one can hear you.

11 MR. MESEREAU: Oh, I'm sorry.

12 Your Honor, the prosecutor filed a pleading
13 this morning regarding impeachment of this
14 particular witness.

15 THE COURT: Yes.

16 MR. MESEREAU: And he has, as I understand
17 it, requested that the defense not mention the fact
18 that this witness has been in the --

19 MR. AUCHINCLOSS: I'll ask --

20 MR. MESEREAU: -- the pornographic website
21 business.

22 MR. AUCHINCLOSS: May I object, and just ask
23 that the Court -- the Court is aware of the issues.
24 I don't think it's necessary to publish them.

25 THE COURT: That's true. He did -- not in
26 the terms you just stated.

27 For once you want to use "pornographic" when

28 no one else wants to. It was the other way around 5451

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1 recently.

2 But what -- your point being?

3 MR. MESEREAU: Your Honor, we can prove that
4 this witness tried to use tabloid stories about Mr.
5 Jackson --

6 THE COURT: What's your argument against his
7 position? I understand what you can prove. I think
8 his position is well-taken. What's your argument?

9 MR. MESEREAU: My argument is that what we
10 would like to show, Your Honor, is that he tried to
11 use information allegedly about Mr. Jackson to get
12 into this business.

13 THE COURT: All right. I'll sustain his
14 objection. You cannot impeach him based on the work
15 he did on that --

16 MR. MESEREAU: Website?

17 THE COURT: -- website after these incidents.

18 All right. Bring in the jury.

19

20 (The following proceedings were held in
21 open court in the presence and hearing of the
22 jury:)

23

24 THE COURT: Go ahead, Counsel.

25 MR. AUCHINCLOSS: Thank you, Your Honor.

26 Q. Mr. LeMarque, where we left off, we were
27 talking about the reasons that you left your

28 employment at Neverland. 5452

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1 A. The reason, there was some problem with

2 Norma Stakos, who was Michael's secretary.

3 Q. What was that problem?

4 A. She wanted to have my wife to sign an

5 affidavit stating that Bianca had been involved into

6 looking into purses of other maids. And since my

7 wife didn't see it, she didn't want to sign it.

8 Q. When you say Bianca was her name, do you

9 know what her last name was?

10 A. No, I forgot.

11 Q. Did she have a different first name; do you

12 know?

13 A. Not that I remember.

14 Q. Okay. And what was this woman Bianca's --

15 what was her job at Neverland?

16 A. She was the private maid for Michael. She

17 was the only one who could enter his room.

18 Q. So the affidavit that your wife was asked to

19 sign was a false affidavit?

20 A. Well, it was false as far as my wife was

21 concerned, because she never saw Bianca looking into

22 any purses so --

23 Q. Did she believe that Bianca looked into any

24 purses?

25 A. No, of course she didn't believe it.

26 Q. Okay. And how much time transpired between

27 the time that your wife was asked to sign this false

28 affidavit and the time that you were asked to leave 5453

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1 Neverland?

2 A. We were -- we were not asked, really, to
3 leave, but we had a conference with Norma a few days
4 later, maybe three or four days, and Norma said I
5 guess --

6 MR. MESEREAU: Objection; hearsay, Your
7 Honor.

8 THE COURT: Sustained.

9 MR. AUCHINCLOSS: Offered to explain conduct
10 only.

11 THE COURT: The question was how much time
12 transpired between the signing of the affidavit, so
13 it's not responsive to the question.

14 MR. AUCHINCLOSS: That's fine.

15 Q. So let's go back to that first question.

16 How much time between the time that you --
17 that your wife was asked to sign the false affidavit
18 and the time that you actually left your employment
19 at Neverland?

20 A. I would say four or five days.

21 Q. Okay.

22 A. Maybe a week. I don't know.

23 Q. And were you terminated from your
24 employment?

25 A. No, we came into --

26 Q. That's just a "yes" or "no" question.

27 A. Yes.

28 Q. You were terminated? 5454

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1 A. (Nods head up and down.)

2 Q. Okay.

3 A. No. Yes and no.

4 Q. Yes and no. Okay. That's fine.

5 A. Common agreement.

6 Q. Why do you say, "Yes and no"?

7 A. Because it was a common agreement that we
8 decided, since we didn't want to sign the affidavit,
9 that was not a place for us to work.

10 Q. Okay. While you were at Neverland during
11 that ten-month period, did you observe Mr. Jackson
12 to have child visitors?

13 A. Yes.

14 Q. Would these children spend the night at
15 Neverland?

16 A. Some of them, yes.

17 Q. Would any of them come with families?

18 A. Yes.

19 Q. Would any of them come by themselves?

20 A. I think on one occasion I saw.

21 Q. Did you notice whether or not Mr. Jackson
22 would spend time equally with all the child visitors
23 at Neverland?

24 A. No.

25 MR. MESEREAU: Objection; vague.

26 THE COURT: Sustained.

27 Q. BY MR. AUCHINCLOSS: Did Mr. Jackson show

28 any special preference towards the children that 5455

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1 visited him at Neverland?

2 A. Yes.

3 MR. MESEREAU: Objection; leading.

4 THE COURT: Overruled.

5 Q. BY MR. AUCHINCLOSS: You may answer.

6 A. Yes.

7 Q. And was there anything in common that -- the

8 children that Mr. Jackson showed preference to, was

9 there anything in common that these children shared?

10 A. Yes.

11 Q. What was that?

12 A. Little boys around 10, 11 years old.

13 Q. How would Mr. Jackson show preference to

14 these 10- or 11-year-old boys?

15 A. He would spend most of his time with them.

16 Q. Would he ever buy them gifts?

17 A. Yes.

18 Q. Did he buy them more gifts than the other

19 children?

20 A. Yes.

21 MR. MESEREAU: I'm going to object. No

22 foundation; move to strike.

23 MR. AUCHINCLOSS: I can ask some additional

24 questions on that.

25 THE COURT: On the question that he objected

26 on, did he buy them more than any other children,

27 I'll sustain the foundation.

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28 MR. AUCHINCLOSS: Okay. 5456

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1 Q. Mr. LeMarque, were you ever asked by Mr.
2 Jackson to go out and buy toys as gifts for these
3 children?

4 A. Yes.

5 Q. On how many occasions?

6 A. I don't -- several times.

7 Q. Okay. And can you characterize the number
8 of gifts that you would buy, the number of toys?

9 A. I would go to Toys-R-Us and pick out toys
10 for boys of 10, 11 years old.

11 Q. Were you instructed to buy such toys?

12 A. No, but I figured that was what they were
13 for, so --

14 Q. And when you brought these toys to Mr.
15 Jackson, did you have any occasion to see him give
16 these toys as gifts to the children?

17 A. Well, usually they were put into an area or
18 a tabletop where the kids would come in, you know,
19 tear the papers off and pick up the toys.

20 Q. Did you see Mr. Jackson give more toys to
21 the boys than the other children?

22 A. Yeah, they were mainly toys for boys.

23 Q. Okay. When Mr. Jackson had these children
24 as guests at Neverland, what type of hours would
25 they keep, in terms of time that they were spending
26 together?

27 A. Sometimes all day, all night.

28 Q. Was it uncommon for him to stay up all night 5457

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1 with the children?

2 A. Yeah, it was very common.

3 Q. Where did the children sleep? And I'm
4 talking specifically about the 10- or 11-year-old
5 boys.

6 A. Mainly with Michael.

7 Q. Whereabouts?

8 A. I don't know, because we couldn't get
9 into his apartment, so --

10 Q. But somewhere in his private --

11 A. In his quarters, yeah.

12 Q. -- quarters?

13 MR. MESEREAU: Objection; leading.

14 THE COURT: Well, actually he didn't finish
15 the question. I'll strike the answer and have you
16 rephrase the question.

17 Q. BY MR. AUCHINCLOSS: My question was, you
18 said that mainly they would sleep with Michael, and
19 I was asking if that was in his private quarters.

20 A. Yes.

21 Q. During the time that you were employed at
22 Neverland, did you ever see Michael Jackson sleep
23 with anyone other than children?

24 A. No.

25 MR. AUCHINCLOSS: May I approach, Your
26 Honor?

27 THE COURT: Yes.

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28 Q. BY MR. AUCHINCLOSS: Mr. LeMarque, I show 5458

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1 you People's Exhibit No. 721. Can you identify that
2 for me, please?

3 A. Yes.

4 Q. Who is that in that photograph?

5 A. Macaulay Culkin.

6 Q. Did Macaulay Culkin visit Neverland while
7 you were working there?

8 A. Yes.

9 Q. Was he a guest of Mr. Jackson's?

10 A. Yes.

11 Q. Did he spend the night there?

12 A. Yes.

13 Q. I show you two photographs which I've
14 previously shown to counsel. The first one is
15 People's Exhibit 800. Can you identify that for me,
16 please?

17 A. Yes, this is the arcade.

18 Q. Okay. And is that a fair representation of
19 the floor plan of the arcade when you were working
20 there?

21 A. Yeah.

22 Q. Are there some differences in terms of the
23 items that are in this picture --

24 A. Yes.

25 Q. -- than the items that were in the arcade
26 back when you worked there?

27 A. Yes.

28 Q. What would that be? 5459

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1 A. Some of the artifacts here were not there.

2 And some of the games have been changed. I mean,

3 they were different, a little bit different.

4 Q. But the floor plan is essentially the same?

5 A. The floor plan is the same, yeah.

6 Q. I show you People's Exhibit 801. Same

7 question. Can you identify that for me?

8 A. That's the arcade also. Different angle.

9 Q. And same distinctions?

10 A. Yeah. Some of the artifacts have been

11 changed and so forth. The pool table was there.

12 And some of the toy -- the games are different.

13 MR. AUCHINCLOSS: Okay. Ask that People's

14 800 and 801 be admitted.

15 MR. MESEREAU: No objection.

16 THE COURT: Admitted.

17 Q. BY MR. AUCHINCLOSS: Mr. LeMarque, at some

18 time during your employment, did you see something

19 involving Mr. Jackson and one of these boys that

20 upset you?

21 A. Yes.

22 Q. Do you know the name of that boy?

23 A. Macaulay Culkin.

24 Q. And how long had you worked at Neverland

25 when this incident occurred?

26 A. Well, I'm not too sure there. I mean, six,

27 seven months maybe.

28 Q. Okay. Where did this incident occur? 5460

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1 A. In the arcade.

2 Q. What was the approximate time of it?

3 A. Three o'clock in the morning. 3:00 or 4:00

4 or something. 3:30, maybe.

5 Q. What was it that you brought you to the --

6 the arcade is the photos that I just showed you?

7 A. Yeah.

8 Q. What was it that brought you to the arcade

9 at approximately three o'clock in the morning?

10 A. Well, I was called by the security that

11 Michael wanted some french fries.

12 Q. Okay.

13 A. So --

14 Q. Were you asleep at the time?

15 A. Yeah.

16 Q. Was that uncommon for you to get a food

17 order in the middle of the night?

18 A. It happened a few times. Not too often.

19 Q. Okay. Was this a telephone call that you

20 received?

21 A. Was the -- yeah, I mean, we had the -- one

22 of those remote control, I mean, phones.

23 Q. Okay. Intercom, or --

24 A. Yeah, on the radio.

25 Q. Radio?

26 A. Yeah, radio.

27 Q. And your instruction was to?

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28 A. Well, yeah, at the time there was always a 5461

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1 code for Michael. At the time it was "Silver Fox."

2 So they said that, "Silver Fox want some french
3 fries."

4 Q. Okay.

5 A. Okay. So --

6 Q. And was there a location you were told to
7 bring these french fries to?

8 A. Not right away. When they were ready, I
9 just called security again to find out where to
10 deliver the french fries, and I was told to go to
11 the teepee area. Which Michael wasn't there, so I
12 called again, and they said that he probably was in
13 the arcade.

14 Q. Okay. Where was your wife during this time?

15 A. She was sleeping, home.

16 Q. Okay. So she stayed in bed and you went
17 down to the kitchen and made the french fries?

18 A. Right. That's correct.

19 Q. And you said you first heard they were at
20 the teepee. Did you go to the teepees?

21 A. Yeah.

22 Q. And those are teepees located on Neverland?

23 A. Yeah, they are. On the grounds.

24 Q. And no one was there?

25 A. No.

26 Q. When did you learn that they -- that you
27 were to deliver the french fries to the arcade?

28 A. Well, at that time I called security and I 5462

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1 said, "Michael is not there. Where is he?" And

2 they told me that he was at the arcade.

3 Q. Did you go to the arcade?

4 A. Yes.

5 Q. What did you see when you went to the

6 arcade?

7 A. Michael was playing with Macaulay Culkin at

8 one of the games, which was a Thriller, the games.

9 Q. Thriller?

10 A. Yeah. And he was holding the kid because

11 the kid was small, couldn't reach the controls, so I

12 guess he was holding him with two hands. The kids

13 were up so they could use the controls of the game.

14 Q. And what did you see that upset you?

15 A. His left hand was inside the pants of the

16 kid.

17 Q. All right. I want you to tell the jury

18 specifically how his hands were configured on the

19 boy's body.

20 A. Well, his right hand was holding the kid

21 maybe mid-waist, and the left hand was down into the

22 pants.

23 Q. Okay. Now, what type of pants was Macaulay

24 wearing?

25 A. I forgot what they were. They probably were

26 shorts or something.

27 Q. Were his hands, as far as you could tell, on

28 the inside or the outside of the shorts? 5463

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1 A. They were inside.

2 Q. Were they coming in the shorts from the top

3 or from the bottom?

4 A. From the bottom.

5 Q. Through one of the legs?

6 A. Bottom.

7 Q. Which hand was it that he was touching the

8 boy with?

9 A. Left hand.

10 Q. When you saw this, what did you do?

11 A. I was shocked, and I almost dropped the

12 french fries. And there was a game there, Tip-Top,

13 and I backed out --

14 MR. MESEREAU: Objection. Move to strike;

15 nonresponsive.

16 THE COURT: Denied.

17 Q. BY MR. AUCHINCLOSS: As far as the exact

18 location of his hand, could you see where his hand

19 was in the vicinity of Mr. Macaulay's person?

20 A. Well, it was in the -- you know, in the

21 crotch area.

22 Q. The crotch area?

23 And you said they were playing this video

24 game. Did this video game create any sound?

25 A. Yeah, there was plenty of sound everywhere.

26 I mean, all the machines were on and playing music

27 and making sounds.

28 Q. Do other machines, or did other machines in 5464

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1 that video arcade make sounds even though they
2 weren't being played at that time?

3 A. I think they were. I'm not recalling
4 exactly, but it was very noisy.

5 Q. Okay.

6 A. Yeah. Everything was noisy there.

7 Q. And you said you almost dropped the french
8 fries. What happened next?

9 A. Then I backed out, and --

10 Q. Backed out the door?

11 A. The door. Went outside, and I closed the
12 door. And I realized that I still had to deliver
13 the french fries, so then I opened the door. I made
14 a lot of noise to make sure that Michael could hear
15 me coming in. And I said, "Michael, your french
16 fries are here." And he said, "Drop them on this."
17 I forgot where it was, but probably on one of the
18 machine tops.

19 Q. And did you leave?

20 A. Yes.

21 MR. AUCHINCLOSS: May I have the Elmo, Your
22 Honor? "Input 4."

23 Q. All right. Mr. LeMarque, I'm showing you
24 People's Exhibit No. 800, which you previously
25 identified as a photograph of the arcade.
26 Does this photograph depict in it anywhere
27 the door that you entered that room?

28 A. Yeah. Yes. This one here. 5465

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1 Q. Oh, you've got it. Very good. You're ahead
2 of me.

3 Could you indicate again for me the area
4 where it is?

5 A. I think it's around here somewhere. Or
6 here, I'm sorry. I don't know. Can't see too well,
7 that.

8 Q. Let me show you the photograph -- if I may
9 approach -- just so you can get a better look at it.

10 A. I don't know. I think it's -- there's a lot
11 of stuff in front of it. It's probably -- I'm not
12 sure where it is. It's probably here.

13 Q. Okay.

14 A. Yeah.

15 Q. Right about there?

16 A. Yeah.

17 Q. All right. I'll show it....

18 Looking at the photograph a little closer,
19 could you identify the area that appears to be the
20 doorway?

21 A. Right here.

22 Q. Okay. Indicating in the very upper portion
23 of the photograph just off center at the upper edge.

24 All right. So that's the door you entered
25 in. And which direction was it that you were
26 looking when you came in and you saw Mr. Jackson?

27 A. From here to here.

28 Q. Indicating from the left area of where the 5466

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1 door is down to the --

2 A. Yeah.

3 Q. -- lower right-hand portion of the

4 photograph?

5 A. Yeah. Here to here. Or here to here

6 someplace.

7 Q. All right. I show you now People's Exhibit

8 No. 801. Mr. LeMarque, does that show a different

9 perspective --

10 A. Yes.

11 Q. -- of the same area?

12 A. Yes.

13 Q. Is that an approximate perspective of what

14 you would have seen entering that door?

15 A. Yes.

16 Q. All right. So tell us, point out for us, if

17 you would, the area where you saw Mr. Jackson and

18 Macaulay Culkin.

19 A. Somewhere around there.

20 Q. All right.

21 A. Or maybe --

22 Q. Indicating --

23 A. Or maybe here.

24 Q. -- the video games just to the left of what

25 appears to be an espresso machine.

26 A. This was not there.

27 Q. Yeah, the espresso machine was not there --

1 Q. -- on the pool table?

2 A. No. Either this. This wasn't there.

3 Q. All right.

4 MR. AUCHINCLOSS: I think we can have the
5 lights.

6 Q. Mr. LeMarque, did you ever tell this
7 story -- or let me back up.

8 After you left Neverland, or at any time
9 during close in time to the period that you saw

10 these events, this event you just described, did you
11 ever report it to any authorities, the police?

12 A. No.

13 Q. Why not?

14 A. Because nobody would have ever believed us.

15 Q. And why do you say that?

16 A. Because Michael was on the top of
17 everything, and if we had come and said to the
18 police, they would have said, "What kind of proof do
19 you have?" So we couldn't -- I mean, this wasn't
20 possible. It would be impossible to give.

21 Q. Did you ever consult an attorney or any
22 other person that might have some background in the
23 law as to what you should do?

24 A. Yes, and they told us the same thing.

25 Q. At some time after this event occurred,
26 did -- were you ever approached by any tabloids?

27 A. Yes. Many.

28 Q. And did you ever sell this story to a 5468

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1 tabloid?

2 A. We talked about it. And we had even some
3 guy trying to sell the story for us, some sleazy guy
4 that tried to make a deal with the tabloid. But at
5 the last minute, we never took in a penny from
6 anyone, because it was against our principles.

7 Q. This sleazy guy that you're talking about,
8 I'm not going to ask you to mention his name, but do
9 you know if he ever profited from your story?

10 A. Yes, he did.

11 Q. Why do you say that?

12 A. Because we had an interview with him and our
13 lawyer, Arnold Kessler, and he taped the
14 conversation while it was a private conversation of
15 the lawyer.

16 Q. Okay.

17 A. And he sold the story to the tabloid and he
18 made some money with that story.

19 Q. Were you tempted yourself to sell your story
20 to the tabloid?

21 A. Yes, we were tempted for the money, for
22 sure. Everybody would be tempted. But we never
23 did.

24 Q. Did you ultimately tell this story to the
25 police?

26 A. Yes, we did.

27 Q. They came and interviewed you?

28 A. Yes. 5469

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1 Q. Were you honest with them?

2 A. Yeah.

3 MR. AUCHINCLOSS: Thank you. I have no

4 further questions.

5 THE COURT: Cross-examine?

6 MR. MESEREAU: Yes, please, Your Honor.

7

8 CROSS-EXAMINATION

9 BY MR. MESEREAU:

10 Q. Mr. LeMarque, my name is Tom Mesereau and I

11 speak for Mr. Jackson.

12 You signed a statement in September of 1993

13 about what you had seen, right?

14 A. If I signed a statement, I forgot when was

15 that, if I sign a statement.

16 Q. Do you remember hand-writing a statement

17 about what you claimed you had seen --

18 A. I don't remember that.

19 Q. -- Mr. Jackson doing with Mr. Culkin?

20 Remember saying, "I could not distinguish

21 what he was really doing with his hand," but you

22 thought it was more than fondling?

23 A. I don't remember that at all.

24 Q. Would it refresh your recollection if I just

25 show you a copy of the statement?

26 A. (Nods head up and down.)

27 MR. MESEREAU: May I approach, Your Honor?

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1 THE WITNESS: I guess it's correct.

2 Q. BY MR. MESEREAU: Is that your handwriting?

3 A. Yeah.

4 Q. Is that your signature?

5 A. Yeah.

6 Q. The date is September 10th, 1993, correct?

7 A. Correct.

8 Q. Do you remember saying you couldn't

9 distinguish what he was really doing with his hand?

10 A. I don't recall that. But if it's written,

11 that's --

12 Q. It's what you wrote, isn't it?

13 A. I guess.

14 Q. Well, is it your writing or not?

15 A. Yes, it is.

16 Q. Okay. And you wrote those words, did you

17 not?

18 A. I guess I did, but I don't recall.

19 Q. Okay. Now, you worked at the Neverland

20 Ranch for how long?

21 A. Maybe ten months.

22 Q. Did you ever sue Mr. Jackson?

23 A. No. Not for -- we did sue for money he owed

24 us, because Norma Stakos was supposed to pay us

25 overtime, and she never did. And she was supposed

26 to give us some references, good references for

27 other job, and whenever we apply for a job, she

28 never give the references and she never sent us the 5471

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1 money. So at that time we sued for the money that
2 was owed to us as overtime.

3 Q. Excuse me, I'm sorry. Did you finish?

4 A. Yeah.

5 Q. Where did you file your lawsuit against Mr.
6 Jackson?

7 A. Santa Barbara court, I think.

8 Q. Did you hire a lawyer in Santa Barbara to do
9 that?

10 A. Yes.

11 Q. What was the lawyer's name?

12 A. Forgot.

13 Q. How long did the lawsuit go on?

14 A. It didn't go on for very long.

15 Q. It settled fairly quickly, did it not?

16 A. Yes.

17 Q. You got money --

18 A. Yes.

19 Q. -- from Mr. Jackson, true?

20 A. We got money for time -- overtime due to us,
21 the time we worked there.

22 Q. You wanted more than that, didn't you?

23 A. No.

24 Q. Now, you mentioned a sleazy guy was
25 representing you, right?

26 A. Yeah.

27 Q. His name was?

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28 A. He didn't represent us. He never 5472

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1 represented us.

2 Q. You had meetings with him?

3 A. He was a friend, supposedly a friend.

4 Q. You had meetings with him, correct?

5 A. Yes, we did.

6 MR. AUCHINCLOSS: Objection; argumentative.

7 THE COURT: Overruled.

8 Q. BY MR. MESEREAU: His name was Paul Baressi,

9 correct?

10 A. That's correct.

11 Q. How did you meet Paul Baressi?

12 A. It was an old friend that Stella met years

13 ago.

14 Q. And Stella is who?

15 A. My wife.

16 Q. Do you know how she met Paul Baressi?

17 MR. AUCHINCLOSS: Objection; relevance.

18 THE COURT: Sustained.

19 Q. BY MR. MESEREAU: How many times did you

20 meet with Paul Baressi?

21 A. I can't recall. Several times.

22 Q. And Paul Baressi was in the adult film

23 business, right?

24 MR. AUCHINCLOSS: Objection; relevance.

25 THE COURT: Sustained.

26 MR. AUCHINCLOSS: The Court's order.

27 THE COURT: Sustained.

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28 Q. BY MR. MESEREAU: You said he was sleazy. 5473

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1 Why did you say that to the jury?

2 A. Because he taped our conversation without
3 our own knowledge while we had a conversation with
4 our own private lawyer, and he sold that story to
5 the tabloid.

6 Q. He was also trying to broker a deal for you
7 with the tabloids, correct?

8 A. Well, that's what he said. "I can get you a
9 deal," because he had a deal himself previously by
10 telling stories about other people.

11 Q. But you had asked him to try and get a deal
12 for you, hadn't you?

13 A. No, I didn't ask him. He came forwards.

14 Q. But you allowed him to do that, didn't you?

15 A. Well, we didn't allow him. We said, "Okay,
16 we'll listen to it," because we were tempted by the
17 money, for sure. Everybody would be tempted. But
18 in the last minute, we didn't do it.

19 Q. When -- excuse me. You didn't do it because
20 you found out he had already sold the story and
21 taken the money himself, right?

22 A. At that time he didn't do that. He didn't
23 sell the story yet.

24 Q. Let me just get this straight. You had
25 discussions with Baressi, right?

26 A. Uh-huh.

27 Q. You had phone conversations with Baressi,

28 right? 5474

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1 A. Correct.

2 Q. You discussed a price you'd be willing to
3 accept?

4 A. No, we didn't discuss price with him.

5 Q. Pardon me?

6 A. We didn't discuss price with him.

7 Q. At one point you discussed the possibility
8 of getting \$100,000 with him, didn't you?

9 A. That's what he said to us, he probably can
10 get \$100,000, so we say we are interested.

11 Q. You actually upped it to 500, didn't you?

12 A. I don't remember if that was the case, but
13 we were playing the game with him to see how far he
14 could go, because we knew by then he was such a
15 sleazy guy we wanted to see how far he could go.
16 Because we never did it. We never took a penny from
17 anyone.

18 Q. You upped the price to 500 from \$100,000 at
19 one point?

20 A. Yeah, to see if we were going to do it.

21 Q. You couldn't get that kind of money, right?

22 A. I don't know. We never pursued it.

23 Q. Mr. Baressi, on your behalf, approached a
24 number of newspapers --

25 A. He didn't work on our behalf, ever.

26 Q. Sir, I have to finish my question.

27 On your behalf, Paul Baressi approached

28 various newspapers and television shows to try and 5475

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1 get hundreds of thousands of dollars for you and
2 your wife, right?

3 MR. AUCHINCLOSS: Objection; assumes facts
4 not in evidence.

5 THE WITNESS: That's not true.

6 THE COURT: Overruled.

7 You may answer.

8 Q. BY MR. MESEREAU: Isn't that right?

9 A. That's not true. It's a complete lie. He
10 was trying to get deals for him, not for us.

11 Q. Didn't you just tell the jury you were
12 playing along with him to see how much you could
13 get?

14 A. Well, at first, yeah, we were doing. But
15 then we realized the guy was so sleazy, we were not
16 going anywhere with him. So we backed out, and we
17 said, "We are not game," and he kept going, doing
18 it.

19 Q. Did you have a discussion with Paul Baressi
20 where you said, "We don't want 100,000. We want
21 500,000"? Yes or no.

22 A. Yes.

23 Q. Do you remember having a discussion with
24 Mr. Baressi where you learned the price would be
25 higher if the story was Mr. Jackson's hand was in
26 the clothes rather than outside?

27 A. That was his own made-up stories, not my

28 story. 5476

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1 Q. That statement was made in your discussion
2 with Mr. Baressi, true?

3 A. I don't recall that, but I think he did it
4 himself. That's what he said we could get if the
5 hands went higher.

6 Q. Okay. Now, did you ever know anyone named
7 Quindoy at Neverland?

8 MR. AUCHINCLOSS: Objection; beyond the
9 scope.

10 MR. MESEREAU: It fits in with the
11 cross-examination, Your Honor.

12 THE COURT: That's a good response.

13 (Laughter.)

14 MR. MESEREAU: I mean, it's the same --

15 THE COURT: "Fits in with what I'm doing."

16 Well, I don't know the answer. I'll allow the
17 question and see how it fits.

18 Q. BY MR. MESEREAU: You and your wife worked
19 at Neverland, right?

20 A. Correct.

21 Q. Did you ever know a couple named Quindoy
22 that worked at Neverland?

23 A. No.

24 Q. Ever hear the name?

25 A. Yes.

26 Q. Had they worked before you?

27 A. Yes.

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28 Q. You learned that the Quindoys were trying to 5477

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1 sell a story to the media, right?

2 A. No, we never --

3 MR. AUCHINCLOSS: Objection. Relevance;

4 beyond the scope.

5 THE COURT: Overruled.

6 You may answer.

7 He did answer. The answer was, "Yes," and

8 then -- I'm sorry, the answer was, "No, we never."

9 Q. BY MR. MESEREAU: At one point you were

10 trying to sell your story before the Quindoys did,

11 correct?

12 A. No.

13 Q. Never talked about that with Mr. Baressi?

14 A. No.

15 Q. Who was the lawyer you retained when it came

16 to dealing with the media?

17 A. We had a friend, his name was Arnold --

18 geez. I'm sorry, I have a blank right now. I have

19 a blank with the name.

20 Q. Was his name Kessler?

21 A. Yes. That's correct.

22 Q. Did he practice law in Los Angeles?

23 A. Correct.

24 Q. Did you meet with Mr. Kessler?

25 A. Yes, we did.

26 Q. He is not the lawyer that represented you in

27 your suit against Mr. Jackson, is he?

28 A. We didn't have a suit against Mr. Jackson. 5478

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1 We had a suit against the work, as far as work was
2 concerned. We never sued Mr. Michael Jackson.

3 Q. You sued somebody.

4 A. We sued the MJ Corporation for overtime.

5 Q. That was Mr. Jackson's company.

6 A. That's the company, but that's not Mr.

7 Jackson. We didn't sue him.

8 Q. It was Mr. Jackson's company that hired you,
9 wasn't it?

10 A. Yes. For overtime.

11 Q. Okay. This was after you left your
12 employment, true?

13 A. That's correct.

14 Q. Okay. You hired Attorney Kessler, correct?

15 A. No, we didn't hire him. He was a friend of
16 ours. We ask him advice.

17 Q. You met with him a number of times about the
18 possibility of selling a story to the media, true?

19 A. With Baressi.

20 Q. So Baressi was your friend, and Kessler was
21 your friend, correct?

22 A. Yes, that's correct.

23 Q. And after you met with Kessler, he started
24 calling around trying to sell your story, true?

25 A. I'm not sure what he was doing. I don't
26 know. I never heard of it.

27 Q. Did you ever learn that he was doing

28 anything to sell your story to anybody? 5479

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1 A. I was -- I don't recall, but I think
2 everybody was trying to sell our stories. Everybody
3 else was trying to do that, so --

4 Q. And approximately what year was this?

5 A. I don't recall. '92 or something. I --

6 Q. When did you leave Neverland?

7 A. The year? I don't recall. '92, probably,
8 at that time. Whatever. I'm not sure.

9 Q. In 1993, Baressi and Kessler were trying to
10 sell your story, true?

11 A. I guess they were, but I was not aware of
12 it.

13 Q. But you had many talks with the two of them
14 about that?

15 A. Yeah, we did earlier. And then we stopped
16 and they kept doing it. I don't know what they were
17 doing. I couldn't keep track of them.

18 Q. Okay. When did you last talk to Kessler?

19 A. About that time. No, as a matter of fact, I
20 talked to him two days ago because of what happened
21 in the -- with what was going on, and I finally find
22 his phone number, and I told him what was going on.
23 And he was very upset about it.

24 Q. He's still your buddy, right?

25 A. No, we haven't talked since then.

26 Q. Did you talk to him about what you were
27 going to say in court today?

1 Q. Did you talk to him about this case?

2 A. Yeah, I said I was going to be on the stand.

3 Q. Okay. Did you call him or did he call you?

4 A. We called him.

5 Q. You and your wife?

6 A. My wife did.

7 Q. Okay. Were you on the conversation?

8 A. No.

9 Q. Was it just your wife that talked to him, as

10 far as you know?

11 A. Yeah.

12 Q. Was she speaking on your behalf?

13 A. She was just telling him what was going on,

14 that's all.

15 Q. Okay.

16 A. There was no behalf. There was just

17 chat-chat.

18 Q. You knew that Mr. Kessler contacted The

19 National Enquirer about your story, right?

20 A. No, I was not aware of that.

21 Q. You knew he contacted The Globe, right?

22 A. I was not aware of that either. We

23 contacted them.

24 Q. You knew Inside Edition was contacted,

25 correct?

26 A. Well, they contacted us directly also.

27 So --

28 Q. How about Splash News Service? 5481

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1 A. No.

2 Q. Okay. When did you last see Macaulay

3 Culkin?

4 A. At that time. When I was working at the

5 ranch.

6 Q. So you've never really asked him if he was

7 abused, have you?

8 A. No.

9 Q. You've never heard his side, have you?

10 A. No.

11 Q. Have you ever learned any time that he

12 denies this event?

13 MR. AUCHINCLOSS: Objection; assumes facts.

14 THE WITNESS: I --

15 THE COURT: Just a moment.

16 MR. AUCHINCLOSS: He said he's never had any

17 conversation. And foundation. He said he's had no

18 conversation with Mr. Macaulay.

19 THE COURT: The objection is sustained.

20 Q. BY MR. MESEREAU: Okay. Have you followed

21 this case in the media?

22 A. I don't.

23 Q. You don't follow it at all?

24 A. I never watch T.V., barely.

25 Q. Have you followed this case in the

26 newspaper?

27 A. I read the newspaper briefly, the

28 highlights, the headlines and so on. But it doesn't 5482

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1 interest me.

2 Q. When did you last talk to Mr. Baressi?

3 A. He called my wife two months ago.

4 Q. Did your wife talk to him?

5 A. She said, "Go to hell."

6 Q. I'm not asking you what she said.

7 (Laughter.)

8 Q. BY MR. MESEREAU: All right. Okay. Do you

9 know -- are you aware of him still trying to sell

10 stories on this case?

11 A. Yeah, he's still doing it.

12 Q. How do you know he's still doing it?

13 A. Because it's on the --

14 MR. AUCHINCLOSS: Objection. Foundation;

15 hearsay.

16 THE COURT: The objection is overruled.

17 The question was, "How do you know he's

18 still doing it?"

19 THE WITNESS: Pardon me?

20 THE COURT: You may answer that question.

21 How do you --

22 THE WITNESS: I'm sorry, can you repeat

23 that?

24 Q. BY MR. MESEREAU: Yes. I'll ask the

25 question again.

26 You told the jury Mr. Baressi is still

27 trying to sell stories, right?

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28 A. Yes. 5483

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1 Q. How do you know that?

2 A. My son send me a copy through the Internet

3 two days ago of what was in Splash.

4 MR. AUCHINCLOSS: Objection; hearsay.

5 THE COURT: Overruled. Next question.

6 Q. BY MR. MESEREAU: Have you met with any

7 prosecutor to talk about your testimony today,

8 before today?

9 A. Yes.

10 Q. Who did you meet with?

11 A. The prosecutor right here.

12 Q. And is that Mr. Auchincloss?

13 A. Uh-huh. That's correct.

14 Q. When did you meet with him?

15 A. When?

16 Q. Yes.

17 A. This morning.

18 Q. And where did you meet?

19 A. We meet in the witness room.

20 Q. Did he show you any documents?

21 A. Yes.

22 Q. What documents did he show you?

23 A. The documents that was shown here on the

24 screen.

25 Q. Now, are you aware of an article appearing

26 in The Globe newspaper on September 21st, 1993, that

27 quotes you?

28 A. No. I never saw it. 5484

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1 Q. Never heard about it?

2 A. Never.

3 Q. Are you aware of that article quoting your
4 wife?

5 A. No.

6 Q. Okay. So you never heard about that or
7 looked at it, right?

8 A. No.

9 Q. Okay. No one ever told you about it, right?

10 A. No. My friends don't read that kind of
11 newspapers.

12 Q. Okay. All right. Before you took the stand
13 today, had you ever heard that you were quoted in an
14 article about Michael Jackson in The Globe
15 newspaper?

16 A. No.

17 Q. How many times have you been interviewed by
18 anyone with the sheriff's department on this case?

19 A. Just one time in '93 or something.

20 Q. Just one time?

21 A. Yeah.

22 Q. Have you had many phone conversations with
23 anybody from the sheriff's department about the
24 case?

25 A. No, not that I recall.

26 Q. Has anyone ever called you on the phone from
27 the prosecution to talk about the case?

28 A. No. Just to tell us that we are going to be 5485

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1 in court. That's all.

2 Q. Now, when did you last talk to Norma Stakos?

3 A. The last day that we left the ranch,

4 Neverland.

5 Q. Did you sue her as well?

6 A. No.

7 Q. You just sued Mr. Jackson's company, right?

8 A. We sued Michael just for the overtime that

9 we -- were owed to us.

10 Q. That's over a seven-month period?

11 A. Seven months what? I'm sorry, after --

12 after we left in --

13 Q. Yes.

14 A. I guess. I don't recall.

15 Q. Did you say you hadn't been ever paid for

16 overtime while working at Neverland?

17 A. That's correct.

18 Q. All right. And was that over a seven-month

19 period or nine-month period? I can't remember.

20 A. Nine, ten, something like that.

21 Q. Okay. Had you ever made a claim for

22 overtime while you were working?

23 A. Yes, we did. We settled with Norma at the

24 time we left. She said she was going to give us

25 money for the overtime and give us good references.

26 And we sued when she didn't fill up the part that

27 she said she was going to do.

28 Q. You felt she was obligated to give you and 5486

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1 your wife a good reference for another job?

2 A. Why not?

3 Q. What if she didn't think you were competent?

4 MR. AUCHINCLOSS: Objection; relevance.

5 THE WITNESS: She said she would do it. She

6 said she was going to give us a good reference.

7 THE COURT: Just a moment. Just a moment.

8 The objection is sustained.

9 Q. BY MR. MESEREAU: You felt that part of your

10 agreement with Mr. Jackson's company was that if

11 they were contacted by anyone and asked if you were

12 someone you should work with, they had to give you a

13 good recommendation; is that correct?

14 A. No.

15 Q. And you never called the police about what

16 you claim Mr. Jackson did to Mr. Culkin, right?

17 A. That's correct.

18 Q. Now, you indicated you were asked to sign a

19 document saying that a woman named Bianca looked

20 inside someone's purse, right?

21 A. That's correct. I was not, myself. My wife

22 was.

23 Q. That's Blanca Francia, right?

24 A. Yeah.

25 Q. Did you know her when she worked at

26 Neverland?

27 A. Yes.

28 Q. Was she a friend of yours? 5487

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1 A. We didn't have any friends. We couldn't
2 have any friends at the ranch. It was forbidden to
3 be friends with the help. Because everybody was
4 spying on each other, so there was no way to be
5 friends with anyone.

6 Q. The spying was because people were looking
7 for stories to sell, right?

8 A. No, because I think that's --

9 MR. AUCHINCLOSS: Objection; argumentative.

10 THE WITNESS: That's not true.

11 MR. AUCHINCLOSS: I'll withdraw the
12 objection.

13 (Laughter.)

14 Q. BY MR. MESEREAU: Are you saying it's your
15 wife that saw Blanca Francia go into someone's
16 purse?

17 A. She didn't see her doing it. That's why she
18 didn't want to sign it.

19 Q. Okay. Did you ever talk to Blanca Francia
20 about whether or not she did put her hand in
21 someone's purse?

22 MR. AUCHINCLOSS: Objection; hearsay.

23 THE WITNESS: I never did myself.

24 THE COURT: I couldn't hear your objection,
25 Counsel.

26 MR. AUCHINCLOSS: I'll withdraw it.

27 Q. BY MR. MESEREAU: Did you ever ask Blanca

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28 Francia if she ever did, in fact, go into someone's 5488

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1 purse?

2 A. No, I never ask myself personally.

3 Q. Did you ever learn that she had admitted

4 doing it?

5 MR. AUCHINCLOSS: Objection. Argumentative;

6 assumes facts.

7 THE COURT: It's overruled.

8 You may answer.

9 THE WITNESS: I'm sorry. Say that again,

10 please.

11 MR. MESEREAU: I'll withdraw the question

12 and reask it.

13 Q. Did you ever learn that Blanca Francia

14 admitted she had gone into someone's purse?

15 A. I never heard of anything like this, no.

16 Q. Okay. What hours did you work at Neverland?

17 A. There was no set hours. It was whenever

18 Michael was in residence or whenever guests were

19 present.

20 Q. And where did you live when you were working

21 at Neverland?

22 A. At the ranch. I mean, at the Neverland

23 itself, in a private house.

24 Q. Okay. Now, you told the jury that you went

25 to a lawyer and told the lawyer about what you claim

26 you saw in the arcade, right?

27 A. Correct.

28 Q. Was that while you were working at 5489

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1 Neverland?

2 A. After we left.

3 Q. You didn't go to a lawyer right away to

4 discuss what you had seen, did you?

5 A. No.

6 Q. Do you know what this particular lawyer

7 specializes in?

8 A. General practice.

9 Q. Pardon me?

10 A. General practice.

11 Q. Okay. Had he represented you before?

12 A. No. He was just a friend.

13 Q. Had he given advice to you before?

14 A. No.

15 Q. How many meetings did you have with this

16 lawyer about what you claim you saw in the arcade?

17 A. I think only one time.

18 Q. You had phone conversations with him, did

19 you not?

20 A. Yes.

21 Q. You had phone conversations about the

22 possibility of selling a story, correct?

23 MR. AUCHINCLOSS: Objection. Cumulative;

24 asked and answered.

25 THE COURT: Sustained.

26 Q. BY MR. MESEREAU: Approximately when do you

27 claim you saw Mr. Jackson with Mr. Culkin in the

28 arcade? 5490

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1 A. The time?

2 Q. Approximately, yes.

3 A. Maybe three o'clock, 3:00 a.m.

4 Q. No, let me rephrase it. It's my mistake.

5 Approximately what month and year do you

6 claim you saw this happen?

7 A. I don't recall.

8 Q. You continued to work at Neverland after you

9 saw what you claim you saw, right?

10 A. Yes.

11 Q. Was your wife working at Neverland as well?

12 A. Yes.

13 Q. You never reported this to anyone there

14 obviously, right?

15 A. No, we didn't.

16 Q. You never went to Miss Stakos and said, "I

17 saw something improper going on," right?

18 A. We didn't have to do that. She knew about

19 it.

20 Q. So she was with you watching it?

21 A. No.

22 Q. You said that Mr. Baressi tape-recorded you,

23 right?

24 A. That's correct.

25 Q. Do you know how many times he did that?

26 A. I have no idea.

27 Q. Did you ever inquire as to how many times

28 you had been secretly tape-recorded by him? 5491

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1 A. No, I didn't.

2 Q. Did you ever ask him?

3 A. I didn't even know he did it until a few
4 days ago.

5 Q. Who told you he did it?

6 A. Well, we heard about it from the news and
7 all that, and this information came out, and so
8 that's how we find out.

9 Q. I thought you didn't follow the news about
10 the case.

11 MR. AUCHINCLOSS: Objection; argumentative.

12 THE COURT: Sustained.

13 Q. BY MR. MESEREAU: Do you have any idea how
14 many times you've been quoted in any tabloid about
15 Michael Jackson?

16 A. I have no idea.

17 MR. AUCHINCLOSS: Objection; relevance.

18 THE COURT: The answer was, "I have no idea."

19 I'll allow the question.

20 Q. BY MR. MESEREAU: Would you agree that with
21 time, your story about what you say Mr. Jackson did
22 has changed?

23 A. I don't think so.

24 Q. When you wrote that handwritten statement
25 that I showed you which had your signature and
26 handwriting, were you being truthful?

27 A. I don't recall writing this at all, so I

28 have no recollection of that. 5492

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1 Q. But you did admit that is your handwriting

2 and signature, true?

3 A. Looks like my handwriting.

4 Q. Is it your signature?

5 A. Yes.

6 Q. Isn't it true, Mr. LeMarque, that in 1993,

7 you waited till you were out of personal bankruptcy

8 to start selling the story?

9 A. My personal bankruptcy was about 18, 19, 20

10 years ago. Had nothing to do with this.

11 Q. Did you have any bankruptcy proceeding going

12 on in the 1990s, sir?

13 A. No, sir.

14 Q. Okay. Never filed a document in that

15 regard, right?

16 A. No.

17 Q. Never were involved in a Chapter 7 action?

18 A. I was. Twenty years ago.

19 MR. AUCHINCLOSS: I'm going to object as

20 improper impeachment.

21 THE COURT: Sustained.

22 MR. MESEREAU: I have no further questions,

23 Your Honor.

24

25 REDIRECT EXAMINATION

26 BY MR. AUCHINCLOSS:

27 Q. Just a few questions, Mr. LeMarque.

28 The action that you had against Mr. Jackson 5493

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1 for overtime when you left Neverland, did Norma
2 Stakos promise to pay you for your past overtime?

3 A. She did.

4 Q. When you left Neverland, did she promise to
5 make good references for you in the future?

6 A. She did.

7 Q. When you left Neverland, did you ever
8 receive the overtime payment that you were due?

9 A. She never did.

10 Q. Did you go to the California Labor Board to
11 dispute that?

12 A. Yes. That's where we went.

13 Q. Did you have to litigate it?

14 A. No, she settled right away.

15 Q. MJJ Productions settled right away?

16 A. Yeah.

17 Q. Did you get what you felt you were entitled
18 to?

19 A. Yes. We had the proof that we had worked
20 overtime, so I had account of all the time we work,
21 so --

22 Q. And as far as Mr. Kessler, was he working
23 for you? Did you ever have to pay him for helping
24 you with this tabloid business?

25 A. He was a friend. We just asked advice,
26 that's all.

27 Q. So he was just working as a lawyer friend

28 for you? 5494

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1 A. He was -- yeah.

2 Q. All right. I'm showing you People's Exhibit

3 No. 802. Appears to be a copy of the handwritten

4 note. Is that the note that counsel showed you a

5 few moments ago?

6 A. Looks the same.

7 Q. Okay. I'd like you to read that over

8 carefully. Take a moment. Just one page.

9 A. Okay.

10 Q. Okay? Does that represent a fair summation

11 of the facts that you observed in the arcade during

12 that period of time when you observed Macaulay

13 Culkin and the defendant?

14 A. Yeah, that's basically what I saw.

15 MR. AUCHINCLOSS: Okay. I'd ask to move 802

16 into evidence at this time, Your Honor.

17 MR. MESEREAU: No objection.

18 THE COURT: It's admitted.

19 Q. BY MR. AUCHINCLOSS: And in that account, do

20 you tell -- do you depict that Mr. Jackson's hand is

21 in Mr. Culkin's shorts?

22 A. That's correct.

23 MR. AUCHINCLOSS: Thank you. I have no

24 further questions.

25

26 RE-CROSS-EXAMINATION

27 BY MR. MESEREAU:

28 Q. If you would -- 5495

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1 Does he have the document?

2 MR. AUCHINCLOSS: Uh-huh.

3 Q. BY MR. MESEREAU: If you would, please take
4 a look at that document and read it to yourself.

5 A. I did already.

6 Q. All right. Okay. Now, you made two
7 statements: One on September 10th, 1993, and one on
8 what looks to be -- well, I guess that would be --
9 you make a second statement in the form of a P.S.,
10 right? Is that made the same day; do you know?

11 A. Looks the same.

12 Q. You first -- there's a signature in the
13 middle of the page. It says, "Phillip LeMarque,
14 September 10th, 1993," correct?

15 A. Yeah.

16 Q. There's another signature towards the bottom
17 of the page that says, "Phillip LeMarque, 9-10-93,"
18 correct?

19 A. Yeah.

20 Q. You first wrote a statement about what you
21 saw and then you added a P.S., correct?

22 A. Yeah.

23 Q. Let's look at the statement that appears at
24 the beginning, okay? You say that Mr. Jackson had
25 his left hand in the kid's pants, right?

26 A. Correct.

27 Q. You say, "I couldn't distinguish what he was

28 really doing with his hand, but obviously it was 5496

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1 more than fondling," right?

2 A. Uh-huh.

3 Q. You then signed and dated that, true?

4 A. Correct.

5 MR. AUCHINCLOSS: I'm going to object if

6 he's just reading part of the statement. I'd ask

7 that the entire statement be read before the

8 signature line.

9 THE COURT: Overruled.

10 Q. BY MR. MESEREAU: You said up top the child

11 was not disturbed by the action, right?

12 A. Correct.

13 Q. You said they were playing a game, correct?

14 A. Correct.

15 Q. You said the kid was very involved with the

16 game, right?

17 A. Correct.

18 Q. You said that Michael Jackson was holding

19 Macaulay while he was playing the game, correct?

20 A. Correct.

21 Q. After you signed and dated that statement,

22 you then chose to add something else, correct?

23 A. Correct.

24 Q. And what you add was that "His left hand was

25 in his pants under the shorts, left leg, all the way

26 to the crotch," correct?

27 A. Correct.

28 Q. You added that to what you had said earlier 5497

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1 after you had signed your name to what you had said
2 earlier, true?

3 A. Yeah.

4 Q. And when was this thing actually -- when was
5 this statement actually done; do you know?

6 A. At the same time. It was just an addendum.

7 Clarification.

8 Q. Why did you want an addendum to what you had
9 already written down and signed?

10 A. I forgot at the time why I did it. I don't
11 have any other recollection of that anyway.

12 Q. You did it because you wanted to sell a
13 story, right?

14 MR. AUCHINCLOSS: Objection; argumentative.

15 THE WITNESS: Absolutely false.

16 MR. MESEREAU: I have no further questions.

17 THE COURT: Do you want to withdraw your
18 objection, or --

19 MR. AUCHINCLOSS: I think so. Sure, why
20 not?

21

22 FURTHER REDIRECT EXAMINATION

23 BY MR. AUCHINCLOSS:

24 Q. Was this document prepared for the police?

25 A. Yes.

26 Q. All right. And was it prepared after the
27 police interviewed you?

28 A. Well, it was prepared. I forgot exactly 5498

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1 when, if it was at the same time or after. I have
2 no recollection.

3 Q. But the police asked you to write out a
4 statement?

5 A. A statement of what I saw.

6 Q. Okay. Do you recall if they asked you to
7 put in the details, some more details as far as what
8 you had told them?

9 A. As much as possible, yes. They wanted more
10 details.

11 Q. Is that why the P.S. was added; do you know?

12 A. Yes.

13 MR. AUCHINCLOSS: All right. Thank you.

14 Nothing further.

15

16 FURTHER RECROSS-EXAMINATION

17 BY MR. MESEREAU:

18 Q. Obviously this statement was written out
19 after you talked to Mr. Baressi, true?

20 MR. AUCHINCLOSS: Objection; vague.

21 THE WITNESS: I don't think so.

22 MR. AUCHINCLOSS: I'll object as a vague
23 question as far as time.

24 THE WITNESS: I don't think so. I'm not
25 sure.

26 THE COURT: Just a moment. You have to wait
27 until I rule.

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28 Overruled. 5499

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1 Now, read the question back to him.

2 Q. BY MR. MESEREAU: The statement was

3 written --

4 THE COURT: No, the court reporter.

5 (Record read.)

6 THE WITNESS: It's probably after, yeah.

7 Q. BY MR. MESEREAU: Do you remember I asked

8 you earlier about that statement, and you told the

9 jury you didn't recall?

10 A. I have no recollection exactly, that's for

11 sure. But now it's coming back, you know.

12 Q. It's coming back when the prosecutor

13 suggested you wrote it for the police, correct?

14 A. No, it's coming back --

15 MR. AUCHINCLOSS: Objection; argumentative.

16 Objection; argumentative.

17 THE COURT: All right. Just a moment.

18 You need to wait until the question is completed

19 before you answer.

20 THE WITNESS: Okay.

21 THE COURT: And just hold on a second so if

22 someone wants to object, they can.

23 And counsel needs to not step on his

24 statements. The court reporter is struggling to

25 keep the record straight.

26 All right. There actually is -- the

27 objection was made after he answered, so I'm going

28 to overrule that objection. You may ask your next 5500

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1 question.

2 MR. MESEREAU: Okay.

3 Q. You now recall that you wrote the statement
4 in September of 1993 in a police interview, right?

5 A. I'm starting to recall. See, I'm 70 years
6 old this year, and my memory is faltering.

7 Q. Okay. I understand. Have you now fully
8 recollected that you wrote this for the police?

9 A. It's coming back a little bit, and I think
10 that, yeah.

11 Q. Are you sure?

12 A. Yeah.

13 Q. Isn't it true you wrote out the statement,
14 you dated and signed it, and somebody wanted you to
15 add something else, so you put in an addendum, and
16 then signed and dated that the same day, right?

17 MR. AUCHINCLOSS: Objection; asked and
18 answered.

19 THE COURT: Overruled.

20 You may answer.

21 THE WITNESS: I don't recall very well when
22 I made this statement, when I wrote it, and I don't
23 recall why there was an addendum added to the
24 statement.

25 Q. BY MR. MESEREAU: Okay. And the statement
26 was written approximately how long after you left
27 Neverland?

28 A. Whenever the police came, which might be a 5501

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1 year after or two years. I don't know.

2 Q. Well, the statement says September 10th,

3 1993 --

4 A. Okay. So --

5 Q. -- right?

6 And how long -- how much time had elapsed

7 between your leaving Neverland and September 10th,

8 1993, if you know?

9 A. Probably a year. A little more than a year.

10 Q. And how much time had elapsed between when

11 you saw what you claim you saw in the arcade and

12 September 10th, '93?

13 A. 14 months. 12, 14 months.

14 MR. MESEREAU: No further questions.

15 MR. AUCHINCLOSS: Nothing further.

16 THE COURT: All right. Thank you. You may

17 step down.

18 Call your next witness.

19 MR. SNEDDON: Your Honor, because of some of

20 the Court's rulings this morning, we have no further

21 witnesses at this time.

22 THE COURT: Are you trying to tell the jury

23 they have to go home early today?

24 MR. SNEDDON: Unfortunately, I am, Your

25 Honor. I apologize for that from the bottom of my

26 heart.

27 THE COURT: That's the bad news.

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1 THE COURT: You know, I have some
2 photographs of the wildflowers that I took.
3 (Laughter.)
4 THE COURT: All right. I can tell you're
5 not interested.
6 We'll release you early today. It's -- I
7 think it's been a pretty intense week. It doesn't
8 hurt to get a little time off here.
9 Let me just remind you of the seriousness of
10 your conduct and the admonitions that I've made.
11 The admonitions are that you can't talk to anybody
12 about this case, including each other, your family
13 members, or anybody. You certainly can't go to
14 anyplace where the events that you hear about
15 testified to occurred or are alleged to have
16 occurred. You are not to listen to or read news
17 accounts or watch T.V. concerning the case.
18 And, you know, I don't think I should need
19 to remind you of this, but I will, just so that I
20 have a clean conscience. Everybody is watching you,
21 you know. Your behavior, just as my own behavior,
22 is under scrutiny, just as these attorneys'
23 behavior. Everything that happens is reported one
24 way or another. So please be very serious about the
25 responsibility that you've been given here.
26 And having that in mind, I would like you to
27 go out and look at the wildflowers.

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1 THE COURT: Thank you.

2 And I'm going to stay with the attorneys.

3 There's a couple of issues that we need to take up,

4 but you're free to go. See you Monday at 8:30. And

5 remember, Tuesday afternoon you'll be off, too.

6

7 (The following proceedings were held in

8 open court outside the presence and hearing of the

9 jury:)

10

11 MR. MESEREAU: Your Honor, can Mr. Jackson

12 depart, or is he --

13 THE COURT: Listen, the audience may leave if

14 they want to. The Court is going to take up a

15 couple of motions that have been pending. But

16 anyone in the audience that would like to leave at

17 this time, feel free to do that.

18 Mr. Jackson, if you would like to leave at

19 this time, you may do so.

20 THE DEFENDANT: Thank you.

21 MR. SANGER: Thank you, Your Honor.

22 MR. MESEREAU: Thank you.

23 THE DEFENDANT: Thank you.

24 THE COURT: All right. During the last week

25 or so, there have been some motions that have been

26 pending. We have -- the first one is defendant's

27 motion for a mistrial, or, in the alternative,

28 restrictive instructions. I've read and considered 5504

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1 the points and authorities.

2 Do you wish to be heard?

3 MR. SANGER: Just briefly, Your Honor.

4 THE COURT: Now, just because you haven't

5 said anything all week -- go ahead. I know it's

6 just been building up and --

7 MR. SANGER: I'll try to behave myself, Your

8 Honor.

9 THE COURT: All right.

10 MR. SANGER: The serious matter is, and we

11 did brief it, but it was very brief, because it was

12 an overnight, sort of a pocket thing.

13 THE COURT: Very good brief.

14 MR. SANGER: The briefer the better, I

15 gather.

16 The point being, though, that the lawyers

17 have to exercise control over the witnesses. They

18 have to admonish the witnesses properly.

19 It is true a witness can do something

20 contrary to the admonitions. This just happened to

21 be a series of witnesses who all seemed to have done

22 the same thing with each other, which is call each

23 other either before or after their testimony.

24 And there were two particularly egregious

25 instances of witnesses calling immediately after

26 their testimony was over to discuss their testimony

27 with the upcoming witness, and that was Miss

28 Palanker calling Mr. Masada, and then Dr. Katz 5505

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1 calling Mr. Feldman.

2 And that seemed to be such an egregious

3 breach -- there had already been notice of this with

4 the witnesses talking to each other, Dickerman and

5 Katz, and -- I'm sorry, Palanker and Masada, and by

6 the time we got to Dr. Katz calling Mr. Feldman, it

7 seem to me that that was just too much. And anybody

8 who's managing these witnesses and preparing them to

9 come in here should have had a very large shot fired

10 over their bow by virtue of this conduct and should

11 have admonished their witnesses.

12 So I feel that it does taint their testimony

13 when you have two people who are critical witnesses,

14 according to the prosecution, like Dr. Katz and Mr.

15 Feldman, for instance, who are talking about

16 testimony that very seriously impairs the integrity

17 of the process that the Court is trying to preserve.

18 And therefore, we feel that a mistrial is the only

19 appropriate remedy.

20 How can the jury otherwise consider this

21 evidence as it should have been presented without

22 being tainted by other witnesses?

23 If the Court were to deny that, then we did

24 propose a curative instruction, and we would ask the

25 Court to take that action at the very least.

26 Thank you.

27 THE COURT: Who's speaking on behalf of the

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1 MR. SNEDDON: Judge, we filed a response in
2 written form, and I don't intend to go through it.
3 It's in there. And I'll simply point out that
4 unfortunately if Mr. Sanger -- there is nothing in
5 this record that shows that they were talking about
6 their testimony in this case.
7 And particularly in the case of Mrs.
8 Palanker talking to Jamie Masada, it wasn't the
9 subject of the testimony that was the subject of the
10 conversation. It was the subject of the behavior of
11 the lawyer that was cross-examining her.
12 And I'd submit to the Court there is nothing
13 improper about what these witnesses have done, nor
14 showing that they discussed their testimony. Some
15 of the conversations, the one involved a request
16 from one lawyer to the other as to knowledge of
17 whether or not there had been an attorney-client
18 waiver and that was post-testimonial. It was an
19 after-the-fact. And it seems to me that certainly
20 one lawyer has a right, when they're both involved
21 in a case, to find out whether there was a waiver or
22 not.
23 I'll submit it on the basis of the other
24 information that we provided to the Court from the
25 transcripts and the authorities.
26 THE COURT: The motion for mistrial is
27 denied.

28 The record is clear that there has been some 5507

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1 conversation between witnesses. And I've asked
2 counsel, both sides, to admonish their witnesses
3 that -- before and after their testimony, unless
4 they're excused, that they are not to discuss --
5 well, what I've admonished is that they are bound by
6 the protective order before their testimony and
7 after, unless they're excused.

8 I don't -- in looking at the record, I don't
9 see evidence that they violated the protective
10 order. That exists -- the lack of that evidence is
11 that neither side pursued it with any detail as to
12 what the discussions were. But I don't think that
13 would prevent the defense from commenting in their
14 argument, if they wanted to, about the fact that
15 they had been discussing their testimony with each
16 other.

17 And whether or not I'll give a special
18 instruction on that I'll put off until we decide all
19 of our instructions. I'm not leaning in the
20 direction of giving a special instruction in view of
21 the lack of evidence that there was specific
22 conversations about their testimony, but I also am
23 not willing to say I won't give that, and we still
24 have a long way to go in this trial and a lot of
25 witnesses in front of us.

26 So I'll take that issue up on a discussion,
27 Mr. Sanger, on the -- on whatever -- you may submit

28 the same or different instructions when you submit 5508

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1 your final instructions.

2 And that will be my ruling on that.

3 The next item would be the D.A.'s request

4 for mandatory judicial notice of statutes.

5 MR. AUCHINCLOSS: There's a discussion as to

6 whether or not counsel is prepared on this.

7 MR. SANGER: Hold on. You don't need to --

8 unless we're addressing the Court, we don't need to

9 have that....

10 THE COURT: You know, I can just cut this

11 short.

12 MR. AUCHINCLOSS: That's fine.

13 THE COURT: I don't think I'm going to give

14 any instruction on this at this time. Whether or

15 not I'll give it in the final group of instructions

16 will depend on our discussions at that time.

17 MR. AUCHINCLOSS: Okay. I guess our request

18 is just based upon the fact that there has been

19 numerous questions asked and numerous answers given

20 concerning these areas of the law, and I do think

21 it's important that the jury does ultimately

22 understand the letter of the law, particularly with

23 regard to the recording, the surreptitious

24 recording of conversations, and that it is legal for

25 police officers to surreptitiously record

26 conversations.

27 So I don't mind addressing that when we get

28 into instructions, but we will be making that same 5509

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1 motion at that time.

2 THE COURT: You may submit those. I don't
3 think it's a time to give special instructions on
4 that. I do give some instructions as we go along.
5 I don't think these are ones that I would give at
6 this time.

7 And Mr. Sanger, that's, I assume,
8 satisfactory with you?

9 MR. SANGER: Yes, Your Honor.

10 THE COURT: The motion to prohibit testimony
11 of 1108 witnesses for failure to comply with Penal
12 Code Section 1054.7, do you wish to address that?

13 MR. SANGER: Well, I think the Court is
14 taking this up now one at a time.

15 THE COURT: I am.

16 MR. SANGER: And so as long as the Court is
17 cognizant of that, I don't think we need a ruling
18 right now. But we are confronted with a number of
19 witnesses for whom we have not received reports
20 until the very last second, and it's causing a
21 problem. It's caused a problem today.

22 THE COURT: All right. The next one is the
23 objection to admission of 1108 and 1101 evidence.
24 And I feel that was adequately argued back when we
25 were arguing about whether or not I would allow the
26 1108 and 1101 evidence, and I don't see that any new
27 issues have been raised there, so I'll deny that

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28 objection. It's made a matter of the record, which 5510

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1 is what I think you intended there.

2 In my counting of all the things that were
3 pending that are still out there, that would only
4 leave one thing that's still out there that hasn't
5 been dealt with, which was the supplemental
6 declaration that I'd asked for from Miss Yu, which
7 she provided me with, I'm sure she provided you
8 with. This is a matter of statutorily sealed
9 declarations. And I still have -- I'm still dealing
10 with that. I'm not prepared to hear anything
11 further on it. And I'm not prepared to make any
12 rulings on it. That's not something I've had time
13 to deal with, but I just wanted everyone to know
14 that I know that's still out there.

15 And then I was going to ask you if there is
16 anything else that I don't have on my list.

17 MR. SNEDDON: Judge, the only thing that I
18 have -- well, the only thing I have is if I could
19 ask the Court, do we have some kind of an update
20 with regard to the computers, the Brad Miller
21 computer and the Evvy Tavasci computer? And I say
22 that to the Court because I'm estimating that we're
23 getting -- not close, but I can see the light at the
24 end of the tunnel with regard to us resting our
25 case, and we'd certainly like to have access to that
26 information before we do.

27 THE COURT: December or January, something

28 like that? 5511

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1 MR. SNEDDON: I think the light's a little
2 bit brighter than that, Judge.

3 THE COURT: Okay. I wish -- you know, the
4 person who's been helping me with that has been Jed,
5 and he doesn't -- I have not been updated, so I
6 can't update you.

7 Does counsel have any information?

8 MR. SANGER: The information that we have is
9 that as of, I would say, weeks ago, if not a month
10 ago - that's off the top of my head - but I believe
11 we provided everything we were requested to provide
12 maybe two months ago. And I think what happened
13 next is he was making additional inquiries based on
14 the particular narrowing of the request by the
15 District Attorney, but I have not heard anything
16 further.

17 THE COURT: Do you know what --

18 MR. SNEDDON: Judge, I have a little
19 different recollection.

20 THE COURT: Okay.

21 MR. SNEDDON: It's not different, it's just
22 maybe updated. As I recall the last time that we
23 talked, they had actually done the -- Mr. Roden had
24 actually gone through, I believe it was - I may be
25 confused about this - one of them. He had gone
26 through and actually sorted out what the various
27 types that he thought may or may not be privileged

28 and that those were going to be submitted to the 5512

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1 Court. And that he was in the process of doing that
2 to the other computer.

3 I don't really need an update today, but if
4 maybe on Monday we could have Mr. Beebe here and get
5 an update with regard to where we stand on that
6 process, that would be helpful, probably, to both
7 sides.

8 THE COURT: We'll do that.

9 MR. SNEDDON: That would be fine with me. I
10 just wanted to keep it on the radar screen for you,
11 Your Honor.

12 THE COURT: I'll ask him about that today,
13 and no later than Monday we'll address it.

14 MR. SNEDDON: Thank you.

15 THE COURT: All right. Yes?

16 MR. ZONEN: The Court has four different SDT
17 returns in the Court's possession from Talk America,
18 from Varig Airlines, from Von's, and from Santa Ynez
19 High School. I've consulted with Mr. Mesereau and
20 Mr. Sanger. We are going to agree that those
21 materials turned over to the Court in obedience with
22 those subpoenas can be turned over to the District
23 Attorney's Office. And we will make copies for both
24 of us and immediately return it to the Court.

25 THE COURT: Is that your agreement?

26 MR. SANGER: Yes, Your Honor.

27 THE COURT: All right. I'll approve that

28 agreement, and you may collect those items. 5513

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1 MR. ZONEN: Thank you very much.

2 THE COURT: Thank you.

3 All right. Then anything else?

4 MR. OXMAN: Your Honor, there's also some

5 SDT returns from the defense.

6 THE BAILIFF: Can't hear you.

7 MR. OXMAN: There's some SDT returns from

8 the defense. Just like permission to copy them.

9 THE COURT: They are subpoenas that come

10 within the area that only you are allowed to see?

11 MR. OXMAN: Correct, Your Honor.

12 THE COURT: All right. Had you sought

13 permission to copy them? Is there a problem, or --

14 MR. OXMAN: No, I don't think there's any

15 problem. Just wanted to clarify it and make sure.

16 THE COURT: Okay. Thank you.

17 MR. OXMAN: All right.

18 MR. ZONEN: We'll agree that our copy can be

19 turned over to us under seal.

20 MR. OXMAN: We'll remain silent, Your Honor.

21 THE COURT: Court's in recess.

22 (The proceedings adjourned at 11:25 a.m.)

23 --o0o--

24

25

26

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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 5451 through 5514

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 April 8, 2005, and thereafter

20 reduced to typewriting by computer-aided

21 transcription under my direction.

22 DATED: Santa Maria, California,

23 April 8, 2005.

24

25

26

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

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