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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

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17 REPORTER'S TRANSCRIPT OF PROCEEDINGS

18

19 WEDNESDAY, APRIL 13, 2005

20

21 8:30 A.M.

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23 (PAGES 5891 THROUGH 5948)

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

28 BY: Official Court Reporter 5891

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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. Mesereau is listed as "M" on index. Ms. Yu is listed as "Y" on
index.

6 Mr. Sanger is listed as "SA" on index. Mr. Oxman is listed as "O" on
index.

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9 PLAINTIFF'S WITNESSES DIRECT CROSS REDIRECT RECROSS

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11 JACKSON, Jay D. 5894-M 5915-Z 5927-M

12 5934-Z 5940-M

13 (Further) (Further)

14 JACKSON, Janet 5942-Z

15 (Nonjury)

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20 E X H I B I T S

21 FOR IN

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

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26 Photo 5939 5940

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1 Santa Maria, California

2 Wednesday, April 13, 2005

3 8:30 a.m.

4

5 THE COURT: Good morning, everyone.

6 COUNSEL AT COUNSEL TABLE: (In unison)

7 Good morning, Your Honor.

8 THE JURY: Good morning.

9 THE COURT: Counsel, you may proceed.

10 MR. MESEREAU: Thank you, Your Honor.

11

12 JAY D. JACKSON

13 Having been previously sworn, resumed the

14 stand and testified further as follows:

15

16 CROSS-EXAMINATION (Continued)

17 BY MR. MESEREAU:

18 Q. Major Jackson, you testified that at one

19 point you met Janet at a salon in Brentwood,

20 correct?

21 A. Yes, sir.

22 Q. Were you in uniform?

23 A. Yes, sir, I was.

24 Q. Were you on active duty at that point?

25 A. Yes, sir.

26 Q. And were you working during the time period

27 that you visited Janet at the salon in uniform?

28 A. I had just left my job for the day. 5894

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1 Q. Okay. Now, Janet began to live with you on

2 a regular basis during what month and year?

3 A. Regular basis would have been sometime after

4 November of '0 -- let's see here. '02, I believe.

5 Q. And she certainly was living with you from

6 January through June of 2003, correct?

7 A. That is correct, less the period of time

8 between February and March where she was gone to

9 Neverland.

10 Q. Okay. But when she wasn't visiting

11 Neverland, it was your belief that Janet and the

12 children were living with you, correct?

13 A. They were living between my house -- my

14 apartment and the Soto Street apartment.

15 Q. And most of the week, I believe you said

16 approximately five days, they would live with you,

17 correct?

18 A. Three to five days. It depended.

19 Q. Okay. And did you ever tell any

20 interviewing sheriff in this case that you were

21 supporting Janet and the children during that period

22 of time?

23 A. I don't recollect that. You'd have to --

24 Q. Were you doing that?

25 A. There was probably in some ways I was.

26 Q. In what way were you supporting Janet and

27 the children during the period from January through

28 June of 2003? 5895

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1 A. Well, of course they were sometimes staying
2 in my house, my apartment. There was food. And she
3 used my car sometimes. That's -- you know, that's
4 the best I can think.

5 Q. Did you ever pay her rent?

6 A. I did pay her rent for her based on the
7 money that she received.

8 Q. And the money that she received was through
9 welfare, correct?

10 A. I believe -- assistance of some form.

11 Q. And you were allowing her to deposit her
12 public assistance checks into your bank account at
13 Bank of America, correct?

14 A. Two times that occurred, I believe.

15 Q. It actually occurred more than two, did it
16 not?

17 A. Two is what I remember. But if you say it
18 was three, okay, fine, I'm not -- you know, I'm not
19 going to argue with that.

20 Q. Now, she received a welfare check from the
21 County of Los Angeles in the amount of \$769 on
22 January 2nd, 2003. Do you remember that?

23 A. I remember a couple of welfare checks. I
24 don't remember the dates, sir.

25 Q. Would it refresh your recollection to just
26 see that check?

27 A. Sure.

28 MR. MESEREAU: May I approach, Your Honor? 5896

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1 THE COURT: Yes.

2 THE WITNESS: And that was the deposit.

3 It shows it being a deposit, correct? Not just
4 cashing?

5 MR. MESEREAU: I'm not allowed to talk.

6 THE WITNESS: Okay. I see it went into the
7 Bank of America.

8 Q. BY MR MESEREAU: Have you had a chance to
9 look at the documents I just showed you?

10 A. Yes, sir.

11 Q. And did you see a check from the County of
12 Los Angeles addressed to Janet Arvizo dated January
13 2nd, 2003, in the amount of \$769?

14 A. Yes, sir.

15 Q. And isn't it true that you took that check,
16 endorsed it, and deposited it into your Bank of
17 America account? Right?

18 A. Yes, sir.

19 Q. Now, your Bank of America account lists your
20 home address at 450 South St. Andrews Place, No.
21 307, in Los Angeles, correct?

22 A. That would be correct.

23 Q. And that was the address that you described
24 as being in Korea Town area of Los Angeles, true?

25 A. That is correct.

26 Q. The welfare checks going to Janet Arvizo
27 were addressed to her address at 802 North Soto

28 Street, correct? 5897

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1 A. Correct.

2 Q. Okay. So you did that in January. You also

3 did that -- excuse me. Let me rephrase.

4 She received a welfare check in -- on

5 February 15th, 2003, that you also endorsed and

6 deposited into your Bank of America account,

7 correct?

8 A. Yes, sir.

9 Q. And that check was in the amount of \$769,

10 true?

11 A. Excuse me, yes, sir.

12 Q. That check also was addressed to Janet

13 Arvizo at 807 -- excuse me, I said 802 before --

14 807 North Soto Street, Los Angeles, true?

15 A. Yes, sir.

16 Q. Now, at some point, Janet became a signatory

17 to your bank account, correct?

18 A. Yes, sir.

19 Q. She wasn't a signatory to your bank account

20 in January and February of 2003, right?

21 A. I don't believe she was. I'm really not

22 sure when she actually did become a signatory. I

23 know she did.

24 Q. Now, in January and February the account was

25 strictly in your name, true?

26 A. That would -- I believe that would be

27 correct, yes, sir.

28 Q. Okay. Now, on May 19th of 2003, Janet 5898

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1 received a welfare check in the amount of \$528.61
2 that you also appear to have deposited into your
3 account. Do you remember that?

4 A. I don't.

5 Q. Okay. Would it refresh your recollection
6 just to see that check?

7 A. Sure.

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

9 THE COURT: Yes.

10 MR. ZONEN: May I see that, please?

11 THE WITNESS: Okay.

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

14 A. Yes, I have.

15 Q. And that is a check addressed to Janet
16 Arvizo by the County of Los Angeles dated May 19th,
17 2003, correct?

18 A. That is correct.

19 Q. And you appear to have endorsed that check,
20 correct?

21 A. Yes, sir.

22 Q. And on that check, Janet Arvizo's address is
23 12643 Raymer Street, El Monte, California 91723. Do
24 you see that?

25 A. Yes, sir. I would believe that that's not a
26 welfare check. I believe it's maybe some type of
27 public assistance. But I don't believe it's

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1 Q. Was it a disability check?

2 A. I don't know. But I don't believe that was
3 welfare. I believe she cut that off after the
4 Jackson people closed her apartment.

5 Q. Okay. Now, approximately -- let's see.

6 Well, on May 5th, 2003, she also got a check from
7 the County of Los Angeles for \$203.54. Do you
8 remember that?

9 A. No, I don't. It may be -- it may be child
10 support. I'm not sure.

11 Q. Would it refresh your recollection if I show
12 it to you?

13 A. Sure.

14 Yes, sir. I believe that's child support.

15 Q. You've had a chance to look at that
16 document, correct?

17 A. Yes, sir.

18 Q. The document is -- it's a check from the
19 County of Los Angeles in the amount of \$203.54,
20 right?

21 A. That's correct.

22 Q. It's addressed to Janet Arvizo at 12643
23 Raymer Street in El Monte, correct?

24 A. That would be correct.

25 Q. And you did endorse that check as well?

26 A. Yes, sir.

27 Q. Okay. On May 5th, 2003, Janet Arvizo

28 received a check in the amount of \$268.48. Are you 5900

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1 aware of that?

2 A. I'm sure it is, if you've got it there. I'm
3 sure it's child support.

4 Q. And you endorsed that check as well --

5 A. Okay, sir.

6 Q. -- true?

7 Okay. Now, at some point did you learn that

8 Janet Arvizo wrote to the Los Angeles County welfare
9 authorities and said, "Stop sending me welfare"?

10 A. I believe she did, yes.

11 Q. Did you actually see the note she wrote?

12 A. No, I don't think I did. But I believe that
13 she did. I think she told me she did.

14 Q. Now, you would agree that you were providing
15 some financial support during January and February
16 of 2003 to Janet and the family, correct?

17 A. You know what? She was depositing those
18 checks into my account and that was probably what
19 she was using for support.

20 Q. Okay. You were paying utility bills also
21 for Janet, were you not?

22 A. Was I paying utility bills?

23 Q. Yes.

24 A. I may have paid a utility bill.

25 Q. Did you help the family out financially
26 during -- excuse me, let me rephrase. During

27 January and February of 2003, were you providing any

28 financial assistance to Janet Arvizo and her 5901

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1 children?

2 A. If I provided support to them during that
3 period, it would have been from that welfare check.

4 Q. So let me get this straight. You know Janet
5 had a bank account at that point, didn't she?

6 A. No, sir, I did not.

7 Q. Did she have an account anywhere, to your
8 knowledge?

9 A. Not that I'm aware of. In fact, she was
10 cashing her checks that she was receiving at one of
11 these check cashing -- and that's the reason it
12 costs 6 or 8 or 10 percent to cash it.

13 So I asked her, I said, "Let's cash it
14 through my account and that way you don't lose that
15 money."

16 Q. Okay. Okay. Do you recall writing any
17 checks on your own to Janet during those first two
18 months?

19 A. I don't, sir.

20 Q. Do you know -- do you recall writing checks
21 to Janet at all during the early part of 2003?

22 A. I don't.

23 Q. Okay. Did you ever provide any financial
24 assistance to the children during January, February
25 or March of 2003?

26 A. I don't recall. If I did, I would have
27 thought it was from the welfare money.

28 Q. So your position is that the only money you 5902

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1 gave Janet during January and February of 2003 was
2 welfare money she had given you?

3 A. That would be my impression. I was not -- I
4 don't know any rules with regards to welfare. I
5 wasn't concerned about that. She was my girlfriend,
6 they were her children. If I gave them any money it
7 was because it was out of the goodness of my heart.

8 Q. I understand that. My question to you is,
9 Janet deposited welfare checks and then child
10 support checks into your bank account at Bank of
11 America in Los Angeles, correct?

12 A. Correct.

13 Q. And this was starting in approximately
14 January of 2003, true?

15 A. That would probably be true.

16 Q. And are you saying under oath, Major
17 Jackson, that the only money you took out of that
18 account and ever gave to Janet and the children was
19 Janet's own money?

20 A. Could you restate the question, please, a
21 different way?

22 Q. Sure. If it's not clear, I'll --

23 A. Please.

24 Q. -- rephrase it.

25 Are you saying under oath that between
26 January 2003 and May of 2003, the only money you
27 gave Janet Arvizo out of your bank account was money

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28 she had put into your account? 5903

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1 A. Sir, I think I answered that, and that is,
2 is that I don't know that answer. And that if I did
3 give her money that would have been above and beyond
4 what she was receiving, that would have been coming
5 from me out of the goodness of my heart. Because
6 she was my girlfriend and I did love her children.

7 Q. Okay. And did she tell you at some point,
8 "I want to deposit welfare checks into you, Major
9 Jay Jackson's back account"?

10 A. No, sir. I'm the one that said, "Why don't
11 we put it into my account because it's -- it will
12 save you a little bit of money, from what little bit
13 of money you do get."

14 Q. Okay. Did you ever look at any of Janet
15 Arvizo's welfare applications to Los Angeles County?

16 A. No, sir.

17 Q. Did she ever ask you to prepare one of those
18 applications?

19 A. No, sir.

20 Q. Do you know whether or not she was honest on
21 any application she sent to Los Angeles County
22 involving requests for public assistance?

23 A. Janet's pretty honest, but I don't know that
24 to be a fact.

25 Q. Okay. Now, during --

26 May I take just one second, Your Honor, to
27 look through --

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1 Q. BY MR. MESEREAU: During the time that Janet

2 Arvizo was living at your home --

3 A. My apartment.

4 Q. Your apartment. That was your home, right?

5 A. It's where I lived.

6 Q. Okay. And we're talking about the period

7 starting in January of 2003, you were being paid by

8 the United States Government, correct?

9 A. That would be correct.

10 Q. And your base pay was \$5,310.60, correct?

11 MR. ZONEN: I'll object as irrelevant.

12 THE COURT: Overruled.

13 THE WITNESS: Sir, I don't have that in

14 front of me. But if that's what my LES says, then

15 that's correct.

16 Q. BY MR. MESEREAU: Would it refresh your

17 recollection if I just show you the document we

18 subpoenaed from the Army?

19 A. Sure.

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

21 THE COURT: Yes.

22 THE WITNESS: Yes. Okay.

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

24 look at that document?

25 A. Yes, sir.

26 Q. Have you seen that document before?

27 A. I see my LES monthly.

28 Q. Okay. And let me restate the amount. The 5905

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1 amount went up.

2 Well, the amount of base pay you were

3 receiving effective January of 2003 was \$5,528.40

4 per month, correct?

5 A. That would be correct.

6 Q. Okay. The amount of base pay you received

7 in February of 2003 from the United States

8 Government was also \$5,528.40 per month, correct?

9 A. Yes, sir.

10 Q. And the amount of base pay you received from

11 the United States Government in March of 2003 was

12 \$5,528.40 per month, correct?

13 A. Yes, sir.

14 Q. And the amount of base pay you received in

15 April of 2003 from the United States Government was

16 \$5,528.40 per month, correct?

17 A. Yes, sir.

18 Q. Okay. Do you recall whether or not you ever

19 requested any type of housing allowance or

20 assistance from the United States Government because

21 Janet Arvizo and her three children were living with

22 you?

23 A. It would not matter. I could not request

24 assistance from the government unless I married her.

25 Q. Okay.

26 A. So that would have occurred in May of '04.

27 Q. Okay. So you didn't do it anytime in 2003?

28 A. No, sir, I wouldn't have been able to. It 5906

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1 wouldn't have mattered if I did it, and I wouldn't
2 have done it.

3 Q. Okay. Okay. Was it your understanding
4 Janet Arvizo had no other bank accounts on her
5 own -- excuse me, that's a poor question. Let me
6 rephrase.

7 Was it your understanding, Major Jackson,
8 that in the months of January, February, March and
9 April of 2003, Janet Arvizo did not have any bank
10 account?

11 A. Yes, sir. That would be my recollection.

12 Q. Okay. Do you know if she ever had an
13 account at a bank called Providian?

14 A. No, sir.

15 Q. Okay. Did you ever discuss with Janet
16 Arvizo whether or not she had ever obtained any
17 money from a J.C. Penney settlement?

18 A. She -- no, sir, she did not talk about it.
19 I started learning about it through the news.

20 Q. Okay. Do you know whether or not, during
21 January, February, March or April of 2003, Janet
22 Arvizo was making any deposits in her mother's
23 account at Sanwa Bank?

24 A. I'm not aware of that, sir.

25 Q. Were you ever aware of any account that
26 Janet Arvizo had set up at any bank involving moneys
27 she had obtained for the benefit of Gavin?

28 A. No, sir. 5907

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1 Q. Okay. And were you ever involved in any
2 fund-raising efforts for Gavin?

3 A. No, sir.

4 Q. Okay. Now, are you saying that the money
5 you received every month during January, February,
6 March or April was not used for the benefit of Janet
7 or the children?

8 MR. ZONEN: Objection; vague. His paycheck?

9 MR. MESEREAU: Yes.

10 I'll rephrase it. Counsel's correct.

11 THE WITNESS: Please.

12 Q. BY MR. MESEREAU: The base pay you earned
13 from the United States Government in January,
14 February, March and April of 2003 was never used
15 directly or indirectly for the benefit of Janet or
16 the children, correct?

17 A. Cannot answer that question with accuracy.

18 Q. Okay. You testified yesterday that at one
19 point Janet Arvizo went to court in downtown Los
20 Angeles to deal with her domestic issues involving
21 her ex-husband David, correct?

22 A. Yes, sir.

23 Q. Do you know approximately when that was?

24 A. That would have been right around the time
25 of -- it would have been in the middle of March.

26 Q. Okay. Would that be March of 2003?

27 A. Yes, sir.

28 Q. Did you know -- excuse me. Did you know 5908

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1 whether or not Janet Arvizo filed an income and
2 expense declaration in that court case that you've
3 just described?

4 A. No, sir, I do not.

5 Q. Okay.

6 A. I did not. I'm not even sure what that is.

7 Q. Was any of the welfare money or child
8 support money that was deposited into your bank
9 account during January, February, March, April of
10 2003 ever used for your benefit?

11 A. No, sir.

12 Q. Okay. And do you know whether or not Janet
13 Arvizo ever disclosed to welfare authorities and the
14 County of Los Angeles that you were helping her pay
15 rent?

16 A. I do not know. I just know that when the
17 apartment got taken away from her by Michael
18 Jackson's assistants, she apparently at that time
19 wrote a letter to them and just cancelled her
20 welfare.

21 Q. That's not really answering my question,
22 now, is it? That's something that you just wanted
23 to tell the jury, correct?

24 A. Okay.

25 MR. ZONEN: Objection; argumentative.

26 THE COURT: Counsel --

27 MR. MESEREAU: I withdraw it.

28 Q. Let's talk about the checks you wrote to 5909

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1 Mr. Trujillo when you were paying her rent at her
2 apartment.

3 A. All right.

4 Q. Do you know whether or not Janet Arvizo ever
5 disclosed the rental payments you were making on her
6 behalf to welfare authorities in Los Angeles?

7 A. Sir, I believe that those checks that I
8 wrote to Mr. Trujillo for her apartment on Soto
9 Street were in relations to the welfare checks that
10 she was receiving in the January, February time
11 frame.

12 Q. So what you're saying, Major Jackson, under
13 oath to this jury, is that you can guarantee that
14 the rent checks you wrote to Mr. Trujillo on behalf
15 of Janet Arvizo to pay rent came directly from her
16 welfare checks; is that true?

17 A. I remember -- you need a "yes" or "no"?

18 Q. Yes.

19 A. Okay. I can't answer that "yes" or "no."

20 Q. Okay. All right. Do you know whether Janet
21 Arvizo ever disclosed the financial assistance you
22 were giving her on her income and expense
23 declaration that she filed in her domestic case --
24 domestic relations case with David?

25 A. Did I not answer that already, sir? I said
26 I don't even know what that document is, so I did
27 not know that.

28 Q. Okay. And you didn't help her ever prepare 5910

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1 a document like that, correct?

2 A. No, sir, I did not.

3 Q. Okay. Do you recall during January,

4 February, and March of 2003 whether or not Janet

5 Arvizo was depositing any checks into your account

6 other than welfare and child support?

7 A. Well, she probably -- the child support

8 began at some point after that, but I'm not sure.

9 I'm not clear when that started, so I don't want to

10 say it started in March. But it was soon

11 thereafter, I think.

12 Q. Do you recall, during January, February,

13 March and April of 2003, endorsing for deposit any

14 checks written to Janet Arvizo that were other than

15 welfare and child support?

16 A. Not that I'm aware of.

17 Q. Okay. During January, February, March and

18 April of 2003, were you aware of any bank account

19 Janet had set up at a bank called Washington Mutual

20 in Los Angeles?

21 A. No, sir.

22 Q. During January, February, March and April of

23 2003, to your knowledge, was Janet Arvizo driving an

24 automobile?

25 A. No, sir, she was not.

26 Q. Did you ever learn at some point that she

27 had purchased an automobile?

28 A. I -- I believe at some point she later told 5911

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1 me that she had put some money down on a car and
2 then opted out of it.

3 Q. Do you know when that was?

4 A. I don't.

5 Q. Okay. During January, February, March and
6 April of 2003, to your knowledge, did Janet Arvizo
7 ever obtain any disability assistance from the
8 state?

9 A. Not that I'm aware of.

10 Q. Okay. And during January, February, March
11 and April of 2003, to your knowledge, did Janet
12 Arvizo ever obtain any food stamp assistance?

13 A. I did see food stamps, yes, sir.

14 Q. Okay. And was that during the time she was
15 living with you?

16 A. That was the time that she was visiting me
17 at Bundy, and that was prior to November of '02.
18 And I'm not sure exactly when that stopped.

19 Q. Okay. Were you -- excuse me. Did you know
20 Janet Arvizo in November of 2001?

21 A. No, sir, I did not.

22 Q. Okay. When did you first meet her?

23 A. July of 2002.

24 Q. Now, in January, February, March and April
25 of 2003, were Davellin, Gavin and Star living at
26 your apartment at least part of the week?

27 A. Well, during -- of course in February and

28 March they were gone almost the entire time. At 5912

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1 least through the middle of March. But January,
2 some of February and March, Davellin was not living
3 with us, and Star and Gavin were living with us when
4 they were -- when Janet was there.

5 Q. Okay. All right. And what I think you've
6 told the jury is that Janet wanted to keep the Soto
7 Street apartment but Mr. Jackson's people prevented
8 that; is that what you're saying?

9 A. I know that -- I believed that we wanted to
10 keep the apartment, so that is what I say, is that
11 before she was whisked off to Miami, our intention
12 was for her to keep the Soto Street apartment.

13 Q. Okay. When the Soto Street apartment was no
14 longer rented by Janet, did she and the children
15 live with you full time?

16 A. When the Jackson people shut down the
17 apartment, she moved into my apartment after she
18 left Neverland.

19 Q. Okay. Did you ever wonder why someone on
20 welfare wanted two residences?

21 A. No, sir.

22 Q. Did you ever discuss with any prosecutor
23 before you testified in this trial your having
24 deposited Janet's welfare checks into your account
25 at Bank of America?

26 A. No, sir. It wouldn't have been an issue.

27 Q. How do you know?

28 A. It's not an issue. 5913

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1 MR. ZONEN: Objection; argumentative.

2 THE COURT: Sustained.

3 THE WITNESS: What does that have to do with
4 anything?

5 Q. BY MR. MESEREAU: Have you ever discussed
6 with any prosecutor before you testified in this
7 trial anything about Janet's obtaining welfare
8 assistance while she lived with you?

9 A. Wasn't my concern, sir.

10 Q. Has any prosecutor or sheriff ever showed
11 you before you testified in this trial any documents
12 relating to any kind of public assistance Janet
13 Arvizo was receiving at any time from the County of
14 Los Angeles?

15 A. No, sir, not that I recall.

16 Q. And has anyone associated with any
17 prosecutor ever spoke to you on the phone about
18 Janet Arvizo's receiving public assistance while
19 associated with you?

20 A. Not that I can remember, no.

21 Q. Okay. To your knowledge, was Janet Arvizo
22 receiving any welfare checks in the year 2002?

23 A. I don't know, sir.

24 Q. Do you recall depositing any of Janet
25 Arvizo's welfare checks into your bank account
26 during the year 2002?

27 A. If you have that, then I guess I did. I

28 just don't remember. 5914

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1 Q. Okay. Did you have any discussion with
2 Janet at any time about why welfare checks were
3 going through your sole account?

4 A. Please restate the question.

5 Q. Sure. Did you ever have any discussions
6 with Janet Arvizo at any time as to why welfare
7 checks were being deposited into your sole account?

8 A. Any check that would have been deposited in
9 my account would have been to save her money from
10 putting it through one of those check cashing places
11 that charge 6 to 8 to 10 percent.

12 Q. Did you ever wonder why Janet didn't have
13 her own bank account, to your knowledge?

14 A. No, sir, I didn't.

15 MR. MESEREAU: No further questions at this
16 time.

17 THE COURT: All right. Redirect?

18

19 REDIRECT EXAMINATION

20 BY MR. ZONEN:

21 Q. Mr. Jackson, Major Jackson, good morning.

22 A. Good morning, Mr. Zonen.

23 Q. Do you recall the phone number that you had
24 when you were living at the St. Andrews apartment?

25 This is a challenge, isn't it?

26 A. Yes, it is.

27 Q. Would it help you to recall that phone

28 number if I were to show you a phone bill? 5915

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1 A. Yes, sir, it would.

2 MR. ZONEN: May I approach the witness?

3 I'm just going to show you something.

4 THE WITNESS: Okay. Yes, sir. That is.

5 Q. BY MR. ZONEN: Tell us what that phone
6 number is.

7 A. Oh, great. (213) -- (213) 739-9279.

8 Q. You now remember that?

9 A. Yes, sir, I do. But don't walk away and ask
10 me again.

11 Q. Mr. Mesereau had asked you questions about
12 checks that you deposited into your account. Do you
13 know where your wife, then your girlfriend, Janet
14 Arvizo, was depositing checks that she was receiving
15 for public assistance at that time?

16 A. She wasn't. She wasn't depositing them, as
17 far as I know. She was cashing them at check
18 cashing places.

19 Q. Do you know which places she was going to?

20 A. Not always. Sometimes we'd be going down
21 the road and we'd stop at one of them on the side of
22 the road.

23 Q. Did you have a discussion with her about the
24 cost of doing that?

25 A. Yes, I did. That was the whole issue. I
26 said, "They're charging you 6 or 8 percent to do
27 that. Why don't you just deposit it into my account

28 and I'll either write the check for your bills or 5916

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1 I'll give you the money." I'm not sure which one I
2 did.

3 Q. Mr. Mesereau asked you about paying her
4 rent.

5 A. Yes, sir.

6 Q. How were you doing that? Where was the
7 money coming from that you were writing checks?

8 A. From my Bank of America account.

9 Q. All right. And then the money that was
10 coming into your account from the welfare check?

11 A. Yes, sir.

12 Q. Was that covering it?

13 A. Yes, sir. I believe the check was like 425.

14 Q. Give us a sense. The rent was about how
15 much per month?

16 A. 425.

17 Q. And the public assistance check was about
18 how much?

19 A. 700-some.

20 Q. And then did you write checks for utilities
21 as well?

22 A. I believe I did. But I'm not absolutely
23 positive.

24 Q. Was that covered as well by the amount of
25 the welfare checks?

26 A. Yes, sir, it was.

27 Q. Do you know how she was paying her utility

28 bills before? 5917

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1 A. I don't.

2 Q. Did you ever see a checking account in her
3 name?

4 A. No, sir, I did not.

5 Q. Did you ever see her sit down and write a
6 check?

7 A. No, sir, I didn't.

8 Q. Did you ever see her with her own car during
9 the time that you were dating her?

10 A. No, sir.

11 Q. Do you know how she was getting back and
12 forth?

13 A. Bus.

14 Q. When you met her -- you met her at a -- one
15 of the kid's military events, is that correct?

16 A. That's correct. Where I worked.

17 Q. And where you were working at that time was
18 where?

19 A. It's at 311 COS-COM in Los Angeles, West Los
20 Angeles, in the Sea Cadet Command and located within
21 the building.

22 Q. And what would be involved in taking a bus
23 from where she was living at that location?

24 A. You know what? I don't know how long it
25 would take. But it was quite a long distance, so
26 probably several hours to get there.

27 Q. At any time during the time that you were

28 dating, did you see her drive her own car? 5918

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1 A. No, sir, she never had her own car.

2 Q. You said that both of you wanted to maintain
3 the Soto Street apartment in East Los Angeles?

4 A. That is correct.

5 Q. Tell us why.

6 A. Primarily it gave her a good place to go to
7 when she was visiting her mother. She had some
8 stuff that she had in the apartment that she was
9 storing. And basically she just didn't want to give
10 that apartment up because she really didn't feel
11 that she was living with me. She was living there.

12 But she was visiting me.

13 Q. Do you know when it was that she sent a
14 letter that discontinued her welfare?

15 A. I don't, sir. I don't know exactly. I just
16 heard about it.

17 Q. If I were to show you a copy of that letter,
18 would that refresh your recollection?

19 A. It may. I'm not sure.

20 MR. ZONEN: May I approach the witness?

21 THE COURT: Yes.

22 THE WITNESS: Actually, I have seen that
23 letter.

24 Q. BY MR. ZONEN: Does that letter refresh your
25 recollection?

26 A. Yes, sir.

27 Q. And what is your recollection?

28 A. You know, just -- I remember the letter, but 5919

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1 I'm not even sure when I saw it.

2 Q. Do you remember when you stopped depositing
3 welfare checks into your account?

4 A. I don't know exactly when I stopped, because
5 there were -- the child support payments coming in,
6 so I was not concerned about it. I didn't know
7 there was an issue with a welfare check versus a
8 child support check versus anything else.

9 Q. Were the child support checks of a different
10 amount than the welfare check?

11 A. Yes, sir, they were.

12 Q. Was the welfare check pretty consistently in
13 the seven hundred --

14 THE COURT: They're not hearing you, Counsel.

15 MR. ZONEN: I'm sorry.

16 Q. The question previously was --

17 THE BAILIFF: Is your microphone on?

18 THE COURT: He had his book on it.

19 MR. ZONEN: I had the book on it, I'm sorry.

20 I apologize.

21 Q. The welfare check, was that a fairly
22 consistent amount every month?

23 A. Yes, sir. I believe it was 700-something
24 dollars a month.

25 Q. The child support check, would that vary or
26 was that consistent as well?

27 A. That varied. Always low.

28 Q. The amount -- the check that Mr. Mesereau 5920

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1 showed you that was in May --

2 A. Yes, sir.

3 Q. -- did you believe that was a child support
4 check?

5 A. I'm sure it's a child support check.

6 MR. ZONEN: Your Honor, I'm going to ask
7 the Court take judicial notice of the fact that
8 February 15, 2003, is a Saturday, February 16, 2003,
9 is a Sunday. And I have a copy of the calendar to
10 furnish the Court.

11 MR. MESEREAU: Sure. Sure.

12 THE COURT: No objection?

13 MR. MESEREAU: No objection, Your Honor.

14 THE COURT: All right. I'll take judicial
15 notice of those dates and days.

16 Q. BY MR. ZONEN: You were asked yesterday by
17 Mr. Mesereau whether or not the children went to
18 school on February 15 and February 16 of 2003. Did
19 the children traditionally attend school on Saturday
20 and Sunday?

21 A. No, sir.

22 Q. I'd like to ask you questions about your
23 discussion with Frank, wherein he offered you a
24 house, and he offered you children's education,
25 subsequently then asked if you were still waiting
26 for a house.

27 A. Right.

28 Q. Tell me about your view of that offering of 5921

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1 a house. How did you take it at the time he offered
2 it?

3 A. The time -- the way I took it was, he wasn't
4 offering to show me the contract. The bottom line
5 was I really did not believe him. I did not believe
6 that he was going to give us a house. I did not
7 believe that he was going to give a college
8 education. All of this was just -- just talk.
9 That's the way I felt about it at the time.

10 Q. Why did you want to see the contract?

11 A. I wanted to see what it is -- what it was
12 that the family was being required to do, and what
13 rights they were signing away.

14 Q. You had the opportunity to listen to the
15 tape of the Miller interview, that interview that
16 took place in your home on presumably the 16th of
17 February?

18 A. Yes, sir.

19 Q. At the very beginning everybody introduced
20 themselves and you were not one of them; is that
21 correct?

22 A. That's correct.

23 Q. Were you a witness to that particular event?

24 A. I did watch parts of it.

25 Q. Were you not asked to introduce yourself?

26 A. No, sir, I was not.

27 Q. Were you still in the room at that time?

28 A. Yes, sir, I was in the room. 5922

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1 Q. Did you leave the room at different times?

2 A. I did, sir.

3 Q. At one point you were asked by Mr. Mesereau
4 whether or not you stated to the grand jury that you
5 watched the entire proceedings?

6 A. Correct.

7 Q. At another time he said, "Did you state to
8 the grand jury whether you had listened to the
9 entire proceedings?"

10 A. Correct.

11 Q. Did you listen to the entire proceedings?

12 A. No, sir. In fact, when they played, I
13 didn't really know much of anything was on there.
14 I don't recall.

15 Q. I'm sorry. Is there anything that you heard
16 on that tape that you do recall?

17 A. The only thing that I do recall is
18 something -- they were praising Michael Jackson,
19 saying he didn't touch them, something to that
20 effect.

21 Q. At any time did you make an attempt to
22 discuss with Janet Arvizo at the time, during this
23 February and March period when she was at Neverland,
24 what was going on?

25 A. Janet did not talk much. She would not
26 explain to me why she was emotional, why she was
27 crying. She wouldn't tell me what was going on

28 during this period. 5923

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1 Q. Did you make an attempt to contact police
2 during that time?

3 A. Yes, sir, I did.

4 Q. Who did you call?

5 A. After a short phone call with Janet where
6 she appeared to be under duress, I made a phone call
7 to the Santa Barbara Police Department. It was late
8 at night. And they transferred me to the Santa
9 Barbara Sheriff's Department.

10 Q. And did you talk with a deputy at the
11 sheriff's department?

12 A. I talked to a sergeant.

13 Q. Do you know his name?

14 A. McCadden, I think. McCadden or something
15 like that.

16 Q. Did you tell him about what was going on?

17 A. I was confused. I did not know what was
18 happening. I talked to him. I initially tried to
19 explain to him that I had a family that was at
20 Neverland, and they appeared to be under duress.
21 He didn't want to believe -- you know, "Is
22 this a crank phone call? What was going on?" You
23 know, I tried to say, "Look, I'm in the military.
24 I'm not playing. This is" -- "They are" -- "They
25 were on T.V."

26 Basically he finally said, "Well, why didn't

27 she call 9-1-1?" And I said, "Well, I don't know

28 why she didn't call 9-1-1, because she kind of hung 5924

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1 up on me, and she made some kind of statement like,
2 'Oh, my gosh, here he comes,' and she hangs up on
3 me."

4 Q. Major Jackson, the next day, did they call
5 you back, from the sheriff's office?

6 A. Yes, sir, they did.

7 Q. And was Janet home at that point?

8 A. Janet was back in El Monte.

9 Q. And did you indicate to him that everything
10 was under control?

11 A. I did. He said, "Is she back?" I said,

12 "Yes, she is." And that ended the conversation.

13 Q. On a couple of occasions Mr. Mesereau
14 referred to your house in West Los Angeles?

15 A. Correct.

16 Q. Did you have a house in West L.A.?

17 A. No, sir. I had a two-bedroom apartment.

18 Q. Was this an apartment that you lived in with
19 Janet Arvizo?

20 A. Yes, sir, I did.

21 Q. And how many of her children?

22 A. Two of her children. Gavin and Star.

23 Q. And where was Davellin living at that time?

24 A. She was living with her grandmother.

25 Q. Did she visit?

26 A. Yes, she did. Pretty much every weekend.

27 Q. So she was there for the weekend?

28 A. Yes, sir. 5925

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1 Q. You indicated just now that -- or earlier
2 this morning, that at some point, Janet Arvizo
3 became a signatory to your account?

4 A. Yes, sir.

5 Q. Do you know when that was? Were you already
6 married?

7 A. You know, I'm not clear on that. It may
8 have been after we got married. But I'm just not
9 sure.

10 Q. Mr. Mesereau asked you about amounts of
11 money that you were making and described it as base
12 pay. What does that mean, base pay?

13 A. Base pay is -- in the military, you're given
14 base pay, which is your -- basically your salary,
15 which is taxable. And then you're given a housing
16 allowance, which is nontaxable. And you're also
17 given a food allowance, which is nontaxable.

18 Q. The base pay that was described, was that
19 the amount of money that you received before or
20 after taxes?

21 A. Before taxes.

22 Q. So taxes are deducted from that amount of
23 money?

24 A. Yes, sir.

25 Q. Mr. Mesereau asked you about a Washington
26 Mutual account established in 2003. Are you aware
27 of any such account?

28 A. No, sir. 5926

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1 Q. Did Janet ever mention to you a Washington

2 Mutual account?

3 A. No, sir.

4 Q. Did she ever write a check on it in your

5 presence?

6 A. No, sir. I never saw a checkbook.

7 Q. I'm sorry?

8 A. I never saw a checkbook.

9 Q. You never saw a checkbook.

10 A. So I know nothing about it.

11 MR. ZONEN: Thank you. I have no further

12 questions.

13

14 RE-CROSS-EXAMINATION

15 BY MR. MESEREAU:

16 Q. Major Jackson, you called the police on

17 Tuesday, February 11th, 2003, correct?

18 A. I don't have the specific date in front of

19 me, but I believe it was right around that time,

20 yes, sir.

21 Q. You told the police your girlfriend had

22 flown to Florida with her children, right?

23 A. Miami, correct.

24 Q. Okay. You told the police that you'd

25 received several telephone calls from her during the

26 last few days, right?

27 A. Correct.

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28 Q. Okay. And you were concerned about her 5927

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1 welfare, correct?

2 A. That is correct.

3 Q. You then -- after discussing the situation

4 with the police, you and the police officer

5 concluded that Janet appeared to have unfettered

6 access to a phone, true?

7 A. That she had called me, absolutely, yes,

8 sir.

9 Q. Okay. And after your initial call, you

10 received a call back from the police, true?

11 A. After talking to the police, Janet called me

12 back and I told the police officer to call me back.

13 Q. Okay. And a police officer called you back,

14 correct?

15 A. He did.

16 Q. You told the police officer in that

17 conversation that Janet didn't think a 9-1-1 call

18 was needed, true?

19 A. I did not tell him that.

20 Q. Would it refresh your recollection if I show

21 you a copy of the police report?

22 A. I've seen the police report.

23 Q. You're aware of what the police officer says

24 you said, correct?

25 A. I am.

26 Q. And you're saying you never told the police

27 officer, "Ventura does not think a 9-1-1 call is

28 needed at this time"? 5928

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1 A. I told the police officer that Janet said
2 she was going to be leaving the property in a
3 vehicle at twelve o'clock, and that could the police
4 intercept the vehicle. And his response was, is,
5 "We cannot intercept a vehicle."

6 Q. Do you remember telling the police officer
7 in that second conversation, "Jackson said he did
8 not think Ventura was in any danger"?

9 A. No, sir, I don't.

10 Q. Would it refresh your recollection if I show
11 you the police report?

12 A. I've seen -- I've seen the police report.

13 Q. You've seen the words he wrote about what
14 you told him?

15 A. Yes, sir.

16 Q. So you know the police officer claims you
17 said, "Ventura is not in any danger," correct?

18 A. Correct.

19 Q. And you're denying saying that, true?

20 A. I'm denying saying that.

21 Q. Okay. Now, you told the jury at one point
22 Janet left the property, correct?

23 A. Please repeat the question.

24 Q. Yes. At one point, after your call to the
25 police, Janet left the property, right?

26 A. That is correct.

27 Q. And when was that?

28 A. She called me early in the morning, so it 5929

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1 was sometime that night.

2 Q. Okay. And is that the night of the day you
3 made the phone call?

4 A. I made the phone call late at night, so it
5 was early that morning.

6 Q. And -- okay. So early that morning, she
7 left Neverland?

8 A. She left Neverland.

9 Q. And how did she leave Neverland; do you
10 know?

11 A. I don't know for sure. I know she went to
12 El Monte.

13 Q. And you also learned that shortly after
14 that, she went back to Neverland, right?

15 A. After that she came back to my apartment.

16 Q. And did she then go back to Neverland again?

17 A. She received a bunch of phone calls from
18 Frank.

19 Q. Please answer my question, Major.

20 A. Yes, sir, she did go back to Neverland.

21 Q. Okay. And approximately when did she go
22 back to Neverland again?

23 A. It was probably a couple of days. I don't
24 have a specific -- it was probably two days.

25 Q. Okay. So you call the police. They don't
26 do anything?

27 A. Correct.

28 Q. You deny what they claim you said to them, 5930

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1 that she wasn't in danger, correct?

2 MR. ZONEN: Objection. Argumentative and
3 asked and answered.

4 THE COURT: Sustained; asked and answered.

5 Q. BY MR. MESEREAU: She leaves the next day
6 from Neverland, right?

7 A. She leaves in the middle of the night.

8 Q. Okay. And goes to El Monte?

9 A. Correct.

10 Q. And then to your place, right?

11 A. Not that day, the next day.

12 Q. And then goes back to Neverland, right?

13 A. Bunch of phone calls, and she --

14 Q. Goes back?

15 A. Goes back to Neverland.

16 Q. And then when does she leave Neverland
17 again, to your knowledge?

18 A. She leaves Neverland that same day, same
19 night. She comes back late at night, by herself.

20 Q. And does she ever go back to Neverland
21 again?

22 A. After some phone calls, about every 15
23 minutes getting phone calls from Frank --

24 Q. I'm just asking you the question, Major, did
25 she ever go back to Neverland again?

26 A. Yes, sir, she did.

27 Q. After your calls to the police, she leaves

28 Neverland and goes back three times; is that 5931

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1 correct?

2 A. She left Neverland -- I'd have to count it

3 up.

4 Q. Sound like three times to you?

5 MR. ZONEN: Objection. Asked and answered;

6 argumentative.

7 THE COURT: Overruled.

8 You may answer.

9 THE WITNESS: Okay. I believe it was two

10 times. One time she returned with her family. The

11 same night she showed back up, and then she returned

12 again to Neverland.

13 Q. BY MR. MESEREAU: How many times after your

14 call to the police do you believe Janet left

15 Neverland?

16 A. The night that she -- that I made the phone

17 call to the police, she left that night. Came back

18 to my apartment. Went back to Neverland, and came

19 back again that night, so there was two times.

20 Q. Did she ever go back a third time, to your

21 knowledge?

22 A. She did go back.

23 Q. So then she then left a third time?

24 A. You're giving me the numbers here. Let's

25 see. She -- she came back, she left Neverland, went

26 to El Monte. All right. So that's leaving

27 Neverland once.

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1 A. She came to my apartment.

2 Q. Right.

3 A. Lots of phone calls. Went back to

4 Neverland. Came back that night. Okay. Again,

5 bunch of phone calls, and she returned back to

6 Neverland. So that would be three times, yes.

7 Q. Okay. And every time she left Neverland,

8 how was she transported? Do you have any idea?

9 A. How she left Neverland?

10 Q. Yes.

11 A. I don't have any idea, no, sir.

12 Q. Do you know who drove her every time she

13 left Neverland?

14 A. I think I learned this after the fact, but I

15 think Chris Carter brought her to my apartment when

16 she came by herself.

17 Q. Every time she left Neverland someone

18 employed by Mr. Jackson drove her, correct?

19 A. I -- I'm not clear on that, but I think

20 that's probably true.

21 MR. ZONEN: Objection; speculative.

22 MR. MESEREAU: Okay. No further questions.

23 MR. ZONEN: I'd ask to reopen on an area that

24 is beyond the scope of the redirect examination,

25 very briefly.

26 THE COURT: All right.

27 //

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1 FURTHER REDIRECT EXAMINATION

2 BY MR. ZONEN:

3 Q. Major Jackson, following Janet's return to
4 your home on the final occasion --

5 A. Yes, sir.

6 Q. -- in March at this point, were you witness
7 to any contacts from anybody by the name of Johnny?

8 A. Johnny, yes, sir, I was.

9 Q. All right. And who do you understand Johnny
10 to be?

11 A. Johnny was supposedly either a security
12 detail for Michael Jackson or somebody -- somebody
13 that worked for Michael Jackson.

14 Q. And where did you see him?

15 A. I saw him on several occasions.

16 Q. And where was the first one?

17 A. The first time, I believe, is once the
18 family returned back to my apartment on St. Andrews
19 Place, Johnny apparently was showing up at the
20 apartment and banging on the door, and the family
21 was scared.

22 She -- Janet called me at work. And I
23 rushed home, and I got into the apartment and -- I
24 mean, the kids were holding knives. They were
25 scared to death. And then all of a sudden we get a
26 knock on the door and I opened the door, it's
27 Johnny. So I slammed the door behind us, because I

28 was concerned what he may do. And him and I were 5934

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1 standing right nose to nose looking at each other,
2 and I'm like, "What do you want?" And he said, "I
3 just want to know how the children are." I said,
4 "Well, the children are fine. Get off the
5 property."

6 So he kind of looked at me and just walked
7 away, so he left that day.

8 Q. When's the next time you saw him?

9 A. Again, my wife called me from -- at work,
10 and at that time I guess she was my girlfriend, and
11 said, "Johnny is back."

12 So I came back home. Came home again, and
13 this was early evening. It was dusk. I pulled into
14 the -- into the carport, and the -- and the garage
15 door closes. It's like a chain-link fence. And I
16 look out, and across the street is this guy trying
17 to hide behind a car. And from a distance, it looks
18 like Johnny. So of course --

19 MR. MESEREAU: Objection. Nonresponsive and
20 narrative.

21 THE COURT: Narrative; sustained.

22 Q. BY MR. ZONEN: Did you go out to look at the
23 person behind the car?

24 A. Yes, sir, I did. I walked out towards him
25 and he immediately took off.

26 Q. Were you able to see him?

27 A. He had the same makeup and build of Johnny,

28 but I cannot say for a fact it was Johnny. 5935

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1 Q. Did you see what kind of car he was driving?

2 A. No, sir, I did not. He ran behind a
3 building and took off.

4 Q. When was the next time you saw him?

5 A. The next time was, Janet was concerned about
6 the children going back to school because the
7 Jackson folks had her passports for the children.
8 So she did not want -- let me back up. She went to
9 the school. She was scared the children would be
10 taken.

11 MR. MESEREAU: Objection. Objection; move
12 to strike.

13 THE COURT: Stricken.

14 Q. BY MR. ZONEN: Tell us the next time you saw
15 Johnny.

16 A. I saw Johnny at John Burroughs Middle
17 School.

18 Q. About how long was this after Janet and the
19 children returned to your home?

20 A. Two or three days.

21 Q. Where did you see him at the school?

22 A. I pulled in with Janet, we parked. I walked
23 up to the breezeway where the children come out,
24 because we didn't want them to be snatched, and --

25 MR. MESEREAU: Objection. Move to strike;
26 nonresponsive.

27 THE COURT: Sustained. The last part's

28 stricken. 5936

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1 Q. BY MR. ZONEN: You walked up to the

2 breezeway. What did you see?

3 A. Okay. I was standing there waiting for the
4 children. Janet came running up to me and she said,
5 "Johnny is here." So I immediately ran out back to
6 the car, grabbed a camera out of the car, because I
7 wanted to get some kind of documentation that this
8 guy was stalking this family.

9 And I ran up to his car, and he was in an
10 old 280Z or 280ZX. And I was -- I was kind of -- my
11 adrenaline was flowing, so I didn't turn the camera
12 on, but I ran up to him and I acted like I was
13 taking pictures of him.

14 And, you know, John Burroughs, it's a very
15 tight situation there. Once you get in, you can
16 hardly get out, and so he's slinging the gears back
17 and forth, trying to get away, but he can't get out,
18 because it's all blocked up.

19 So I continued to take pictures of him, then
20 I ran back over to the school, and I saw one of the
21 counselors by the name of Mr. Davies. And I said,
22 "Mr. Davies, there is a guy out here who is stalking
23 Gavin and Star." And I don't know whether he saw
24 that guy or not.

25 MR. MESEREAU: Objection. Nonresponsive;
26 narrative.

27 THE COURT: As to the last sentence, I'll

28 strike it. 5937

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1 THE WITNESS: Okay. So --

2 THE COURT: Ask the next question.

3 MR. ZONEN: Yes.

4 Q. Did you point out Johnny to Mr. Davies?

5 A. Yes, sir, I did.

6 Q. Were you actually in a position where you

7 could see Johnny at that time?

8 A. Let me back up. I did not point him out. I

9 said, "There is a guy out in the parking lot driving

10 a 280Z that is stalking the children."

11 Q. Okay. Did you give him a description of

12 that vehicle?

13 A. Yes, I did.

14 Q. Okay. Including the color of the vehicle?

15 A. And -- I'm sure I did. I can't remember now

16 in my mind. And maybe it was a dirty gray or blue,

17 but that's speculation at this point. I don't

18 remember the color.

19 Q. Did you give him a description of Johnny at

20 all?

21 A. Yes, sir, I did.

22 Q. All right. Did you see Johnny again

23 thereafter?

24 A. I don't think I saw Johnny again.

25 Q. Were you or Janet Arvizo receiving phone

26 calls during that period of time after the kids

27 finally and ultimately returned home?

28 MR. MESEREAU: Objection; leading. 5938

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1 THE COURT: Overruled.

2 You may answer.

3 THE WITNESS: I know Janet was receiving some
4 phone calls.

5 Q. BY MR. ZONEN: All right. At which
6 residence?

7 A. At the St. Andrews apartment.

8 Q. That was your residence at the time?

9 A. That's correct, sir.

10 Q. Were you answering any of those calls?

11 A. No, sir, I was not.

12 MR. ZONEN: Your Honor, if I could approach
13 the witness.

14 THE COURT: All right.

15 Q. BY MR. ZONEN: I'd like to show you Exhibit
16 No. 26 for identification not yet in evidence. Can
17 you tell us who this person is?

18 A. That looks like Johnny.

19 Q. Do you know his last name?

20 A. I don't.

21 Q. How do you know his first name is "Johnny"?

22 A. Janet and the children said there's this
23 guy, "That's Johnny out there."

24 Q. Is that, in fact, him?

25 A. That is.

26 Q. Does that photograph accurately depict the
27 subject matter contained -- in other words, is this

28 an accurate, although not terribly complimentary, 5939

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1 photo of Johnny?

2 A. Yes.

3 MR. ZONEN: Move 26 into evidence, please.

4 MR. MESEREAU: No objection.

5 THE COURT: It's admitted.

6 MR. ZONEN: I have no further questions.

7 THE COURT: Mr. Mesereau?

8 MR. MESEREAU: Yes, thank you, Your Honor.

9

10 FURTHER RECROSS-EXAMINATION

11 BY MR. MESEREAU:

12 Q. Mr. Jackson, at some point you learned that

13 Johnny was an investigator hired by Attorney Mark

14 Geragos to see if your family and a bunch of lawyers

15 were trying to extort Michael Jackson, true?

16 A. That would be incorrect.

17 Q. You never called the police on Johnny, true?

18 A. No, sir, I did not.

19 Q. And how many times do you think you've seen

20 Johnny?

21 A. I have probably seen Johnny three times.

22 Q. When was the first time?

23 A. The first time would have been the night

24 that he showed up at the apartment and I confronted

25 him out in front of my apartment door.

26 Q. Okay. And then you say he took off?

27 A. He just walked away.

28 Q. Okay. 5940

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1 MR. MESEREAU: No further questions.

2 THE WITNESS: Thank you.

3 MR. ZONEN: Your Honor, could I publish that
4 photograph, No. 26?

5 THE COURT: Yes.

6 THE BAILIFF: "Input 4," please.

7 Q. BY MR. ZONEN: If you could turn around and
8 look behind you. Is that, in fact, Exhibit No. 26,
9 the person you identified as Johnny?

10 A. Yes, sir.

11 MR. ZONEN: Thank you. No further
12 questions.

13 MR. MESEREAU: No further questions, Your
14 Honor.

15 THE COURT: You may step down.

16 THE WITNESS: Thank you, sir.

17 THE COURT: Is your next witness --

18 MR. ZONEN: Yes, it is.

19 THE COURT: (To the jury) The next witness
20 that is going to be called is Janet Arvizo, and it's
21 necessary that I have a hearing outside of the
22 presence of the jury before she starts her
23 testimony.

24 So I'm going to ask you to step out and
25 we'll call you back in shortly. We will take our
26 normal break as it occurs. So I suspect you'll have
27 over half an hour here.

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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 MR. ZONEN: Did you want the witness in the
6 courtroom?
7 THE COURT: Yes.
8 Come to the front of the courtroom, please.
9 When you get to the witness stand, please remain
10 standing. Face the clerk and raise your right hand.

11
12 JANET JACKSON
13 Having been sworn, testified as follows:

14
15 THE WITNESS: Yes.
16 THE CLERK: Please be seated. State and
17 spell your name for the record.

18 THE WITNESS: My name is Janet Jackson.
19 Spelled J-a-n-e-t, J-a-c-k-s-o-n.

20 THE CLERK: Thank you.

21

22 DIRECT EXAMINATION

23 BY MR. ZONEN:

24 Q. Mrs. Jackson, are you formerly known as
25 Janet Ventura and then Janet Arvizo?

26 A. Yes, sir.

27 Q. And you currently go by "Mrs. Jackson"?

28 A. Yes. 5942

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1 Q. And you are married to Jay Jackson?

2 A. Yes.

3 Q. Based on advice of counsel, have you advised
4 the District Attorney's Office that you will be
5 asserting the Fifth Amendment privilege as to any
6 question asked of you about welfare recipience or
7 applications for welfare during the period of time
8 that you were on welfare?

9 A. Yes.

10 Q. Up until the time that you discontinued
11 welfare?

12 A. Yes.

13 MR. ZONEN: No further questions.

14 THE COURT: Have you consulted an attorney
15 regarding your claim of privilege here?

16 THE WITNESS: Yes, sir.

17 THE COURT: Is your attorney going to be here
18 today?

19 THE WITNESS: No, sir.

20 THE COURT: Did you discuss the claim of
21 privilege at length with him?

22 THE WITNESS: Yes, sir.

23 THE COURT: Do you believe you have
24 sufficient knowledge to make the claim?

25 THE WITNESS: Yes, sir.

26 THE COURT: Do you feel you need any other
27 legal advice concerning your claim of privilege?

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1 THE COURT: Do you need any other legal
2 advice?

3 THE WITNESS: No.

4 THE COURT: What's the District Attorney's
5 intention as to how to deal with this?

6 MR. ZONEN: Your Honor, my understanding is
7 that this witness will answer all questions put to
8 her other than questions of her welfare application,
9 questions that she answered in her welfare
10 application or in receipt of welfare benefits.

11 We intend on proceeding with our direct
12 examination. We're not going to ask her any
13 questions about welfare recipience. And I'm
14 assuming that the assertion of the Fifth will be
15 done at this time. And I don't believe that --
16 well, our position is stated thereafter in our
17 pleadings.

18 THE COURT: All right. Do you, in fact,
19 make a claim under the Fifth Amendment of the United
20 States Constitution against self-incrimination?

21 THE WITNESS: Yes, sir.

22 THE COURT: And to what areas do you relate
23 that claim, are you making that claim?

24 THE WITNESS: To what he said.

25 THE COURT: I'd like to hear it from you.

26 THE WITNESS: Of everything to do with the
27 welfare; the application, the process.

28 THE COURT: During what time period? 5944

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1 THE WITNESS: The period of when I began
2 till I ended.

3 THE COURT: But when was that?

4 THE WITNESS: Oh, I'm sorry. That was
5 approximately October -- approximately October 2001
6 to November 2000 -- no, apologize. March 2003.

7 THE COURT: So the claim would involve -- the
8 claim of privilege would involve claims made between
9 October of 2001 and March -- through March of 2003?

10 THE WITNESS: Yes, sir.

11 THE COURT: Has the District Attorney
12 considered giving this witness immunity on that
13 issue?

14 MR. ZONEN: We have -- we're not terribly
15 interested in giving a grant of immunity.

16 THE COURT: All right. We have -- points and
17 authorities have been filed. And my thought is
18 there's no reason for you to ask her any questions.
19 But if you think there is, tell me why.

20 MR. SANGER: I don't believe -- Mr. Mesereau
21 will be handling the witness, but I'm handling this
22 legal issue, if we can bifurcate that, Your Honor.
23 As far as the questions right now, I don't
24 think there's any point in asking additional
25 questions. The factual issue is set out.

26 THE COURT: All right. What I'm going to ask
27 you to do is to step down from the witness stand,

28 and just sit behind counsel while we have argument 5945

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1 on this issue.

2 THE WITNESS: Thank you.

3 MR. ZONEN: Your Honor, before we proceed,
4 the Court will note that Detective Victor Alvarez is
5 currently in court. As the Court knows, Steve Robel
6 is out on -- Sergeant Robel is out on family
7 emergency for the week. And we've asked the Court's
8 indulgence to allow us to have a separate
9 investigator here during the balance of the week.

10 And I believe the Court has said we could do that
11 subject to the consent of the defense, and they've
12 agreed.

13 MR. MESEREAU: We don't object to that.

14 MR. SANGER: We didn't object to that. But
15 we did talk to Mr. Zonen about this, and we do have
16 two investigators, one in Los Angeles, and one up
17 here. Neither one is going to be here routinely,
18 but we had asked their consent to allow those two
19 investigators to -- either one to come in just one
20 at a time. Mr. Zonen would not object to that, if
21 that's all right with the Court.

22 THE COURT: All right. Your agreement is
23 fine with me.

24 MR. SANGER: Thank you, Your Honor.

25 THE COURT: Maybe -- knowing you, it's not
26 likely you're going to complete your argument in two
27 minutes, is it?

1 MR. SANGER: Not with that kind of

2 encouragement, Your Honor.

3 (Laughter.)

4 THE COURT: Let's take our break. And then

5 we'll have our argument.

6 (Recess taken.)

7 --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 5894 through 5947

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 13, 2005, and thereafter

20 reduced to typewriting by computer-aided

21 transcription under my direction.

22 DATED: Santa Maria, California,

23 April 13, 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

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16

17 REPORTER'S TRANSCRIPT OF PROCEEDINGS

18

19 WEDNESDAY, APRIL 13, 2005

20

21 8:30 A.M.

22

23 (PAGES 5949 THROUGH 6139)

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. Mesereau is listed as "M" on index. Ms. Yu is listed as "Y" on
index.

6 Mr. Sanger is listed as "SA" on index. Mr. Oxman is listed as "O" on
index.

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9 PLAINTIFF'S WITNESSES DIRECT CROSS REDIRECT RECROSS

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11 JACKSON, Janet 5977-Z

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1 E X H I B I T S

2

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

4

5 807 Handwritten Document 6051 6052

6 808 Diagram of plane interior 6070 6073

7 809 CD of telephone conversations 6111

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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: Mr. Sanger?

6 MR. SANGER: Yes, sir. I think the best
7 place to look for the organization, such as it is,
8 of our argument is in our supplemental brief that we
9 filed yesterday that goes through the analysis,
10 really, of the remedies, because that's the problem
11 that we have.

12 The first -- the first issue, I think, is
13 pretty clear, but a witness cannot take the Fifth on
14 a material issue and have their testimony considered
15 by the jury. I think the law is very clear on that.
16 So if the People call someone and they say, "We want
17 to get out A, B and C," and then after we get that
18 information out, the defense is not going to be
19 allowed to confront and cross-examine on D, E and F,
20 the entire testimony would be stricken.

21 Quite often this comes up when the witness
22 takes the stand, testifies, and in the middle of
23 cross-examination wants to take the Fifth, and the
24 Court at that time has no choice but to strike the
25 entire testimony, because you can't allow a witness
26 to pick and choose what he or she is going to be
27 subject to on cross-examination. If that's the

28 case, then obviously the remedy at this point is to 5953

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1 not allow the witness to be called at all.

2 The question of materiality, which we

3 briefly -- I'll address a little more fully just

4 because, obviously, we didn't have a lot of time to

5 file things on either side, obviously, the welfare

6 applications in this case are extensive, and they

7 cover in detail the particular issues that relate to

8 things that have come out through Major Jackson's

9 testimony and pertain to the precise time period

10 that we're talking about here, the time period

11 during which Miss Arvizo and her children were

12 importuning Mr. Jackson to assist them through 2000

13 and 2001, on into 2002, and of course during the

14 critical periods in 2003, from early February to mid

15 March.

16 During this period of time, Miss Arvizo was

17 not only accepting welfare, food stamps, disability

18 unemployment, but she was also making applications

19 to the Family Law Court. In her extensive statement

20 under oath and specific questions under oath, she in

21 essence denies that she has any bank accounts,

22 whereas we know she had bank accounts as a result of

23 a substantial settlement from J.C. Penney's; that

24 she has any money, and for the same reason, that's

25 false; that she's received any money from anyone,

26 and we know that's false from other testimony we

27 have so far; that she is living with anyone, and we

28 know that's false, based on the testimony of Major 5954

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1 Jackson that she's receiving any assistance in that
2 regard; that she has a vehicle to drive, whether or
3 not she owns it.

4 And there are extensive questions that are
5 answered in a way that is clear that it is perjury,
6 and that is a felony. It is also fraud. And as a
7 matter of constitutional right, a defendant is
8 allowed to confront and cross-examine and is
9 entitled to confront and cross-examine a witness who
10 seeks to testify against him.

11 This witness seeks to make all sorts of
12 allegations, as we understand it, against Mr.
13 Jackson. He has a right, through his counsel, to
14 vigorously cross-examine this witness and show that
15 she has committed acts of perjury and acts of fraud,
16 to show that she is not credible, number one. And
17 number two, to show she is doing this during the
18 very same period that she is making allegations in
19 this case against Mr. Jackson.

20 In addition to that, there are a number of
21 very specific factual tie-ins beyond the fraud and
22 the perjury and the credibility. There are factual
23 tie-ins that we would not be allowed to explore,
24 were the District Attorney to get his wish and allow
25 her to just testify unscathed.

26 Factual tie-ins include allegations that she
27 could not -- that she was imprisoned somehow, and at

28 the same time she is making applications, she is 5955

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1 receiving welfare checks. She's able to deposit
2 them. She is able to fax a letter telling the
3 welfare department that she no longer wishes to
4 receive welfare, which we maintain is tied to her
5 belief that she is going to be making money and
6 having security based on what she's trying to
7 establish with Mr. Jackson. All of those things,
8 were the District Attorney to get their wish, would
9 be excluded and we would not be allowed to confront
10 and cross-examine her on these inconsistent acts
11 that are inconsistent with her allegations.
12 We also have some acts, such as the paying
13 of rent on the Soto Street apartment, and the Court
14 has already heard Major Jackson's somewhat, I'd say,
15 incredible, but, I mean, certainly it didn't make
16 sense to me, remarks about needing to have the two
17 residences. Additional information comes out about
18 that and will come out that, in fact, she got Brad
19 Miller to pay her rent, she got Jay Jackson to pay
20 her rent, and she got the Trujillos, who own the
21 place, to forgive her rent, based on her claims that
22 she was not able to afford the rent because of
23 Gavin's illness.
24 So those acts of multiple fraud with regard
25 to that location presumably would come within this
26 same ambit, at least portions of it. Even if we're
27 allowed to ask part of that, a good portion of that

28 cross-examination would be precluded. 5956

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1 Having said that, and without belaboring
2 that any further, unless the Court has questions,
3 that's the materiality. There's just no question
4 these are material issues, particularly in a
5 criminal case where you have a constitutional right
6 to confront and cross-examine.

7 THE COURT: But you wouldn't be precluded
8 from proving those items through other witnesses.
9 You would only be precluded from asking her those
10 questions that relate to the welfare fraud.

11 MR. SANGER: Right. And we've addressed
12 that issue briefly --

13 THE COURT: I know.

14 MR. SANGER: -- in here.

15 And the answer to that, I think, is that,
16 you know, the right to confront and cross-examine is
17 extremely important because of a variety of things.
18 Number one, it comes at this stage of the
19 proceedings. If the prosecution's position were
20 adopted, and we were not allowed to inquire, and the
21 jury is not allowed to know about any of this, they
22 would see a witness get up there, be relatively
23 unscathed as to a major part of the -- of the issue
24 with regard to her credibility and as to major
25 issues with regard to activities that she engaged in
26 during this period of time. We would then be denied
27 the right to confront and cross-examine.

28 There's a great quote that we presented to 5957

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1 the Court to the effect that that's a very effective
2 part of the process, the legal process in general,
3 and it is a constitutional part of the criminal
4 legal process to vigorously cross-examine. That is
5 one of the aspects of our system that helps us try
6 to obtain the truth and get to the bottom of things.
7 If we were not allowed to do that,
8 timing-wise, we would not be able to even present
9 this until after the People rested. So, we would be
10 in a position where this jury is going to hear this,
11 they would not be allowed to hear anything to the
12 contrary, she would leave the stand unscathed, and
13 then eventually, through laboriously presenting
14 custodians of records and presenting other evidence
15 from other sources, we would eventually build the
16 case that we have to show that she, in fact,
17 committed welfare fraud.
18 It comes, you know, certainly a day late or
19 a month or two months or three months late in the
20 proceedings. And I believe constitutionally, we're
21 deprived of that very important right, and that's
22 why that right exists. We don't have to wait until
23 two or three months later to put on evidence
24 incrementally. We're allowed to confront her right
25 off the bat and say, "Isn't it a fact that this
26 happened?"
27 Now, in addition to that, Mr. Sneddon, in

28 his opening statement, got up and told the Court, 5958

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1 and told the jury, that she was going to take
2 responsibility for her welfare fraud, and that it
3 wasn't that big a deal anyway, but she would take
4 responsibility. She's done things that were wrong
5 or that she was not proud of, "But," you know,
6 "ladies and gentlemen, don't worry about that,
7 because she's going to take responsibility and tell
8 you honestly what happened here."

9 Well, if the People were to get their way,
10 the prosecution was going to get its way in this
11 case, she would not do that, and that would not
12 happen.

13 What's more harmful to our situation, from
14 the -- from Mr. Jackson's standpoint, is that based
15 on those statements made by the prosecution in
16 opening, Mr. Mesereau, on behalf of the defense and
17 Mr. Jackson, got up and made a substantial
18 statement, a series of statements in his opening
19 statement to the effect that we were going to prove
20 X, Y and Z, and that is going to be now swept under
21 the rug, as it were, if the prosecution were to get
22 its way, until such time as we could then present
23 this incrementally during the defense. So it would
24 be extremely prejudicial and it would -- it would be
25 a denial of confrontation.

26 So that is why I believe that we get past
27 that point. I believe that based on the case law

28 and the Constitution, we just can't carve out safe 5959

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1 harbors for a witness and allow that witness to
2 testify to what the prosecution wants and not
3 testify to other relevant matters, some of which
4 have already started to come in through Mr. Jackson,
5 or Major Jackson.

6 Now, that takes us to the next point: What
7 does the Court do? And I think that the only remedy
8 at this point is to strike her -- or not strike her
9 testimony, but to disallow it. You can't have a
10 half cross-examined witness in a criminal case.

11 If the Court does that, we then get to the
12 next problem, which is what do we do with this trial
13 as it stands now?

14 And we've suggested that the only remedy is
15 to declare a mistrial, because the prosecution has
16 said they were going to present this. We have spent
17 a good deal of time in opening focusing on Janet
18 Arvizo as a witness and her lack of credibility.
19 She is also the kingpin of what they claim was going
20 to be their case for conspiracy. She is the basis
21 for a lot of what they are claiming will be tied up
22 later to establish co-conspirators for the purpose
23 of all the conditional admissions of testimony that
24 the Court has allowed.

25 Can we unring this bell if she doesn't
26 testify? Even were the Court to grant an 1118.1
27 motion at the end of the prosecution's case on

28 conspiracy, it would contaminate the entire trial. 5960

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1 So I think that the remedy, if the Court
2 excludes her testimony, which it has to do, is to
3 then grant a mistrial.

4 Now, the reason I raise that at this point
5 is that we have suggested that if the Court were
6 going to deny a mistrial -- this is convoluted, but
7 I think we have to go full circle and come back. If
8 the Court were to deny a mistrial, there might be a
9 way to handle this. We're not prepared to concede
10 that it's going to do the trick and that it's
11 constitutionally adequate. But if the Court were to
12 deny a mistrial, one way to handle this would be to
13 allow the witness to testify and to take the Fifth
14 in front of the jury.

15 Now, it's not for the purpose of
16 embarrassing Miss Arvizo. But more importantly, she
17 is not a stakeholder. She has no stake in whether
18 or not the jury hears that she's taking the Fifth.
19 If she were a litigant in the case and a stakeholder
20 in the case itself, the Court might say, "Well,
21 that's unfair," in the context of requiring her to
22 either take the Fifth or, as in the Pacers case, for
23 instance, lose the ability to litigate a civil case.
24 Under -- the Court's familiar with Pacers.

25 I mean, the balancing was, you can't make somebody
26 lose their civil case or choose to waive their Fifth
27 Amendment right to win it. But that's where the

28 person who was facing that issue is a stakeholder in 5961

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1 the litigation.

2 Miss Arvizo is not a stakeholder in this
3 litigation. Therefore, asserting the Fifth, as
4 she's just done in public, in front of the world, is
5 no different than asserting the Fifth in front of
6 the jury, for her. It does not affect her. She is
7 not a stakeholder in the litigation.

8 What it does is some sort of rough justice
9 which would allow the jury to understand that the
10 promises made by Mr. Mesereau at the time of his
11 opening statement are promises that we intend to
12 keep. And that while we are not permitted to go
13 into this now, because she's asserting the Fifth,
14 we -- it is a clear message to the jury that this is
15 an issue that's still alive, and to keep an open
16 mind, and we will be presenting evidence at a later
17 time.

18 There was, of course -- and I don't want to
19 comment on the content of stipulations, but I
20 understand that Mr. Mesereau indicated that there
21 might be some way to stipulate around this. And I
22 just throw that out, not -- we're not trying to
23 force the prosecution to stipulate. But just as a
24 possible remedy, another remedy would be to enter
25 into some kind of a stipulation, if the prosecution
26 were willing to do it.

27 Absent those remedies, it seems that

28 following the law and looking at the Constitution on 5962

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1 confrontation, the only choice that the Court has
2 to -- the only choice the Court can make at this
3 point is to exclude her entire testimony, and then
4 the chips fall where they may, either a motion for a
5 mistrial is made, and granted or denied, and then we
6 go on to the next step.

7 The reason I address the motion for mistrial
8 issue is because I think it's only fair to look at
9 the horizon and see what happens, which might prompt
10 everybody to resolve this some other way, whether
11 it's by the Court's order or by stipulation.

12 Unless the Court has questions, I'll respond
13 to the prosecution.

14 THE COURT: All right. Mr. Zonen?

15 MR. ZONEN: Your Honor, we've very
16 thoroughly briefed this issue and I'm going to be
17 very brief in my argument.

18 There's nothing that they're seeking to do
19 in the course of this trial for purposes of
20 impeaching her testimony by way of bringing in this
21 information that they cannot do even in the absence
22 of Miss Arvizo or Mrs. Jackson testifying to these
23 matters. They have all the documentation necessary
24 to be able to present the information that Mr.
25 Mesereau said in his opening statement that they
26 would be presenting, and all of this information can
27 be adequately presented to the jury and in a very

28 thorough way. 5963

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1 She has a right, constitutional right, not
2 to answer questions that would incriminate her. To
3 a large extent, to some extent certainly, this is a
4 problem of their own creation. Prior to the
5 commencement of this trial, the defendant hired an
6 attorney to present to the Los Angeles District
7 Attorney's Office a compilation of material, along
8 with a demand letter that she immediately be
9 prosecuted for this matter. So the fact that she's
10 now asserting the Fifth is certainly -- and they're
11 denying that they did it, even though we have now
12 shown that that same lawyer has filed writs to the
13 California State Supreme Court on behalf of
14 defendant as well.

15 It's certainly a right that she has to
16 assert the Fifth as to any question that could tend
17 to incriminate her. There's little question but
18 that issues dealing with this matter could tend to
19 incriminate her. Certainly the matter is currently
20 before the Los Angeles District Attorney's Office.
21 She has a right to do that. She has a right to do
22 that outside the presence of the jury. The only
23 reason that it would be done in front of the jury
24 would be to prejudice her in her assertion of a
25 constitutional right, and case law clearly states
26 that that is not to be done.

27 This is a collateral matter entirely, has

28 nothing to do with any activity that took place in 5964

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1 Neverland, has nothing to do with any activity that
2 took place at any other location involving the
3 defendant, such as Miami. It has all to do entirely
4 with credibility issues. And to that extent, since
5 it is entirely with credibility issues, it is out of
6 the gamut of any of those cases that talk in terms
7 of court-imposed immunity.

8 And finally, the issue of a mistrial should
9 be, of course, denied. There is no issue that
10 cannot be presented to this jury in some other
11 fashion. And so that would not be an appropriate
12 remedy.

13 We'll submit it on our pleadings.

14 MR. SANGER: May I respond, briefly?

15 THE COURT: Let me ask him a question first.

16 MR. SANGER: Mr. Zonen or myself?

17 THE COURT: Mr. Zonen.

18 MR. SANGER: Okay.

19 THE COURT: The one issue is, if I deny the
20 defendant's request to prevent her from testifying,
21 should she be required to claim the privilege in
22 front of the jury?

23 MR. ZONEN: I believe there's adequate cases
24 that say that is not an obligation for a witness.
25 And the motive in this case purely is for the jury
26 to be able to surmise some negative connotation to
27 asserting a constitutional protection. And I think

28 that the case law is pretty clear that that is just 5965

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1 not the implication that they're supposed to be
2 given from the assertion of a constitutional right.

3 THE COURT: All right. Mr. Sanger?

4 MR. SANGER: I was going to respond to that
5 precise remark that Mr. Zonen made, and therefore to
6 the Court's question, which is Mr. Zonen said
7 it's -- she has a right to assert the Fifth
8 Amendment. There's absolutely no question about
9 that. We all believe in the Fifth Amendment. And
10 that's the law of this country.

11 She does not have a right not to assert it
12 in front of the jury. That is not her right. That
13 is a judicially created rule that is not hard and
14 fast, but it was created to not allow unfairness in
15 front of the jury. It has nothing to do with the
16 witness, again, unless the witness is a stakeholder,
17 which she's not. That would come under the Pacers
18 kind of analysis.

19 So she does not have a right not to say it
20 in front of the jury. She said it in front of the
21 entire world here on the stand.

22 So the question is, can the Court fashion a
23 remedy that may work? And we believe that that is
24 at least a possibility, depending on how the Court
25 does it. You know, we're not in a position to
26 concede it.

27 And the only other thing I'd say, quickly,

28 is that with regard to this being reported to the 5966

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1 L.A. D.A., it was reported to the L.A. D.A. by
2 somebody who's not a member of this particular
3 defense team, and that's what we said. We didn't
4 mean to imply anything else. However, Mr. Sneddon
5 got up and said it was a crime. Certainly people
6 are prosecuted for much less in Santa Barbara than
7 what this person has done by way of welfare fraud,
8 and it's reasonable for anybody to report it if they
9 want to. I think that's a red herring.

10 The real issue comes down to what is the
11 Court going to do about it? Just exclude her
12 testimony entirely? Which leaves us with a can of
13 worms and possibly a mistrial. Or can we find some
14 other way around it? And that's where we are. And
15 I submit it to the Court for a decision.

16 THE COURT: Thank you, Counsel.

17 Neither of you cited People vs. Hecker,
18 219 Cal.App.3d 1238, which is a 1990 case, where an
19 appellate court reviewed a striking of testimony
20 where a witness claimed the Fifth Amendment and
21 indicated that that was, you know, too drastic of a
22 solution for the problem.

23 The appellate court in that case observed
24 that it might have been appropriate for the Court to
25 have permitted the witness to testify, allow the
26 jury to draw negative inferences from his invocation
27 of the Fifth Amendment. And I think the

28 instructions in the Hecker case are powerful 5967

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1 instructions to this Court.

2 Therefore, the Court will deny the defense
3 motion to prevent her from testifying, which also
4 leads us to the -- takes us right on past the motion
5 for a mistrial, which is denied also.

6 The next question becomes should she be
7 required to claim the Fifth Amendment in front of
8 the jury, and I have a suggestion here.

9 I'd like one member of each team to come
10 forward and pick up my suggested jury instruction,
11 and what -- the total intent of this instruction is
12 to advise the jury of the problem that has arisen in
13 this case because of the assertion of the Fifth
14 Amendment.

15 So looking at the suggested instruction on
16 top -- and you'll notice there's two instructions.
17 Immediately behind that is CALJIC 2.25, which what I
18 would intend to do is blend these instructions,
19 so --

20 MR. SANGER: Your Honor, your intention
21 would be to read this instruction before she
22 testifies?

23 THE COURT: Right.

24 MR. SANGER: Okay.

25 THE COURT: What I would intend to do, if you
26 will follow me and follow along, and we'll read it
27 right now out loud, because I'm going to interject

28 CALJIC 2.25 in here, so I would tell the jury, "In a 5968

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1 hearing held outside your presence, the Court has
2 determined that the Rules of Evidence preclude the
3 parties in this case from examination or
4 cross-examination of Janet Arvizo on the subject of
5 possible welfare fraud."

6 Then I would interject 2.25, "When a witness
7 refuses to testify in any matter relying on their
8 constitutional privilege against self-incrimination,
9 you must not draw from the exercise of this
10 privilege any inference as to the believability of
11 the witness or any other matter at issue in this
12 trial."

13 Then going back to this instruction, "This
14 is a ruling that was not anticipated when the
15 attorneys made their opening statements to you.
16 Those statements, however, are not evidence. You
17 should not consider the failure of the prosecution
18 or the defense to cover this subject area in the
19 examination or cross-examination of this witness as
20 having any evidentiary significance or any
21 importance in your ultimate decision on the case,
22 nor should you speculate as to the possible reasons
23 for the Court's decision.

24 "Evidence of possible welfare fraud may
25 still at some point be presented in this case, but
26 it will not be introduced through the testimony of
27 this witness."

28 So that's what I would propose. So, in 5969

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1 essence, I'm not -- she's not required to make the
2 claim in front of the jury, but I tell the jury that
3 she's made that claim, and the same effect, and I
4 explain to them why.

5 And, you know, I have a deep concern that
6 both sides, but primarily -- well, I shouldn't say
7 "primarily." Be careful how I say this. But both
8 sides were relying on the fact that evidence of
9 possible welfare fraud was going to come in and both
10 made pretty strong statements in their opening
11 statement about it, and I don't want to gloss over
12 that with the jury. I think it needs to be brought
13 to their attention so that -- and here's where I
14 feel the more strong side is, so the defense -- so
15 they're not wondering why the defense isn't
16 producing the evidence that Mr. Mesereau stated he
17 would produce in his opening statement.

18 So that's my proposal.

19 MR. SANGER: Could I be heard on just a
20 couple of technical issues?

21 THE COURT: Yes.

22 MR. SANGER: I don't know how technical they
23 are, but --

24 THE COURT: Probably pretty technical.

25 MR. SANGER: Well, it's actually fairly
26 substantial in one sense. But the proposed
27 instruction says "possible welfare fraud," and the

28 other thing that we specifically talked about was 5970

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1 perjury. And we'd ask the Court to add "perjury"
2 to -- "welfare fraud and perjury." There's probably
3 other things, but at the very least that covers the
4 broad areas.

5 The other suggestion that I would have is
6 that the Court -- that the first sentence in the
7 suggested instruction - and we've had all of a
8 minute and a half to consider this, okay? - but the
9 first sentence that the Court suggests before

10 reading the refusal of a witness to testify doesn't
11 really indicate that the witness has refused to
12 testify. It says, "The Court's determined that
13 evidence" -- "the rules of evidence preclude the
14 parties...."

15 Now, understanding that our prior motions
16 were denied, and so this is without conceding that,
17 we would ask that the Court indicate that the
18 witness has refused to answer certain questions and
19 the Court has granted the witness that privilege.

20 And then that moves into your 2.25, which explains
21 what the refusal and the privilege is, and that the
22 actual exercise of the privilege cannot be
23 considered.

24 And the reason I suggest that is that
25 otherwise - well, I understand what the Court was
26 doing with this - otherwise, it appears -- it may
27 appear to the jury that they're not to consider this

28 whole area for some reason, and what you're really 5971

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1 saying is they can't consider the refusal and the
2 assertion of a privilege.

3 THE COURT: Right.

4 MR. SANGER: I'd just ask that that be
5 clarified in that first sentence.

6 Thank you.

7 THE COURT: Did you want to say anything in
8 response?

9 MR. ZONEN: I have no objection to the
10 inclusion of the word "perjury," but -- I have no
11 objection to the inclusion of the word "perjury,"
12 but as to the balance of it, I think the content of
13 the instruction as drafted is adequate.

14 THE COURT: Okay. I think this is how I
15 would like to do it. I think it solves the problem
16 not exactly the way you wanted me to, but taking the
17 suggested instruction paragraph starting with "In a
18 hearing..." I'm going to add a sentence before that
19 sentence.

20 So the first sentence would read: "The
21 witness, Janet Arvizo, has made a claim of privilege
22 under the Fifth Amendment of the United States
23 Constitution." Then I go into, "In a hearing held
24 outside your presence, the Court has determined that
25 the rules of evidence preclude the parties...."
26 And then the next sentence is, "When a witness
27 refuses to testify to any matter relying on a

28 constitutional privilege...," so it all comes 5972

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1 together there.

2 Okay?

3 MR. ZONEN: Yes.

4 MR. MESEREAU: Your Honor?

5 THE COURT: Yes, sir.

6 MR. MESEREAU: I would be cross-examining

7 the witness, and could I just ask a question? If

8 the prosecution tries to --

9 THE COURT: They can't hear you in the back.

10 MR. MESEREAU: Sure. I'll go up there.

11 Your Honor, I'll be cross-examining the

12 witness, and I suspect the prosecution is going to

13 try to ask questions to create the impression that

14 she's never asked anybody for money, which we can

15 prove is not true. The -- that raises the question

16 of, if they open that door, if they try and create

17 that impression, the question then becomes what can

18 we do to counteract it through proper use of

19 cross-examination? They've already suggested in

20 their calling other witnesses that this woman is

21 pristine pure and it's all her husband who was only

22 asking for money.

23 MR. ZONEN: Judge, we've gone beyond the

24 argument in this matter. And I'm going to object to

25 the use of dual counsel as to this motion as well.

26 THE COURT: I think that's good. I'm glad

27 you did.

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28 I think we'll just deal with that -- 5973

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1 MR. MESEREAU: Okay.

2 THE COURT: -- when we get to it.

3 MR. MESEREAU: If we could have the
4 opportunity to approach sidebar, if necessary, on
5 that, I would ask the Court's indulgence in that
6 regard. Because I think an issue might come up and
7 we do have to defend our client, Mr. Jackson,
8 vigorously and professionally, and it does raise a
9 thorny issue.

10 THE COURT: I'll deal with that as it comes
11 up.

12 MR. MESEREAU: Okay. Thank you, Your Honor.

13 THE COURT: In a sense, what Mr. Mesereau was
14 saying is that, you know, the claim of privilege is
15 binding on everybody, and the prosecution as well as
16 the defense have to stay away from those areas that
17 would cause her to have to make continual claims in
18 front of the jury. That's what this is about. Both
19 sides are restricted in their questioning to areas
20 outside of the alleged welfare fraud and resultant
21 possible perjury.

22 And that's how I take your remarks, Mr.

23 Mesereau. If they don't respect those lines, then
24 what do you do? And we'll deal with that as it
25 arises.

26 All right. What we're going to do is we're
27 not going to recess. I'm going to step off the

28 bench. We'll have the jury brought in immediately, 5974

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1 and then we'll start.

2 I don't want the witness in the witness
3 stand, because I'm going to instruct the jury from
4 the witness chair. The witness has already been
5 sworn. I'll advise the jury of that.

6 Since she is now known as Mrs. Jackson, are
7 we going to refer to her mainly, for the most part,
8 as "Mrs. Arvizo" for the purposes of the
9 examination, or --

10 MR. ZONEN: She's requesting that I address
11 her as "Mrs. Jackson."

12 THE COURT: Well, that's fine. I didn't ask
13 you what she wanted.

14 (Laughter.)

15 THE COURT: I said, are we going to address
16 her as "Miss Arvizo," "Mrs. Arvizo"?

17 MR. MESEREAU: We would request that, Your
18 Honor.

19 THE COURT: The reason being, there's so many
20 documents, tapes and things, and I'm concerned about
21 the confusion to the jury of the names. That's all.

22 MR. ZONEN: Whatever is the Court's
23 direction.

24 THE COURT: I'll allow you to address the
25 issue with the witness in front of the jury, so that
26 they understand that I'm not going to require that
27 people address her as "Mrs. Jackson" in the trial,

28 because I don't want to have that problem of 5975

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1 confusion over names. All right?

2 MR. ZONEN: Okay.

3 MR. MESEREAU: Thank you, Your Honor.

4 THE COURT: Bring in the jury.

5

6 (The following proceedings were held in

7 open court in the presence and hearing of the

8 jury:)

9

10 THE COURT: (To the jury) Here I am again.

11 (Laughter.)

12 THE COURT: I'm going to read you again some

13 instructions, and remind you that at the end of the

14 case, I will fully instruct you on all of the law

15 involved in the case, but I'm instructing you at

16 this time to specifically deal with a specific

17 problem that's arisen in the evidence of the case.

18 So I'd like you to listen carefully to this.

19 The witness, Janet Arvizo, has made a claim

20 of privilege under the Fifth Amendment of the United

21 States Constitution. In a hearing held outside your

22 presence, the Court has determined that the rules of

23 evidence preclude the parties in this case from

24 examination or cross-examination of Janet Arvizo on

25 the subject of possible welfare fraud.

26 When a witness refuses to testify to any

27 matter relying on the constitutional privilege

28 against self-incrimination, you must not draw from 5976

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1 the exercise of this privilege any inference as to
2 the believability of the witness or any other matter
3 at issue in this trial.

4 This is a ruling that was not anticipated
5 when the attorneys made their opening statements to
6 you. Those statements, however, are not evidence.
7 You should not consider the failure of the
8 prosecution or the defense to cover this subject
9 area in the examination or cross-examination of this
10 witness as having any evidentiary significance or
11 any importance in your ultimate decision on the
12 case, nor should you speculate as to the possible
13 reasons for the Court's decision. Evidence of
14 possible welfare fraud and perjury may still at some
15 point be presented in this case, but it will not be
16 introduced through the testimony of this witness.

17 You may call your witness to the stand.

18 MR. ZONEN: We'll call Janet Arvizo Jackson
19 to the stand, please.

20

21 JANET JACKSON

22 Having been previously sworn, resumed the
23 stand and testified further as follows:

24

25 THE COURT: Mrs. Arvizo, you were previously
26 sworn.

27 THE WITNESS: Yes.

28 THE COURT: You may be seated. You are still 5977

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1 under oath.

2 THE WITNESS: Thank you.

3

4 DIRECT EXAMINATION

5 BY MR. ZONEN:

6 Q. The name that you're currently going by is

7 what name, please?

8 A. Janet Jackson.

9 Q. And you were previously Janet Arvizo; is

10 that correct?

11 A. Yes.

12 Q. And your maiden name is Janet Ventura; is

13 that right?

14 A. Yes. Correct.

15 Q. To the extent that you may, at different

16 times in this proceeding, be referred to by any of

17 those three names, that would be you; is that

18 correct?

19 A. Yes.

20 Q. And you understand that there are documents

21 that will be admitted and shown to you under the

22 name "Janet Arvizo"?

23 A. Yes.

24 Q. And you understand that you'll be addressed

25 as "Janet Arvizo" at different times during this

26 proceeding as well?

27 A. Yes.

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28 Q. You are currently married to whom? 5978

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1 A. Jay Jackson.

2 Q. And what does Jay Jackson do?

3 A. He's a major in the Army.

4 Q. And with whom do you reside at this time?

5 A. With my husband and my four children.

6 Q. And your four children include the three who

7 have already testified in this proceeding?

8 A. Yes, sir.

9 Q. Star, Gavin and Davellin?

10 A. Yes.

11 Q. And you have a baby at home; is that right?

12 A. Yes.

13 Q. And how old is he?

14 A. He's eight months.

15 Q. I'd like to direct your attention, please,

16 back to the year 2000, as best I can. Can you tell

17 me if, during that period of time, you were first

18 introduced to Michael Jackson?

19 A. I'm sorry, say that again.

20 Q. When did you first meet Mr. Jackson?

21 A. In August of 2000.

22 Q. All right. And is Michael Jackson here in

23 the courtroom at this time?

24 A. Yeah.

25 Q. And is he the man with the long dark hair?

26 A. Uh-huh.

27 Q. Sitting to my right?

28 A. Yes. 5979

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1 Q. What were the circumstances of your

2 introduction to Mr. Jackson?

3 A. My son's illness.

4 Q. Your son was suffering from what illness at

5 the time?

6 A. Cancer.

7 Q. How is it that you happened to meet Mr.

8 Jackson?

9 A. It was either two -- one of two people. I

10 never knew who.

11 Q. Somebody arranged an introduction?

12 A. Yes.

13 Q. Was your son actively ill at that time?

14 A. Yes.

15 Q. What type of treatment was he receiving?

16 A. Chemotherapy.

17 Q. Was there a time that you and other members

18 of your family were taken to Neverland?

19 A. Yes.

20 Q. And Neverland is a ranch in Santa Barbara

21 County, is it not?

22 A. Yes.

23 Q. All right. Do you remember when that was,

24 what month, what year?

25 A. August 2000.

26 Q. Did somebody take you there?

27 A. We were picked up, yes.

28 Q. Do you know who that person was? 5980

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1 A. His limo.

2 Q. All right. And who among your family

3 members went to Neverland back then?

4 A. My ex-husband David and my three children.

5 Q. And the three children are the ones we've

6 already identified?

7 A. Yes.

8 Q. Okay. How old was Gavin at that time?

9 A. Gavin was ten.

10 Q. Had he already undergone surgery for his

11 cancer?

12 A. Yes.

13 Q. And was he going through chemotherapy at the

14 time?

15 A. Yes.

16 Q. Can you describe his condition at the time

17 of that first visit to Neverland? How was he doing

18 at that time?

19 A. He was at that point where walking was kind

20 of difficult for him. He would walk, I don't know,

21 when you -- kind of like a toddler walk.

22 Q. All right.

23 A. And he would tire easy.

24 Q. Was he taking medication at the time?

25 A. Yes.

26 Q. And --

27 A. The chemotherapy.

28 Q. And as a consequence of the surgery, has he 5981

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1 since been taking medication?

2 A. Yes.

3 Q. What's the nature of the medication that he
4 takes?

5 A. His -- one of his kidneys is malfunctioning,
6 and so that -- he takes one medicine for that so he
7 doesn't end up losing that kidney. He sees a
8 specialist for that, but there's a possibility that
9 he could lose his kidney.

10 Q. Okay. What's the other medication?

11 A. The other one is in replacement of his
12 spleen, and that's for -- it's -- it's a medical
13 word, but I really don't know what it means. They
14 call it prophylactic, and that's so -- because
15 there's certain bacteria that, if Gavin is exposed
16 to those bacterias, it's certain death.

17 Q. It's an antibiotic of sorts?

18 A. Yes.

19 Q. It's for his immune system?

20 A. This is what they've explained to me. I
21 don't know.

22 Q. During that first visit, do you recall how
23 many days you stayed at Neverland?

24 A. No, I couldn't tell you.

25 Q. Do you know if it was more than one night?

26 A. Oh, yes.

27 Q. Can you tell us if it was as long as a week?

28 A. No. Definitely no. 5982

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1 Q. And where did you stay during that first
2 visit at Neverland?

3 A. Me and David stood in one room. And my
4 children were supposed to stay in another room
5 together, but it ended up just being Davellin.

6 Q. You and your husband then, David?

7 A. Yeah.

8 Q. And Davellin in one room?

9 A. Yes.

10 Q. And where did the boys stay?

11 A. With Michael.

12 Q. In his house?

13 A. Yes.

14 Q. Do you know where in his house that he
15 stayed?

16 A. I know --

17 Q. Let me ask the question more specifically.

18 A. Sure.

19 Q. Do you know from personal observation -- in
20 other words, did you see where they stayed? Not
21 from what anybody told you, but did you see where
22 they stayed?

23 A. No.

24 Q. During that first visit, did you ever go
25 into Mr. Jackson's residence?

26 A. His residence -- there's an area where
27 there's a -- like a kitchen area where everybody can

28 go into, but the -- but -- it's -- it's open, you 5983

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1 know, to that area, eating area.

2 Q. And that's the area you went into?

3 A. Yes.

4 Q. Did you go into his personal residence, his
5 bedroom or his bedroom suite?

6 A. No.

7 Q. Have you ever been to --

8 A. No.

9 Q. -- his residence, his personal residence,
10 meaning his bedroom suite?

11 A. That's right.

12 Q. And the answer is no, you had not been?

13 A. No.

14 Q. All right. During the period of time that
15 you were there, did your sons ever stay in the guest
16 cottage?

17 A. No.

18 Q. To your knowledge? To your recollection?

19 A. No.

20 Q. Did you then return, at the conclusion of
21 that visit, back to your home?

22 A. Yes.

23 Q. Where was your home at that time?

24 A. Okay. It's -- can I explain to them?

25 Q. Well, try to focus on the question as best
26 you can.

27 A. Okay.

28 Q. Did you have a residence at that time? 5984

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1 A. Yes.

2 Q. Did you have actually more than one place
3 where you or other members of your family were
4 staying?

5 A. Me and the children, when Gavin -- right
6 after he would have --

7 MR. MESEREAU: Objection; nonresponsive.

8 MR. ZONEN: You have to listen to the
9 question.

10 THE WITNESS: Okay.

11 MR. ZONEN: Does the Court want to rule?

12 THE COURT: I thought you were going to take
13 care of it.

14 MR. ZONEN: I was.

15 THE COURT: Well, go ahead.

16 Q. BY MR. ZONEN: Listen to the question as
17 specifically as possible, okay?

18 Was there more than one residence that you
19 and your family were staying in during this period
20 of time?

21 A. I don't know how to answer that without
22 explaining it.

23 Q. Did you have a residence that you were
24 paying rent on?

25 A. Yes.

26 Q. Where was that?

27 A. In East L.A.

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28 Q. Was there another residence that any member 5985

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1 of your family was staying in?

2 A. At my mom's.

3 Q. Where was your mom's residence?

4 A. In El Monte.

5 Q. And who was staying at your mom's residence?

6 A. Gavin and David.

7 Q. Okay. And why was Gavin -- why were Gavin

8 and David staying at your mother's residence in El

9 Monte?

10 A. Because Davellin and Star were still going

11 to school. I got three kids, you know. Only

12 because Gavin has cancer doesn't mean the other

13 ones, they're off. They got to go to school.

14 Q. All right. But --

15 A. And so --

16 Q. -- why was Gavin staying at your mother's?

17 A. Sterile room.

18 Q. Tell us --

19 A. Because in my bachelor apartment, there's no

20 divided rooms, bedrooms.

21 Q. All right. So what did Gavin -- what

22 special needs did Gavin require that necessitated

23 him staying at your mother's?

24 A. A sterile room after chemotherapy.

25 Q. Could he or was he being exposed to your

26 other two children?

27 A. Yes, my other two kids were still going to

28 school, so they had to be separated for that moment, 5986

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1 because the children could have picked up some other
2 germs, which at the time Star was nine, and --

3 Q. So your then husband David and Gavin stayed
4 at your mother's?

5 A. Yes.

6 Q. And the rest of you stayed at where?

7 A. East L.A.

8 Q. And the East L.A. was the Soto Street
9 residence that --

10 A. Yes.

11 Q. -- we've heard something about; is that
12 correct?

13 A. Yes.

14 Q. Describe that residence for us.

15 A. I've lived there for about five years.

16 Q. Tell us what it looked like, the residence.

17 A. Um --

18 Q. How many rooms?

19 A. It was my home.

20 Q. All right. But how many rooms? Was there a
21 bedroom?

22 A. No.

23 Q. Was there a living room?

24 A. No. It was just a room and a wall to divide
25 the kitchen.

26 Q. Okay. So there's a kitchen and one room?

27 A. Yeah.

28 Q. It's a studio; is that right? 5987

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1 A. Yeah.

2 Q. And all of you lived in that residence?

3 A. Yes. And it had a rest room, too.

4 Q. And it had a bathroom?

5 A. Yes.

6 Q. And a kitchen?

7 A. Yeah.

8 BAILIFF CORTEZ: Could you lean forward so

9 we can hear?

10 Q. BY MR. ZONEN: We're not picking on you. We

11 need to have everybody, all of the witnesses, speak

12 directly into the microphone so you can be heard.

13 A. Yeah.

14 Q. And for what period of time was this your

15 residence? From when to when?

16 A. For five years. From 1998 to 2003.

17 Q. Okay. There's some Kleenex up there, if you

18 need some, as well, I believe, in front of you.

19 Now, during the period of time that Gavin

20 was ill, did he stay at that residence on Soto

21 Street at all?

22 A. No.

23 Q. Was he going to school during that year that

24 he was ill?

25 A. He -- the whole entire time while he had

26 cancer he did not attend school one single day.

27 Q. Was he either at your mother's residence or

28 at the hospital? 5988

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1 A. Yes.

2 Q. And did he periodically return to the
3 hospital for treatment?

4 A. Yes.

5 Q. Can you tell us approximately within, say, a
6 30-day period how much of that time he would have
7 spent at the hospital, how often of that time he
8 would have spent at your mother's residence?

9 A. He didn't just stay for the chemotherapy.

10 He was hospitalized -- sometimes because he had
11 fevers, he had to get hospitalized. Any -- any
12 fragility in his health, he had to be hospitalized.

13 Q. So give us a sense. Of the 30-day period,
14 what percentage of that might he have spent in a
15 hospital?

16 A. Sometimes. Sometimes more than half.

17 Q. All right.

18 A. Sometimes.

19 Q. How long did the chemotherapy go on?

20 A. Almost a year, but quite not a year.

21 Q. Was there a point in time where doctors
22 determined that he was in remission?

23 A. Yes.

24 Q. And approximately when was that?

25 A. It was about in May, but for sure -- yeah.

26 Q. In May of when?

27 A. In May of 2001.

28 Q. May of 2001? 5989

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1 A. Yes.

2 Q. Was there some kind of demarcation, a test
3 or something that they did?

4 A. Yes.

5 Q. And what was that?

6 A. They did a full checkup, and they concluded
7 that it was not -- it was in remission.

8 Q. Okay.

9 A. And then that's when -- he had to have a
10 little thing going through his heart, his main
11 artery, because he was receiving such strong
12 dosages, so he had to have the strongest artery.

13 Q. And that was removed?

14 A. Yes, that was removed.

15 Q. All right. Is he in remission today?

16 A. Yes, he is.

17 Q. Is he healthy today?

18 A. Outside the -- the two specialists that see
19 him continuously, his oncologist, his nephrologist,
20 he's a healthy boy, but he's got medical concerns.

21 Q. And still sees a doctor?

22 A. Yes.

23 Q. And still takes medication?

24 A. Yes. And then the scare we just had where
25 he had a very serious test.

26 MR. MESEREAU: Objection; nonresponsive.

27 MR. ZONEN: Hold on.

28 No objection to that. 5990

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1 THE COURT: I'll allow the "Yes" and strike
2 the rest of the sentence.

3 Q. BY MR. ZONEN: All right. Now, you
4 described that first visit to Neverland back in
5 August of 2000; is that correct?

6 A. Yes.

7 Q. All right. When was the next time you went
8 to Neverland?

9 A. Me?

10 Q. Yes.

11 A. Oh, let me see. Um -- um -- September 2002,
12 because Chris had invited me, Chris and Aja.

13 MR. MESEREAU: Objection; nonresponsive.

14 Q. BY MR. ZONEN: The answer (sic) simply is
15 when was the next time you went?

16 A. Oh. September of 2002.

17 Q. Did your son or both of your sons or your
18 two sons and daughter return to Neverland at an
19 earlier time than that?

20 A. Yes.

21 Q. Excuse me.

22 When was the next time -- when was the next
23 time that they went back to Neverland, to your
24 recollection?

25 A. Okay. The boys?

26 Q. Yes.

27 A. The boys went right after the initial visit

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28 in August of 2000. But Davellin didn't go. Neither 5991

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1 did I.

2 Q. Did your then husband David go?

3 A. Yes, with David.

4 Q. And were they transported there?

5 A. Yes.

6 Q. And why didn't you go?

7 A. I felt it was more important for Davellin to
8 focus on her school. She was already starting high
9 school, ninth grade.

10 Q. So you stayed home with Davellin?

11 A. Yes.

12 Q. And were there any other visits --

13 A. And because of the little incident that Dave
14 did over there.

15 Q. You've had problems with David over the
16 years of your marriage; is that correct?

17 A. Yeah.

18 Q. Do you know how many visits your children
19 had to Neverland after the initial visit, and
20 approximately when they were?

21 A. Okay. The first initial visit in August,
22 and these are all approximate, August of 2000. Then
23 the boys, when they returned with David, right after
24 that. Then in the spring of 2002, with Chris. And
25 then Michael invited them immediately back up. And
26 then with Chris's -- the family birthday party that
27 Chris had, Chris and Aja. And then the filming of

28 this stuff -- 5992

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1 Q. All right.

2 A. -- in September.

3 Q. All right. You're not -- all right. Let's

4 see if we can work this out a little bit.

5 We have the initial visit August of 2000.

6 A. Yes.

7 Q. And then you said they returned, your

8 husband David and the two boys, soon thereafter?

9 A. Yes.

10 Q. And by "soon," are we talking about within a

11 week or two?

12 A. Oh, yes.

13 Q. Okay. And do you know for what period of

14 the visit they stayed, for how long?

15 A. And this is approximate, okay?

16 Q. Sure. Sure.

17 A. Pardon me?

18 Q. Approximately how long they stayed for the

19 second visit.

20 A. Oh, I couldn't tell you.

21 Q. Would you know --

22 A. Just days.

23 Q. -- if it was more than one night?

24 A. Oh, definitely, yes.

25 Q. Was it less than a week?

26 A. Yes.

27 Q. And you were at home with Davellin?

28 A. Yes. 5993

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1 Q. And was "home" at that time the Soto Street
2 address?

3 A. Yes.

4 Q. Now, were there any other visits in that
5 year, the year of 2000, to either Neverland or a
6 visit with Michael Jackson at someplace other than
7 Neverland?

8 A. Yes. Michael had invited Gavin and David to
9 go to the Universal Hilton in Studio City, and
10 that's -- and in this time it was only Gavin in the
11 hotel.

12 Q. Okay. Gavin and only Gavin, or Gavin and
13 his father?

14 A. Only Gavin and David.

15 Q. So his father went, but not his brother or
16 his sister?

17 A. No.

18 Q. And you didn't go?

19 A. No. No.

20 Q. Was that an overnight visit?

21 A. No, it was a day visit.

22 Q. And they returned that same day?

23 A. Yes.

24 Q. All right. Was there any other visit in
25 2000 that you're aware of?

26 A. No.

27 Q. Was there any visit in 2001 that you were

28 aware of? 5994

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1 A. Zero.

2 Q. No visits to Neverland during that time?

3 A. No.

4 Q. All right. Now, during that initial period

5 when your son met Michael Jackson, did you have any

6 telephone calls with Mr. Jackson at all?

7 A. Me?

8 Q. Yes.

9 A. In 2000?

10 Q. Yes. In 2000.

11 A. No.

12 Q. Do you know if Mr. Jackson was having

13 conversations with your son over the telephone?

14 A. Yes.

15 Q. Do you know where those conversations took

16 place? And I mean your son's end of the

17 conversation, where he was at the time of those

18 conversations?

19 A. Sometime in the hospital, but mostly at my

20 mom's house. Gavin had his own room. And he had

21 his own telephone line, his own -- his own answering

22 machine, because usually they -- the doctor had

23 suggested that sometimes when we use a phone, we can

24 easily pass viruses or anything on the telephone.

25 Q. So he had a telephone that only he used?

26 A. Yes.

27 Q. That was at your mom's house?

28 A. Yes. 5995

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1 Q. Now, did you ever -- were you ever present
2 during any of these conversations?

3 A. Sometimes. Sometimes, but not -- they'd go
4 on forever, so I'd -- you know, I have to go do
5 other things.

6 Q. Approximately how long were these telephone
7 conversations?

8 A. Hours.

9 Q. Literally hours?

10 A. Yes.

11 Q. And how frequent were they? In other words,
12 how many conversations would they have in, say, a
13 week period of time?

14 A. They were frequent. I couldn't -- I
15 couldn't be able to tell you. But I know that after
16 he met him, it was more.

17 Q. And did these phone calls go on for a length
18 of time?

19 A. Yes.

20 Q. In other words, over weeks?

21 A. Yes.

22 Q. Approximately how many?

23 A. I can't remember.

24 Q. Now, you said that after that third visit at
25 the hotel, there were no other visits --

26 A. Uh-huh.

27 Q. -- that either or any of your children had

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28 with Michael Jackson during the balance of 2000 or 5996

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1 2001?

2 A. Correct.

3 Q. Do you know why that was?

4 A. Well --

5 MR. MESEREAU: Objection.

6 THE WITNESS: Because me.

7 MR. MESEREAU: Calls for speculation;

8 foundation; and hearsay.

9 THE COURT: Overruled.

10 You may answer.

11 THE WITNESS: Okay. What was the question?

12 Q. BY MR. ZONEN: Do you know why that was?

13 A. Because I just felt a little bit uneasy.

14 That's all. He didn't do nothing, you know. You

15 know, it just felt -- it just felt uneasy.

16 Q. Did you do something to stop communication

17 between your son and Michael Jackson?

18 A. Um -- um, yeah, I just expressed I was

19 uneasy about it.

20 Q. Okay. And you said no visits in the year

21 2001 as well?

22 A. That's right.

23 Q. When was the first visit in 2002?

24 A. That was with Chris Tucker and Aja. They

25 had built so much credibility with me, they took

26 my -- it was like everything was -- like doing

27 family activities together, and so when Chris had

28 asked me that he wanted to take the children to 5997

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1 Neverland, I felt it was okay, because Chris -- you

2 know, they're decent people, Chris and Aja.

3 Q. Chris Tucker is somebody who befriended your

4 son --

5 A. Yes.

6 Q. -- during the time he was ill?

7 A. Yes.

8 Q. Did he actually know him prior to that?

9 A. No.

10 Q. There were a number of celebrities that did

11 know your children --

12 A. Yes.

13 Q. -- prior to your son Gavin becoming ill.

14 A. Yes.

15 Q. And who were they?

16 A. Well, let me see. I don't know if you call

17 them famous or something, but they're famous to me.

18 Q. People who had befriended your child --

19 A. Yes.

20 Q. -- or children prior to Gavin becoming ill?

21 A. For example, Wheezy. Her name is Louise

22 Palanker. To me, she's famous.

23 Q. Who else?

24 A. Jamie, George Lopez, Fritz. And then Jamie

25 had -- Jamie had, like, guests, comics that came,

26 and celebrities, and so they would -- they met them

27 there.

28 Q. The introduction to Chris Tucker was by 5998

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1 whom?

2 A. By Jamie.

3 Q. Was that during the time that your son was

4 ill?

5 A. Yes.

6 Q. And did Jamie Masada often visit your son at

7 the hospital?

8 A. Oh, yes. Yes. Almost daily. My son

9 even -- my -- Jamie would try to -- there came a

10 point where Gavin wasn't eating because he was

11 vomiting blood, because he was a very sick boy. And

12 so Jamie was trying to get him to eat, and he'd --

13 Gavin had vomited on him, and that didn't keep him

14 away. He still kept coming.

15 Q. Okay. Now, the visit to Neverland in 2002

16 with Mr. Tucker, do you know who arranged that?

17 A. Chris.

18 Q. And did he in fact take the kids there?

19 A. Yes.

20 Q. All right. How many kids went on that

21 visit?

22 A. On the baby boy's birthday party?

23 Q. The first visit in 2002.

24 A. Oh, I see. The best I can remember,

25 Chris -- this is another thing, too. Chris was

26 working on a movie that he was trying to put

27 together called "The President." And he took his

28 writer, Kelly. And he took the kids because he says 5999

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1 they're funny and they give him ideas, you know, by
2 them joking around with him.

3 Q. Okay.

4 A. So --

5 Q. When do you think that first visit was?

6 A. The return, with Chris?

7 Q. The first visit in 2002 with Chris Tucker.

8 A. That was in spring.

9 Q. In spring?

10 A. Yes.

11 Q. All right. Now, the next visit to Neverland
12 was approximately when?

13 A. Michael had invited the kids right after.

14 Q. Did he call the house?

15 A. Yes. Evvy did.

16 Q. Evvy called. Did she speak with you?

17 A. No.

18 Q. Who did she -- with whom did she speak?

19 A. Gavin.

20 Q. Do you know approximately how long that was
21 after that first visit with Chris Tucker?

22 A. I can't remember right now, but -- I think
23 it was Michael, too, but -- unless I know for a
24 fact, I'll tell you, but that's the best I can
25 remember.

26 Q. And did the kids in fact go at that time?

27 A. Yes.

28 Q. This is now still spring of 2002? 6000

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1 A. Yes. Right after they were there with
2 Chris.

3 Q. Was your husband still in the picture at
4 that time, David?

5 A. No.

6 Q. Had you already separated?

7 A. Yes. I'd been separated from David since
8 May of 2001.

9 Q. From the time of that separation, has David
10 had contact with your children?

11 A. No.

12 Q. Was there an order that prohibited him from
13 doing so?

14 A. Okay. During the summer, even though he
15 was -- he had done the things he had done, during
16 the summer I still tried -- I thought it was my
17 fault, so I tried to encourage. I figured -- I
18 figured he -- he can have some kind of -- start
19 becoming or having a father relationship with them
20 in the summer. But that ended when those criminal
21 things --

22 Q. Was there a criminal prosecution of David?

23 A. Yes.

24 Q. Did -- was there actually more than one?

25 A. Yes.

26 Q. All right. One involving you, and one
27 involving Davellin?

28 A. Yes, two different years. 6001

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1 Q. Following those prosecutions, was there any
2 contact between David Arvizo and your children?

3 A. No, except for that one time that he had
4 violated the restraining order with Davellin.

5 Q. And you were in court?

6 A. Yes.

7 Q. Other than being in court --

8 A. Yes.

9 Q. -- was there any contact?

10 A. And then that violation of the restraining
11 order with Davellin.

12 Q. All right. Now, then the visit back to
13 Neverland by your children --

14 A. And this is all as best as I can remember.

15 Q. In 2002, when Mr. Jackson or Evvy called --
16 now, who did you understand Evvy to be?

17 A. Oh, his personal assistant, and his personal
18 secretary, and his personal everything.

19 Q. Did you ever meet Evvy in person?

20 A. Never met her.

21 Q. You had conversations on the phone?

22 A. Yes. A lot of conversation with her on the
23 phone.

24 Q. Did you have a conversation with her on this
25 occasion to arrange a return trip to Neverland with
26 your children?

27 A. Yes.

28 Q. Did you go? 6002

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1 A. Not me. I didn't talk to her. It was Gavin
2 that talked to her.

3 Q. Gavin did. All right. And did they in fact
4 go back to Neverland?

5 A. Yes.

6 Q. Just the three of them?

7 A. Yes.

8 Q. Do you know how long they stayed at
9 Neverland?

10 A. I think it was a couple of days.

11 Q. Do you know when this was, this return
12 visit?

13 A. Right after the visit that they had gone
14 with Chris and his writer.

15 Q. Do you think that was still in the spring?

16 A. That was definitely spring, 2002.

17 Q. Do you have a sense of what month that would
18 have been?

19 A. No.

20 Q. Did anybody tell you that at that visit
21 there might be a person filming a documentary?

22 A. No. That was spring. Now, this is -- then
23 we go -- the baby boy's birthday party is about
24 September. And then right after that is the -- that
25 I come to find out now, that's when they did the
26 filming for the Bashir tape.

27 Q. So I'm wrong on this one, but let's move on.

28 A. That's okay. 6003

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1 Q. It was -- apparently the next visit in 2001

2 was what, now?

3 A. What's that?

4 Q. We have one where the three kids went on

5 invitation from Evvy in spring.

6 A. Yes. That was --

7 Q. They were gone approximately how long?

8 A. About a couple of days, and that was right

9 after being with Chris.

10 Q. Okay. And then they returned back to your

11 home?

12 A. Yes.

13 Q. All right. And where are you still living

14 at this point?

15 A. East L.A.

16 Q. This is the Soto Street address?

17 A. Yes, Soto Street address.

18 Q. Is Gavin at this point back at your

19 residence with you?

20 A. Yes, yes, yes.

21 Q. He's no longer living in the --

22 A. No, no, no, no.

23 Q. Now, at some point around this period of

24 time, you meet Jay Jackson; is that correct?

25 A. Yes.

26 Q. When did you meet Jay Jackson?

27 A. I met him -- I met Jay in July of 2002, but

28 just met. You know, the children were attending 6004

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1 this Sea Cadet program in his base. I don't know if
2 you call it "base," but it's -- it's -- I don't know
3 the appropriate -- correct thing. I used to do
4 something. It's disrespectful, but it's funny. I
5 would tell him that's the Sea Cadet Headquarters,
6 but it was actually an Army base.

7 Q. The base was where, now?

8 A. In West L.A.

9 Q. Would you take the children there?

10 A. Yes, I did.

11 Q. The "children" were just the two boys?

12 A. Yes, just the two boys. But I was --

13 Davellin was involved with the LAPD Explorer
14 program, but I was trying to see if Davellin would
15 be interested in that, too.

16 Q. And is Davellin still involved in LAPD
17 Explorers?

18 A. Yes. Well, to this day, no. Right now
19 she's pretty busy. She's going to work and going to
20 school.

21 Q. But she was with the LAPD Explorers?

22 A. Yes.

23 Q. For some period of time?

24 A. Yes.

25 Q. Now, this program, the Navy Sea Cadets, how
26 is it that the boys became involved in that?

27 A. Okay. Someone had gone to their school and

28 kind of explained what this program was. And then I 6005

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1 got interested, because in the packet it said a lot
2 of interesting things to do to help them with
3 hopefully becoming a better person, so -- and
4 leadership skills, so --

5 Q. Was there a charge for it?

6 A. There was a cost, depending on -- depending
7 on your -- if you wanted to volunteer/no volunteer.
8 Not volunteer for everything, but -- you know, in
9 the little thing.

10 Q. But there wasn't a mandatory fee requirement
11 for this?

12 A. As far as I know, there wasn't.

13 Q. Now, you would bring the boys to that
14 location?

15 A. Yes.

16 Q. And how often did they go?

17 A. They went -- well, Gavin -- Gavin and Star
18 volunteered for just about everything possible.

19 Q. Okay. But how often do you think you would
20 take them there?

21 A. Okay. Twice a month, but because the boys
22 were volunteering just about for everything, it
23 would be more than twice a month.

24 Q. All right. And the location where you took
25 them was where?

26 A. In West L.A.

27 Q. Did you have a car during this period of

28 time? 6006

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1 A. No, I didn't.

2 Q. From the time of your separation from David

3 Arvizo, did you ever have a car during that time?

4 A. From like when -- let me see. About the end

5 of spring or the beginning of summer of 2001, they

6 had -- the car that they had given Gavin they took

7 back.

8 Q. There was a vehicle -- actually, my question

9 was after your separation with David Arvizo.

10 A. Yeah. It still stood for about one more

11 month, about.

12 Q. So you had that car for about a month after

13 your separation?

14 A. Yeah, probably less than a month, but I'm

15 approximating.

16 Q. What kind of a vehicle was this?

17 A. It looked just like O.J. Simpson's car. It

18 was the white -- I mean --

19 Q. A white Bronco?

20 A. Yeah. Yeah.

21 Q. All right.

22 A. Exactly. I mean, even to almost the year,

23 but I'm not -- you know, it may be off, the years.

24 Q. And where did this vehicle come from?

25 A. From him.

26 Q. Was it brought back by David Arvizo?

27 A. What do you mean?

28 Q. Did he return in this vehicle from 6007

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1 Neverland?

2 A. No, no. It was delivered to my mom's house.

3 Q. And then at some point in time, was the

4 vehicle returned?

5 A. Yes.

6 Q. Why was it returned?

7 A. Well, the -- the little thing when you turn

8 it on and off wouldn't work. Sometimes it would

9 work, and sometimes it wouldn't. And where I live,

10 you can't leave a car too long, because different

11 streets are assigned parking things and they would

12 tow the car away. And Michael had said if anything

13 ever got broken, to send it back and he'll have it

14 repaired. But it never came back.

15 Q. Did something break?

16 A. Yes. I had taken it to a place on Valley

17 Boulevard and they had told me that the -- an

18 alternator was -- I don't know what it is, but they

19 said an alternator.

20 Q. Okay. Some cars have those, I understand.

21 The car was then returned to Mr. Jackson?

22 A. Yes, sir.

23 Q. And did you ever see that vehicle again?

24 A. Never seen it again.

25 Q. Did you ever have a conversation with

26 Michael Jackson?

27 A. Yes.

28 Q. Did you ever have a conversation with 6008

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1 Michael Jackson prior to 2002?

2 A. Prior to 2002?

3 Q. Yes.

4 A. No.

5 Q. Even that first visit to Neverland?

6 A. No.

7 Q. Was he there on that first visit in August

8 of 2000?

9 A. Yes. Yes. Yes.

10 Q. Did you meet with him at all?

11 A. Yes.

12 Q. Did you talk at all?

13 A. No. David was doing all the talking.

14 Q. Were you present with Mr. Jackson at

15 different times during that visit?

16 A. Yes. Yes, I was.

17 Q. Subsequent to that visit, after that visit,

18 did you ever have a telephone conversation with Mr.

19 Jackson?

20 A. No.

21 Q. Up until your return to Neverland with Chris

22 Tucker in the spring of 2002, did you ever have a

23 conversation --

24 A. I didn't go to the spring 2002.

25 Q. You didn't go on that one?

26 A. Yeah. It was just my kids.

27 Q. When was the next one that you went to?

28 A. Me? To Chris and Aja's baby boy's birthday 6009

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1 party.

2 Q. And we were actually in the process of going
3 chronologically through the different visits. Is
4 that, in fact, the last one, Chris and Aja's
5 birthday party?

6 A. Yes.

7 Q. And this was for their son?

8 A. Yes.

9 Q. What year birthday?

10 A. I can't remember, but he was little.

11 Q. He was a baby?

12 A. Well, not a baby, but little.

13 Q. All right. Who went to that?

14 A. Preschool age.

15 Q. Preschool, all right.

16 A. Yes.

17 Q. Who went to that?

18 A. The baby boy birthday party?

19 Q. Okay.

20 A. Just about all of Chris's family. His mom
21 and his dad. Everybody. All his family,
22 practically. He flew them in from Atlanta.

23 Q. And among your family, who went?

24 A. Me, my three kids, and Jay had also came.

25 Q. Now, were you at this time in a relationship
26 with Major Jackson?

27 A. Not really.

28 Q. Were you dating? 6010

www.mjfacts.info

1 A. I was kind of a little bit, you know,
2 hesitant.

3 Q. Okay.

4 A. I met him in July. But all we did was have
5 phone conversations. It wasn't our first -- he
6 considered it our first date. I really considered
7 it just a ride to the boys' graduation from Sea
8 Cadet.

9 Q. Okay. He did tell us that, and we won't
10 tell him that you told us otherwise.

11 All right. Now, this visit to Neverland,
12 was it overnight?

13 A. No.

14 Q. Did you return that same day?

15 A. Yes, and Chris had taken us on two of his
16 buses.

17 Q. And the buses came and left from where?

18 A. From -- he had -- he had asked us all to
19 meet outside this hotel, and then that's where we
20 had left.

21 Q. Was Michael Jackson there during that
22 birthday party?

23 A. No. No.

24 Q. You didn't see him at all?

25 A. No.

26 Q. When was the next time that your children
27 went to Neverland after that?

28 A. For the filming. But make it very clear, I 6011

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1 wasn't -- now I know.

2 Q. The question was when was the next time?

3 A. It's still in September.

4 Q. It was in September of 2002?

5 A. Yes.

6 Q. How did they happen to go to Neverland?

7 A. Because Evvy and Michael had called them

8 over. And right before that, Gavin had -- had done

9 a biopsy. So, you know, I thought -- I thought he

10 was inviting him because of the biopsy.

11 Q. The biopsy result was favorable?

12 A. Yes.

13 Q. And all of you were rejoicing in his

14 remission?

15 A. Yes. Yes.

16 MR. MESEREAU: Objection; leading.

17 THE COURT: Sustained.

18 Q. BY MR. ZONEN: Now, from whom did you

19 receive a telephone call?

20 A. From -- from Evvy.

21 Q. And do you know if Michael --

22 A. But I didn't talk to them. Evvy -- they

23 hardly talked to me. It was always Gavin.

24 Q. So there was a phone call that came from

25 Evvy?

26 A. Yes.

27 Q. How did you become aware of the fact that

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28 they were being invited back? 6012

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1 A. Because Gavin had said that Evvy and Michael
2 had invited them over to go have a day of fun.

3 Q. Okay.

4 A. And I figured -- I figured that Chris had
5 communicated to Michael that he had -- you know,
6 about his biopsy.

7 Q. Okay.

8 A. Because Chris and Aja were very involved
9 with my kids.

10 Q. Was this a topic of discussion in the
11 household at the time, the biopsy?

12 A. Yes. Yes.

13 Q. Now --

14 A. Because we were very fearful at that time
15 that Gavin might lose his kidney.

16 Q. Okay. Now, you said "a day of fun."

17 A. Yes.

18 Q. Was it anticipated that this would only be
19 for one day?

20 A. Yes, but they ended up sleeping there.

21 Q. Were they there longer than one night?

22 A. No, just one night.

23 Q. Overnight?

24 A. So they actually ended up staying two days
25 and one night.

26 Q. And you did not go?

27 A. No, I did not go.

28 Q. And did you have any telephone communication 6013

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1 with Michael Jackson personally with regard to that
2 trip?

3 A. No.

4 Q. Did you have any telephone communication
5 with Evvy during that trip?

6 A. No.

7 Q. Do you know her last name, incidentally?

8 A. Yes, Tavasci.

9 Q. Tavasci, all right. Did the children come
10 home at the end of that second day?

11 A. Yes.

12 Q. Now, when did you learn that there was a
13 film crew that had been at Neverland?

14 A. Until he made me aware.

15 Q. "He" being Mr. Jackson?

16 A. Yes. Way in February.

17 Q. All right. So your children didn't discuss
18 with you that?

19 A. No.

20 Q. And you didn't know about it?

21 A. No.

22 Q. Now, prior to your children going to
23 Neverland on that particular visit, did either Mr.
24 Jackson or Evvy or anybody else from Neverland
25 notify you personally that there was going to be a
26 film crew there?

27 A. No.

28 Q. Did anybody ask you to sign any 6014

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1 documentation with regards to your children

2 appearing in a film?

3 A. No.

4 Q. Did you know anything about it at all?

5 A. No.

6 Q. Now --

7 A. But I know now.

8 Q. Okay. That was during the -- I think you

9 said the fall, September.

10 A. Yes. September.

11 Q. Am I right about that? I want to make sure

12 I am.

13 A. Yes, 2002.

14 Q. And when was the next visit after that one,

15 if you recall?

16 A. Of 2002?

17 Q. Yes.

18 A. The filming. When he called me up.

19 Q. All right. So there was no -- there were no

20 more visits in 2002?

21 A. No. Zero.

22 Q. Now, let's move on to 2003.

23 A. Okay.

24 Q. Did you receive a call from Michael Jackson?

25 A. Oh, yes.

26 Q. Did that call come to you or did it come to

27 another member of your family?

28 A. To Gavin. 6015

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1 Q. At some point in time did you get on the
2 telephone with Mr. Jackson?

3 A. Yes.

4 Q. Had you had any other conversation with Mr.
5 Jackson prior to that day?

6 A. Prior to this day?

7 Q. Yeah. Prior to that day.

8 A. Zero.

9 Q. Zero. All right. Now, we've already talked
10 about that first visit where you were face to face
11 with Mr. Jackson.

12 A. Yes.

13 Q. Was there ever any occasion other than that
14 first visit back in August of 2000 where you were
15 face to face with Mr. Jackson up until this phone
16 call in February of 2003?

17 A. Zero.

18 Q. Was there ever any occasion where you had a
19 telephone conversation with Mr. Jackson?

20 A. Never. Except --

21 Q. Listen to the whole question. We're going
22 to drive the reporter nuts if we don't let each one
23 finish.

24 A. I'm sorry.

25 Q. Okay. Prior to this telephone conversation
26 in February --

27 A. Okay.

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28 Q. -- was there ever any occasion at all where 6016

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1 you had a conversation with Mr. Jackson over the
2 telephone?

3 A. No.

4 Q. Now, do you know the date of this telephone
5 call?

6 A. I've come to find out per the investigation,
7 but I still always forget. The only way I know is
8 because he had told me about it, and it had aired in
9 England prior to it airing here. So consider the
10 time difference and all that. So definitely before
11 it aired here, and after it aired over there.

12 Q. In England, all right. Tell me what you
13 think is the date of that first appearance, if you
14 know. If you don't know, just say so.

15 A. No, I don't know.

16 Q. Was it early February?

17 A. Yes.

18 Q. Now --

19 A. I mean, it -- every time they tell me, I --
20 I remember, but --

21 Q. It's all right. It's all right.

22 Now, at the time of this telephone
23 conversation from Mr. Jackson, were you aware of the
24 documentary titled "Living with Michael Jackson"?

25 A. No, not the documentary.

26 Q. All right. This is prior to your
27 telephone -- we're talking about prior to your

28 telephone call from Mr. Jackson? 6017

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1 A. Yes.

2 Q. Did you have any personal knowledge that a
3 documentary had been prepared -- listen to the
4 question -- that a documentary had been prepared and
5 was titled "Living with Michael Jackson"?

6 A. No.

7 Q. Were you aware that such a documentary had
8 actually been shown in England?

9 A. No.

10 Q. Had your kids mentioned to you at any time
11 prior to this conversation with Mr. Jackson --

12 A. No.

13 Q. -- that they had participated in a filming
14 of some kind?

15 A. No.

16 Q. Had the name "Martin Bashir" been raised in
17 your household up to that point?

18 A. No.

19 Q. Did you know who Martin Bashir was?

20 A. No.

21 Q. All right. The telephone call from Mr.
22 Jackson in early February that went to Gavin --

23 A. Uh-huh.

24 Q. -- did you at some point get on the
25 telephone with him?

26 A. Yes.

27 Q. What did he tell you?

28 A. He had told me that -- well, this is -- 6018

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1 Gavin's talking to him first. He had told me that
2 Gavin was in danger, and that there had to be a
3 press conference because of this Bashir man.

4 Q. All right. Now, did you know what he was
5 talking about, this Bashir matter?

6 A. No.

7 Q. Did you ask him to explain that?

8 A. No.

9 Q. Did he offer any explanation as to what that
10 was?

11 A. No. At first I was telling him, "No, no,
12 no, no, no, no," because he wanted him to come to
13 Miami. But when he told me, you know, "Janet,
14 David" --

15 Q. Mrs. Arvizo, why don't you hold on a second.
16 We're going to take it question by question.

17 A. Okay, sure.

18 Q. Listen carefully to the question asked, all
19 right?

20 A. Okay.

21 Q. Did he explain to you at any time what this
22 documentary was?

23 A. No. Not there, not on the phone.

24 Q. I understand -- we're just talking about the
25 phone conversation right now.

26 A. Oh, okay.

27 Q. Did he mention the name "Martin Bashir" in

28 this phone conversation? 6019

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1 A. He just said "Bashir."

2 Q. Okay. Did you know what that meant --

3 A. No.

4 Q. -- at that time?

5 He said to you that your child was in

6 danger?

7 A. Yes.

8 Q. What did he say with regards to your child

9 being in danger?

10 A. That he was receiving death threats.

11 Q. Did --

12 A. That he was in danger.

13 Q. Did that alarm you?

14 A. Yes.

15 Q. Did you believe what he said at that time?

16 A. It's until he -- until he started telling me

17 that the children had shared with him about how

18 David was a bad guy, because my guard was here

19 (indicating). And when he started telling me those

20 things, oh, "waarrrrrr."

21 Q. All right. We'll get to that in just a

22 second.

23 A. Okay.

24 Q. But right now with regards to your son being

25 in danger --

26 A. Okay.

27 Q. -- did he describe the nature of the danger

28 to you? 6020

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1 A. Just death threats because of this Bashir
2 thing.

3 Q. Did he tell you who the people were who were
4 issuing the death threats?

5 A. No.

6 Q. Did he use the word "death threats" or the
7 term "death threats"?

8 A. He said he was in danger.

9 Q. And did he mention any of your other
10 children in that regard?

11 A. No. Not until we got there.

12 Q. How long was your conversation with Mr.
13 Jackson?

14 A. Well, long enough to convince me.

15 Q. And approximately how long was that? Can
16 you say that it was longer than ten minutes?

17 A. I wouldn't be able to tell you.

18 Q. Now, at some point you said he started
19 talking with you about your ex-husband.

20 A. Yes.

21 Q. What did he tell you with regards to your
22 ex-husband?

23 A. He told me that the children had shared with
24 him what the children had gone through. And then he
25 had told me that he understands, and that he doesn't
26 want the children nor me around David anymore; that
27 he's a bad guy. And -- you know. And to me -- you

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1 Q. All right. So he was -- he was giving you
2 information --

3 A. Yeah.

4 Q. -- about your ex-husband?

5 A. Yes.

6 Q. Now, what was your response to hearing that?

7 How did you respond to that?

8 A. I was, like, wow, he understands.

9 Q. Now, had your kids ever told you that they

10 had talked with him about David Arvizo?

11 A. No. That's -- no.

12 Q. Did that surprise you that he had that kind
13 of information?

14 A. Yes, but I believed him. I believed him.

15 And maybe they did, maybe my kids did.

16 Q. What did he ask you to do on this -- in this
17 telephone call?

18 A. That Gavin -- that he needed Gavin to do a
19 press conference, and he could protect him.

20 Q. Did he say where he was calling from, Mr.

21 Jackson?

22 A. Miami.

23 Q. And did he tell you where this press
24 conference was going to be?

25 A. In Miami.

26 Q. Did he tell you what he wanted Gavin to say
27 in this press conference?

28 A. No. I don't remember. 6022

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1 Q. Did you agree that Gavin could go to Miami?

2 A. No.

3 Q. What did you tell Mr. Jackson?

4 A. Well, I told him that if my son is in
5 danger, then me and my kids have to go.

6 Q. Did you ask him at any time if he contacted
7 the police?

8 A. No.

9 Q. Did you have any discussion with him about
10 what he was doing to remedy this problem, this
11 problem of danger?

12 A. No, I just trusted him.

13 Q. And I believe that you said -- in your
14 answer again to the question of whether your son
15 would go to Miami, what did you say?

16 A. No.

17 MR. MESEREAU: Objection; asked and
18 answered.

19 THE WITNESS: I said no.

20 MR. ZONEN: I'll withdraw the question.

21 I'll withdraw the question.

22 THE COURT: All right.

23 Q. BY MR. ZONEN: Did you come to an agreement
24 with Mr. Jackson as to who was going to go to Miami?

25 A. Yes, my kids and me.

26 Q. And "my kids," did you mean all three?

27 A. Yes.

28 Q. Why did you want to do that? 6023

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1 A. Well, because if Gavin's going to be -- you
2 know, if there's death threats, then I guess we all
3 have to be together.

4 Q. Did he agree to that?

5 A. Yes.

6 Q. Did he say --

7 A. And actually, he's the one that was going
8 that route.

9 Q. All right. And that was my next --

10 A. Because I had told him no.

11 Q. That was my next question. Who is it who
12 suggested that the whole family --

13 A. Him.

14 Q. You need to wait until the question is asked
15 in its entirety.

16 A. Okay.

17 Q. Who was this that suggested that the whole
18 family go to Miami?

19 A. Michael.

20 Q. Did you then agree to that?

21 A. Yes.

22 Q. Did he tell you when he wanted you and
23 the -- and your children --

24 A. (Indicating) like that.

25 Q. You need to wait till the question is asked.

26 A. Okay.

27 Q. Did he tell you when he wanted you and your

28 children to go to Miami? 6024

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1 A. Now.

2 Q. And by "now," you meant immediately?

3 A. Immediately.

4 Q. All right. Was there some arrangement that

5 was made either by Mr. Jackson or by some other

6 person --

7 A. Him -- oh, sorry.

8 Q. -- or by some other person to get to you

9 Miami?

10 A. Yes, Michael and Evvy.

11 Q. Did somebody contact you after the telephone

12 call with Mr. Jackson?

13 A. Yes, Evvy.

14 Q. Yes. What was the arrangement that you were

15 going to have to get to Miami?

16 A. That Gary Hearn, his personal, like, driver,

17 the person who takes care of his cars, was going to

18 fly with us on a commercial air flight to Miami.

19 Q. And where were your children at the time of

20 this conversation?

21 A. Okay. Davellin was in school. And the boys

22 were not in school.

23 Q. Did you have to make arrangements to get

24 Davellin out of school?

25 A. No, actually Gary went to go pick her up

26 after school.

27 Q. And from where did he pick her up?

28 A. From -- from -- I don't remember. I think 6025

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1 it was -- I think it was my mom's. I think he went
2 to go pick her up from my mom's or East L.A., one of
3 those. Best person to ask that is Davellin.

4 Q. Do you know where you were at the time of
5 this phone call from Mr. Jackson?

6 A. Yes.

7 Q. Where?

8 A. Our phone in East L.A. had been
9 disconnected. And so I had received a message

10 from -- from Evvy that they had to be able to make
11 contact, so I was in Jay's house.

12 Q. Where did that message come to?

13 A. What --

14 Q. The message that you received from Evvy was
15 forwarded through whom?

16 A. It was both, Evvy and Michael, to Jay's.

17 Q. To Jay's house?

18 A. Yes, because I had no phone at that time.

19 Q. All right. Did you return a phone call --

20 A. Yes.

21 Q. -- or did they reach you there?

22 A. They actually -- it was a combination of
23 everything.

24 Q. All right. Explain that.

25 A. They contacted me there, and I returned
26 phone calls from there to Evvy.

27 Q. To Evvy.

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28 A. Yes. 6026

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1 Q. And then Mr. Jackson personally called?

2 A. Yes.

3 Q. And that was the conversation that both you

4 and your son --

5 A. And Evvy had also left messages at my mom's

6 house before that.

7 THE COURT: All right, Counsel. Let's take a

8 break.

9 MR. ZONEN: Thank you.

10 (Recess taken.)

11 THE COURT: Go ahead.

12 MR. ZONEN: Thank you.

13 Q. Where we left off, you were talking about

14 the telephone call from Mr. Jackson.

15 THE BAILIFF: Turn your microphone on,

16 please.

17 MR. ZONEN: Thank you.

18 Q. Where we left off, we were speaking of the

19 telephone call with Mr. Jackson and the arrangements

20 for the trip to Florida before that. Let me ask you

21 a couple other questions.

22 A. Okay.

23 Q. Had you been contacted prior to that phone

24 call from Mr. Jackson in that early part of February

25 by any member of the media or the press?

26 A. Yes.

27 Q. All right. Had you personally been

28 contacted? 6027

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1 A. What happened, this is how it happened: Two
2 reporters -- they said they were two reporters. Who
3 knows?

4 Okay. They had gone to my mom's house. My
5 mom only speaks -- my mom only speaks Spanish.
6 That's it. These two men, one of them was the
7 speaker, kept telling my mom, "Gavin, cancer," and
8 speaking in English.

9 And the only two things that stood out in my
10 mom, even though she knows only Spanish, like
11 certain words mean something to her.

12 And so they said, "Gavin, cancer; Gavin,
13 cancer," and that stood out.

14 So my mom called me immediately, you know,
15 "What's wrong with Gavin?" And she -- I go, "No,
16 nothing's wrong, Mom. They're at school." And she
17 goes, "Well, there's two men here telling me about
18 Gavin and cancer."

19 And so she didn't know, so I thought maybe
20 some -- some medical -- some --

21 Q. Let me stop you for a second.

22 A. Sure.

23 Q. This conversation was how long prior to the
24 phone call from Mr. Jackson?

25 A. With -- I don't understand.

26 Q. The conversation with your mother about
27 these two people who arrived.

28 A. Okay. They were still there while my mom 6028

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1 was on the phone.

2 Q. I know. But this conversation was how long
3 prior to your conversation with Mr. Jackson. Was it
4 the same day?

5 A. It was -- it was within hours that Evvy
6 contacted me next.

7 Q. All right. Now, are these the only two
8 members of the press who contacted your family?

9 A. Yes.

10 Q. And anybody else from the media contact your
11 family?

12 A. Oh, yeah. Afterwards.

13 Q. Afterwards?

14 A. Yes.

15 Q. But prior to your trip to Miami --

16 A. Prior to my trip, yes, that's it.

17 Q. Did you ever actually speak with these two
18 people?

19 A. Well, my mom passed me the phone, and I
20 spoke to him.

21 And he says, "We just happened to see your
22 son in England." And I go, "No, if my" -- "I just
23 dropped off my son at school. And if he's in
24 England, he's in big trouble," you know.
25 And so -- and he was very vague. And I
26 said, "You scared my mom. She only speaks Spanish,
27 so please don't continue talking to her."

28 Q. Did you have an interview with either of 6029

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1 these two people?

2 A. No.

3 MR. MESEREAU: Objection.

4 THE WITNESS: No.

5 MR. MESEREAU: The witness had not completed

6 her response, I don't think, Your Honor.

7 THE WITNESS: No.

8 MR. ZONEN: You call it.

9 THE COURT: Why don't you just ask another

10 question.

11 MR. ZONEN: Thank you.

12 Q. Did you actually have a conversation with

13 either of those two people over the telephone?

14 A. Yes. One of them.

15 Q. All right. Did that person identify himself

16 by name?

17 A. I think his name -- he said, "I'm a reporter

18 from England. I just flew in and I have to fly out

19 immediately."

20 Q. All right. Did he tell you what his name

21 was?

22 A. I think it was -- I can't -- I think it was

23 Mr. Garner. I think that's what it was.

24 Q. Garner or Gardner?

25 A. I think it was, yes.

26 Q. Did he tell you what publication he was

27 with?

28 A. No, he just said, "I'm a reporter from 6030

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1 England. I just flew in, and I have to fly back
2 immediately."

3 Q. Did he tell you that he wanted to have an
4 interview with you?

5 A. No.

6 Q. Did he discuss any particular issue with
7 you?

8 A. He was very vague. What he wanted was for
9 me to meet -- to -- to have a conversation with him,
10 and -- but because he was vague, I didn't want to
11 talk to him.

12 Q. Okay.

13 A. So I told him, "You're scaring my mom. And
14 that's not my house, that's my mom's house. I live
15 in Los Angeles."

16 Q. All right.

17 A. And that was it.

18 Q. All right.

19 A. As best as I can recall.

20 Q. This was a telephone conversation from which
21 phone?

22 A. From my mom's.

23 Q. You happened to be there at the time of the
24 call?

25 A. No, no. I'm over here in Los Angeles. My
26 mom called me because she was scared, because these
27 two guys were saying Gavin -- and a whole

28 conversation. But the only thing that jumped out in 6031

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1 my mom was "Gavin" and "cancer."

2 Q. And then you called back from where?

3 A. There was no call back.

4 Q. All right. They called you when you were at
5 your mom's?

6 A. No, no.

7 Q. Tell us --

8 A. I was in Los Angeles. My mom was courteous

9 and polite, you know. Handed her the phone, because

10 I wanted to know what the nature of their visit, why

11 they were saying "Gavin, cancer."

12 Q. They were there in person?

13 A. Yes, yes. At my mom's house.

14 Q. All right. Now, during the course of this

15 conversation, did you discuss Michael Jackson at
16 all?

17 A. No.

18 Q. Did they tell you they wanted to talk about

19 Michael Jackson?

20 A. No.

21 MR. MESEREAU: Objection; leading.

22 THE WITNESS: No. All they said was --

23 THE COURT: Overruled.

24 THE WITNESS: -- they had seen Gavin in

25 England.

26 Q. BY MR. ZONEN: How long was this

27 conversation you had with him?

28 A. Just minutes. With the information that I 6032

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1 just told you, if you want to time it, it's about
2 that long.

3 Q. Was that the only conversation that you had
4 with either one of them?

5 A. That's correct.

6 Q. On this day, prior to going to --

7 A. That day, only day.

8 Q. Never had any conversation --

9 A. Never.

10 Q. -- thereafter?

11 A. Zero. Double zero.

12 Q. At some point in time, did your then
13 boyfriend, Jay Jackson --

14 A. Yes.

15 Q. -- tell you that he had had conversations
16 with reporters?

17 A. Now I know, per this investigation. I know
18 a lot of things now per this conversation.

19 Q. Listen to the question, okay?

20 On that day prior to your going to Florida,
21 did Jay Jackson tell you that he had conversations
22 with reporters?

23 A. No.

24 Q. Did you have any conversation with Jay
25 Jackson prior to going to Florida about any
26 reporters at all?

27 A. No.

28 Q. Were you aware -- did any other reporter try 6033

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1 to contact you prior to going to Florida?

2 A. No.

3 Q. In the course of this conversation with this
4 person, Gardner or Garner, did he mention anything
5 about a documentary?

6 A. No.

7 Q. Did he mention to you anything about your
8 child having been on television?

9 A. He had said, "I have just seen Gavin in
10 England."

11 Q. All right. And you weren't certain what
12 that meant?

13 A. Yeah.

14 Q. All right. Now, when you were speaking with
15 Mr. Jackson on the telephone --

16 A. Uh-huh.

17 Q. -- did you ask Mr. Jackson about whether or
18 not your child had been on television?

19 A. No, I didn't ask him.

20 Q. You didn't him ask that question?

21 A. No.

22 Q. Did he offer any information about that?

23 A. No, not really. He was vague.

24 Q. In the course of your conversation with
25 Michael Jackson, did he mention anything about this
26 documentary having --

27 A. He said only the Bashir --

28 Q. Listen to the entirety of the question. 6034

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1 A. Okay.

2 Q. Did he say anything to you about this
3 documentary that had aired in England?

4 A. No.

5 Q. Did he mention the name of it, "Living with
6 Michael Jackson"?

7 A. No.

8 Q. Did he mention Martin Bashir?

9 A. He didn't say "Martin Bashir." He said
10 "Bashir."

11 Q. All right. Did you ask him who that was or
12 what that was about?

13 A. No. Until Miami. I found out more things.

14 Q. All right. Now, you then flew to Miami, I'm
15 assuming.

16 A. Yes.

17 Q. And with whom did you fly to Miami?

18 A. With Chris and the kids and me.

19 Q. Do you know -- and Chris is Chris Tucker?

20 A. Yes.

21 Q. Do you know how he became involved at this
22 stage?

23 A. Evvy contacted him.

24 Q. Evvy contacted him?

25 A. Yes, but I didn't know about this until I
26 got to the sidewalk, which Gary Hearn had meet us,
27 and he says, "Guys, there's a change of plans," and

28 that was it. 6035

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1 Q. Did he then take you to a private --

2 A. No, he took us to Chris's house, and we
3 spent some time there in Chris's house because we
4 were waiting for Davellin to come. That's when we
5 flew on a private jet.

6 Q. All right. And did you know that you were
7 going to be taking a private jet?

8 A. Not until Gary told me.

9 Q. And the private jet took you straight to
10 where?

11 A. Miami.

12 Q. And once in Miami, did they take you to a
13 hotel?

14 A. Yes.

15 Q. Which hotel did they take you to?

16 A. The Turnberry.

17 Q. Can you describe that hotel for us?

18 A. It looks like a Las Vegas kind of hotel,
19 except --

20 Q. Is it fancy?

21 A. Yeah. Without the slot machines.

22 Q. Without the slot machines.

23 All right. Now, did you meet up with Mr.

24 Jackson when you got there?

25 A. No. No. We got right there until -- you
26 know that time between -- before morningtime where
27 it's really, really dark? That's the time we

28 arrived. 6036

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1 So we went straight to -- dropped off Chris
2 in his room, and then we went to our room. And our
3 room was right underneath his room. And Chris, they
4 had set him up in a completely different building,
5 away from me and the kids.

6 Q. All right. And your -- were you in a suite
7 of some kind?

8 A. It was a -- it was two rooms connected. You
9 know, I don't know if you know the hotels where you
10 lock it and then there's two separate rooms? Well,
11 they had unlocked it.

12 Q. Excuse me. I'm sorry.

13 And you were there with the three children?

14 A. Yes.

15 Q. Now, when did you see Michael Jackson after
16 arriving?

17 A. In the daytime.

18 Q. Had you talked with anybody during the
19 course of the trip about this danger that Mr.
20 Jackson had spoken to you about?

21 A. No. No.

22 Q. When you got to the hotel, did you have a
23 conversation finally with Mr. Jackson?

24 A. Yes.

25 Q. How long had you been at the hotel before
26 you met up with Mr. Jackson?

27 A. Hours. Because we had arrived during that

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28 time and it was -- it was -- it was already the day 6037

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1 of.

2 Q. Who else was present during the course of
3 this conversation?

4 A. Okay. The conversation?

5 Q. Yes.

6 A. Just me and the kids and him.

7 Q. Did he talk with you about the issue of this
8 danger to the children?

9 A. Yes.

10 Q. What did he say?

11 A. He spoke to all three of my kids and me, and
12 he spoke in a very normal voice, very male voice.
13 This is where I became aware that all three of my
14 children were in danger. Told me to trust him,
15 believe him, he's a father figure, be like -- like a
16 father to all three of my kids. Basically telling
17 us he's going to protect us, protect my kids; to do
18 everything that Ronald and Dieter tell him, because
19 this is what's going to fix the problem.

20 He even had told me that he has read -- he
21 knows what to do in this situation, because he's
22 read hundreds of books on psychology, and he
23 knows -- he knows what to do in these kind of
24 things, of what kind of frame of mind that these
25 people that were threatening my children are. He
26 had -- he had cried. I just thought, you know, what
27 a nice guy, you know.

28 Q. Hold on one second. 6038

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1 This conversation took about how long?

2 A. Oh, gosh. About maybe a -- about 45
3 minutes.

4 Q. All right. Did you ask him specifically
5 about the nature of the threats to your children?

6 A. No, I was just like -- I was just like a
7 sponge, believing him, trusting him.

8 Q. Did he tell you the nature of the threats to
9 your children?

10 A. Because of the Bashir thing.

11 Q. But did he tell you who these people were?

12 A. No.

13 Q. At any point in time did he say to you that
14 the police were or were not being contacted?

15 A. No.

16 Q. Did he ask anything of you or your children
17 while you were there in this meeting?

18 A. In this meeting, no. No.

19 Q. Do you know why you were in Miami?

20 A. To do a press conference.

21 Q. Did he talk with you about a press
22 conference --

23 A. No.

24 Q. -- during this meeting?

25 He said something about Dieter and Ronald?

26 A. Yes.

27 Q. Were Dieter and Ronald people who you knew

28 prior to that day? 6039

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1 A. No.

2 Q. Did you meet them that day?

3 A. Yes.

4 MR. ZONEN: All right. Your Honor, if I
5 could approach the witness, please.

6 THE COURT: Yes.

7 Q. BY MR. ZONEN: I'm showing you two exhibits,
8 if I can, No. 17 and No. 18 - all right? - in
9 evidence. If you'll take a look at No. 17, can you
10 tell us who that is?

11 A. That's Dieter.

12 Q. And do you know Dieter's last name?

13 A. I've come to find out per this
14 investigation.

15 Q. Just tell us --

16 A. Dieter Weizner.

17 Q. All right. No. 18, do you know who this
18 person is?

19 A. Ronald Konitzer.

20 Q. And those were the Ronald and Dieter that --

21 A. Yeah. Those Germans.

22 Q. And, in fact, are they German?

23 A. Yes.

24 Q. How do you know that?

25 A. Because they told me, and plus they speak
26 German.

27 Q. Spoke among themselves in German?

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28 A. Yes, yes. 6040

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1 Q. Did you meet them that day?

2 A. Yes.

3 Q. Is there anything else that Mr. Jackson told
4 you in the course of that meeting with him?

5 A. Oh, that he loves us; that he cares about
6 us; that we're family; that we were in the back of
7 the line, now we're in the front of the line, and
8 because he's going to take care of us, protect us
9 from these killers.

10 Let me see. What else?

11 That he's -- that he's not just a father
12 figure to Gavin, to Star and to Davellin.

13 Let me see. What else?

14 And he's family to me and he's family to the
15 kids.

16 Let me see. What else?

17 Q. Do you know if Mr. Jackson had ever had --

18 MR. MESEREAU: Objection. The witness has
19 not completed her answer yet.

20 THE WITNESS: Oh, there's still more. When
21 it pops up, I'll let you know.

22 THE COURT: Go ahead and ask your next
23 question.

24 Q. BY MR. ZONEN: Do you know if Mr. Jackson
25 had ever had such a similar conversation with your
26 children?

27 A. With my kids?

28 Q. Yes. Prior to that day. 6041

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1 A. Prior to the Bashir thing?

2 Q. Yes, where he talked about being family.

3 A. Yeah. In the initial visit in August, in
4 2000, all his -- like, all his people, for example,
5 Evvy was the No. 1 one that was pointing out that,
6 "I want you to see Michael as like family, all" --
7 "We see him and view him only as a father figure,"
8 so --

9 Q. Do you know if Mr. Jackson has ever said
10 something like that to your children prior to Miami?

11 A. Actually, in a conversation with Gavin over
12 the phone, that's when Gavin had told me one of the
13 conversations.

14 Q. All right. Did you then have conversations
15 with either Dieter or Ronald?

16 A. Prior to this?

17 Q. No. I think you had said that you never met
18 them prior to that.

19 A. Yeah, that's right.

20 Q. After your conversation with Mr. Jackson,
21 and he gave you some direction with regards to
22 Dieter and Ronald, what specifically was it that he
23 told you to do with Dieter and Ronald?

24 A. To listen and do everything they say,
25 because they're going to fix the problem.

26 Q. Now, did you then have a conversation with
27 either Dieter or Ronald?

28 A. Yes, I did. 6042

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1 Q. Was it one or the other, or both?

2 A. Both.

3 Q. Was it at the same time or separately?

4 A. This was the same time.

5 Q. All right. And do you remember where you

6 were when that conversation took place?

7 A. In Miami.

8 Q. Were you in the hotel?

9 A. Yes, in his room.

10 Q. In Mr. Jackson's room?

11 A. Yes.

12 Q. Was Mr. Jackson present?

13 A. Yes, he was. And he had sat me down, and he

14 said, "Sit down right here," and those two sat next

15 to me.

16 Q. Okay.

17 A. And then Michael was there.

18 Q. Who did the speaking?

19 A. Who did the speaking first?

20 Q. Yes.

21 A. Because they were all speaking.

22 Q. Well, all right, that's a valid point. Who

23 is it who began the conversation?

24 A. Well, Michael.

25 Q. And what did he say when all of you were

26 together?

27 A. He said, "This is Ronald and Dieter."

28 Because he had already had that 45-minute initial 6043

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1 meeting.

2 Q. I understand.

3 A. And that's the point where he had taken off
4 the jacket and handed -- and physically placed it
5 on Gavin.

6 Q. All right. Well, let me ask you about that
7 for a second. This was in the hotel room?

8 A. Yes.

9 Q. On the first day of your visit?

10 A. Yes.

11 Q. And it was the date of the flight, actually;
12 is that right?

13 A. Yeah, because we had arrived there right
14 before --

15 Q. In the morning?

16 A. Yeah.

17 Q. Now, he was wearing a jacket during the
18 course of this conversation?

19 A. Yes. Yes.

20 Q. And he took the jacket off?

21 A. Yes.

22 Q. And did what with it?

23 A. Yes.

24 Q. What did he do with the jacket?

25 A. It was kind of like a -- it was after he was
26 done with the conversation. He took off his jacket,
27 and then he put it on Gavin. He told me he wanted

28 him to wear it and not to take it off. 6044

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1 Q. Was Star there as well?

2 A. Yes.

3 Q. Was Davellin there as well?

4 A. Yes.

5 Q. And both Dieter and Ronald were there at
6 that time?

7 A. No, no. In the initial meeting with him?

8 Q. Yes.

9 A. Ron and Dieter were nowhere in sight of the
10 hotel room.

11 Q. But at the time he handed your son his
12 jacket, were either of them there?

13 A. No.

14 Q. Ronald or Dieter?

15 A. No.

16 Q. Now, let's get to the conversation when
17 Ronald and Dieter are there.

18 A. Yes.

19 Q. Can you tell us what Ronald said during the
20 course of that conversation?

21 MR. MESEREAU: Objection; hearsay.

22 MR. ZONEN: Statement in furtherance.

23 THE COURT: (To the jury) All right. I'm
24 allowing this particular testimony for purposes
25 limited to possible conspirator statements. You may
26 only consider it for those purposes in accordance
27 with my earlier instructions.

28 Q. BY MR. ZONEN: I believe it was Ronald I had 6045

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1 asked you about. Tell us what Ronald said during
2 this conversation.

3 A. Well, in this conversation, all they wanted
4 to know was basically of -- of who I am, where I
5 lived, my brothers, my mother. Just basically
6 information from me and the kids. That's all.

7 Q. Did you give them that information?

8 A. Yeah, I did.

9 Q. At some point in time -- and was that with
10 Dieter, as well, during that conversation?

11 A. Yeah. Yes.

12 Q. Did they give you any direction?

13 A. No. There was just -- they were just, you
14 know, wanting information about me and my kids. And
15 I had seen nothing incorrect about that, or wrong,
16 because, you know, we just had that powwow with
17 Michael.

18 Q. Did either one of them in this initial
19 conversation talk to you about a danger that your
20 children were experiencing?

21 A. In this one, no. No, they were just like
22 absorbing all the information that they possibly
23 could have.

24 Q. They were getting information from you?

25 A. Yes. From me and my kids. About our past,
26 our present.

27 Q. Was Mr. Jackson present during the

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1 A. Yes.

2 Q. Please wait till the question's answered

3 (sic) in its entirety.

4 A. Okay.

5 Q. Was Mr. Jackson there during the entirety of

6 that conversation?

7 A. Yes.

8 Q. Did he offer any other information during

9 that conversation that you haven't told us about

10 yet?

11 A. Best I can remember, no.

12 Q. How long did you stay in Miami?

13 A. Okay. Arrived there at that night, was

14 there that day, that night they showed the "Living

15 with Michael Jackson" thing, which I wasn't allowed

16 to watch, none of the children, and then the next

17 day we left.

18 Q. All right. So you were there two nights?

19 A. Yeah.

20 Q. And then the next day you flew back?

21 A. Yes.

22 Q. Let's go back to that first day. Now,

23 you've described that first conversation that took

24 place with your kids, Mr. Jackson, Dieter and

25 Ronald.

26 A. Uh-huh.

27 Q. Did you have any subsequent conversations,

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28 any other conversations that day with either 6047

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1 Ronald --

2 A. No.

3 Q. -- or Dieter?

4 A. They were busy at work, I know now.

5 Q. But did you have a conversation with either
6 one of them that day?

7 A. No. After that, after they absorbed all
8 that information, no.

9 Q. All right. Now, the next day, did you have
10 any conversation with either Michael Jackson or
11 Dieter or Ronald?

12 A. Just almost -- almost the whole day that's
13 when we had stayed in Michael's room.

14 Q. You were there in Michael's room that entire
15 time?

16 A. Yeah.

17 Q. All right. Did Mr. Jackson talk with you
18 during the course -- was Mr. Jackson there during
19 that day?

20 A. Yes.

21 Q. So he was in the room with you and your
22 three children?

23 A. Yeah.

24 Q. For a good part of the day?

25 A. Well, the whole entire time, Michael was
26 there with the kids.

27 Q. All right. Did you ever leave the hotel?

28 A. No, I never left the hotel. 6048

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1 Q. Had you ever been to Miami before?

2 A. Never been there.

3 Q. Did you want to go see the city at all?

4 A. No.

5 Q. Did you express a desire to leave the hotel?

6 MR. MESEREAU: Objection; leading.

7 THE WITNESS: No. I just wanted to focus

8 there --

9 THE COURT: Just a moment. Just wait till I

10 rule after there's an objection.

11 THE WITNESS: Okay.

12 THE COURT: Overruled.

13 You may answer.

14 Q. BY MR. ZONEN: Did you at any time leave the

15 hotel during the two nights that you were there?

16 A. No.

17 Q. Did you ever leave your room during that

18 time?

19 A. Yes, I did. When I was in Michael's room,

20 and then that's the best I can remember.

21 Q. Did you ever go out to eat?

22 A. Well, the morning of -- Chris was eating

23 with the kids. They were having breakfast. By the

24 time I had gotten there, they were already done. So

25 all I had was, I think -- please don't quote me on

26 this -- I know a lemonade and I think a some cheese

27 that they had, like samples.

28 Q. Did you leave your room to go to a 6049

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1 restaurant at all?

2 A. No, except for that. When I had arrived,

3 Chris and the kids were already leaving.

4 Q. Did you leave your room or Michael's room,

5 Michael Jackson's room, for any reason during that

6 time that you were there?

7 A. No, outside what I just told you, as best as

8 I can remember.

9 Q. Did you at any time go to a spa?

10 A. Not me.

11 Q. Did other members of your family?

12 A. Yes.

13 MR. MESEREAU: Objection; leading.

14 THE WITNESS: With Chris.

15 THE COURT: Just a moment.

16 Overruled.

17 You need to slow down when I'm ruling.

18 THE WITNESS: Okay.

19 Q. BY MR. ZONEN: Which members of your family

20 went to a spa?

21 A. And I think that's what it was, okay?

22 Q. Okay.

23 A. Because Chris wanted to go get a massage, so

24 he took Davellin and Gavin and Star with him.

25 Q. All right. And did they have some type of

26 service at the spa as well?

27 A. Yes.

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28 Q. Why didn't you go? 6050

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1 A. I was concerned. When are we going to, you
2 know, take care of my kids from being killed?

3 Q. Did they talk to you about this press
4 conference on the second day?

5 A. No, they didn't.

6 Q. Neither one of them mentioned that to you?

7 A. No.

8 Q. Did they talk about anything that they
9 wanted to do on this second day?

10 A. No. No press conference.

11 Q. Did you have any conversation with either
12 Dieter or Ronald on this second day about anything?

13 A. Yeah, the -- the two papers. One that
14 Ronald wanted me to sign that had nothing written on
15 there, and then when I asked him, "What is it?"
16 "No, no, no. Got to hurry up. We're
17 running out of time," and, "You want your kids to be
18 killed."

19 And so I signed it.

20 And then the next time was Dieter. Dieter
21 had said that what Ronald did didn't work. And he
22 had a pre -- pre something, a paragraph that was
23 pre-written.

24 Q. All right.

25 A. And then he, in my writing, asked me to
26 write some things, and then he had me sign
27 underneath that.

28 MR. ZONEN: Counsel? I showed you this 6051

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1 earlier.

2 May I approach the witness?

3 THE COURT: Yes.

4 Q. BY MR. ZONEN: I'm going to show you an

5 exhibit numbered one -- excuse me, numbered 807 for

6 identification, not yet in evidence.

7 Would you take a look at that document,

8 please?

9 A. Uh-huh.

10 Q. Do you recognize that document?

11 A. Yes. Not -- just my signature.

12 Q. All right. Is your signature actually on

13 that document?

14 A. Yes. It's actually in two different places.

15 Q. Do you have a recollection of signing that

16 document?

17 A. Not with this on here, and not with this on

18 here.

19 Q. All right.

20 A. And definitely I didn't sign my name twice

21 on the same piece of paper. And there was no line

22 right here.

23 Q. All right. Well, let me ask you this

24 question: Is any of that your handwriting; any of

25 it?

26 A. Just my signature and my -- my printed name.

27 Q. So the printed name, the handprinted name,

28 is your handprinting? 6052

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1 A. Yes, sir.

2 Q. And the signature that's above that is your
3 signature?

4 A. Yes, it is.

5 Q. There's a second signature. Is that yours
6 as well?

7 A. Yes.

8 Q. Now, do you have a recollection at all of
9 signing a document twice?

10 A. Not -- no, two different situation -- two
11 different things. Two different papers.

12 MR. ZONEN: All right. Your Honor, I'm
13 going to move this exhibit into evidence at this
14 time.

15 MR. MESEREAU: No objection.

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

17 MR. ZONEN: And may I publish this?

18 THE COURT: You may.

19 Q. BY MR. ZONEN: I'd like to read -- the very
20 top part appears to be typed in. Would that be
21 correct?

22 A. Yes.

23 Q. All right. Let me read this to you out
24 loud.

25 Oh, you can make it larger? Perfect.

26 "I confirm that Theodore Goddard is
27 authorized by me to file this complaint on behalf of

28 my son, Gavin Arvizo." The date is Miami, February 6053

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1 7th, 2003.

2 Do you believe -- do you believe that you

3 were in Miami on February 7th?

4 A. I think so.

5 Q. All right. Do you know who Theodore Goddard

6 is?

7 A. No.

8 Q. Were you ever told who Theodore Goddard is?

9 A. No.

10 Q. Have you ever seen a document that had this

11 sentence preprinted on it?

12 A. No, not when I was in Miami. Now, per you

13 guys's investigation --

14 Q. Stop right there.

15 That's the signature that's directly

16 underneath it?

17 A. Yes.

18 Q. Put it down a little bit so we can get the

19 top -- no, no, the other way. Yes. Just put it

20 down.

21 We have it now with the signature that's

22 below it. And you're telling us that that

23 handwriting is yours --

24 A. Yes.

25 Q. -- and the signature is yours?

26 A. Yes.

27 Q. Do you remember a line being there?

28 A. No, I don't. 6054

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1 Q. You didn't draw a line in there?

2 A. No, I didn't.

3 Q. And you have no recollection of a line being
4 there at the time you signed it?

5 A. I have no recollection of a line being
6 there.

7 Q. All right. Let's move down.

8 Okay. "Mrs. Arvizo also learned that
9 Davellin and Star have been on T.V. without her
10 consent. Please act accordingly."

11 And then there's a signature. Did you sign
12 that?

13 A. I didn't sign that, but that is my
14 signature.

15 Q. All right. The paragraph that says -- that
16 begins with, "Mrs. Arvizo also learned...", is that
17 your handwriting?

18 A. No. That's my handwriting -- that's my
19 printing up there.

20 Q. All right. And the --

21 A. There's a difference.

22 Q. Okay. And that particular paragraph, have
23 you ever seen that paragraph before?

24 A. Never.

25 Q. Now, do you have a recollection of signing
26 any document twice?

27 A. On the same piece of paper? No.

28 Q. Did anybody ever talk to you about a lawsuit 6055

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1 while you were in Florida?

2 A. No.

3 Q. Did anybody ever mention an attorney in

4 England?

5 A. No.

6 Q. Did anybody talk to you about your being

7 represented or your son being represented?

8 A. No.

9 Q. While you were there on this first day of

10 conversations that you had with Dieter or with

11 Ronald or with Mr. Jackson, did anybody talk to you

12 about the presentation of "Living with Michael

13 Jackson"?

14 A. No.

15 Q. Did you at any time learn what that was?

16 A. Afterwards.

17 Q. All right. Now, you had mentioned earlier

18 that there was going to be a showing of --

19 A. Yes.

20 Q. -- "Living with Michael Jackson"?

21 A. Yes.

22 Q. Do you remember when that was presented in

23 the United States, on what day?

24 A. No. When I was there with him all day --

25 Q. Yes.

26 A. -- that night.

27 Q. It was that night?

28 A. Yes. 6056

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1 Q. Of the first full day that you were in

2 Miami?

3 A. Yes.

4 Q. All right. Did you want to go watch that?

5 A. Yeah, I wanted to go see what has caused my

6 kids to -- you know, all of a sudden there's death

7 threats on them.

8 Q. Now, you said "kids."

9 A. Yeah.

10 Q. Earlier --

11 A. Yeah.

12 Q. Hold on, hold on.

13 Earlier, when you were in Los Angeles, you

14 had mentioned that the threat was directed toward

15 Gavin.

16 A. Yes.

17 Q. Did that change?

18 A. Yes.

19 Q. All right. What changed? Who told you that

20 it had changed?

21 A. Michael.

22 Q. What did he say?

23 A. That now it was all three of my kids.

24 Q. All right. Mr. Jackson told you all three

25 of your children were in danger?

26 A. Yes.

27 Q. All right. Now --

28 A. And that's where that whole 45-minute 6057

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1 speech --

2 Q. When did you learn that there was going to
3 be this presentation of a documentary titled "Living
4 with Michael Jackson"?

5 A. After -- after Ronald and Dieter extracted
6 all this information from me, then afterwards.

7 Q. Did you know what that was? Did somebody
8 explain to you what that was?

9 A. No.

10 Q. Did somebody explain to you that your
11 children were in it?

12 A. They had mentioned that my children were in
13 it.

14 Q. Did anybody tell you the manner in which
15 they were depicted in that?

16 A. No.

17 Q. Did anybody say anything about this
18 documentary in terms of whether it was complimentary
19 or not complimentary?

20 A. No. Zero.

21 Q. With whom had you talked about "Living with
22 Michael Jackson"?

23 A. At this point, the initial meeting. Then
24 the Ronald and Dieter with Michael. Afterwards, let
25 me see, they kept pulling Gavin into -- Ronald,
26 Dieter and Gavin (sic) kept pulling Gavin into a
27 room by himself. I was thinking they're talking

28 about the press conference. Then Michael kept 6058

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1 pulling Gavin into a room all by himself over and
2 over. So it was in the middle of the pulling Gavin
3 into the bedroom.

4 Q. Okay. All right. Now, at some point you
5 knew this was going to be on T.V.; is that right?

6 A. Yes.

7 Q. Yes. Who was it who told you it was going
8 to be on T.V.?

9 A. Actually -- actually, I had overheard
10 Michael with Ronald and Dieter talking. I overheard
11 it.

12 Q. All right. But when did you first learn
13 that your children were involved in this
14 documentary?

15 A. When I overheard it.

16 Q. All right. So they had mentioned that?

17 A. Yes.

18 Q. All right. Now, did you make an effort to
19 go view it?

20 A. Yes, I did.

21 Q. Did you know what time it was going to be
22 on?

23 A. Yes. Because I overheard it.

24 Q. Did you, in fact, view it?

25 A. No, I didn't.

26 Q. And why not?

27 A. Because when I ran down, Davellin had called

28 me to the room and told me that Michael was angry, 6059

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1 to, "Come now," so I went back up.

2 Q. All right.

3 A. And then Michael had talked to me and told

4 me he didn't want me to see it.

5 Q. But he told you that?

6 A. Yes.

7 Q. Did he say why?

8 A. No.

9 Q. Did you ask him why?

10 A. No, I just -- you know, I'm thinking,

11 "They're going to take care of my kids from these

12 killers. I better" --

13 Q. Were you concerned at all about the content

14 of that documentary?

15 A. It's until afterwards, I found out.

16 Q. I'm talking about now in Miami.

17 A. In Miami? No. I was clueless.

18 Q. Did you make any questions or any inquiries

19 as to how your children were depicted in that video?

20 A. Afterwards, yes.

21 Q. But in Miami.

22 A. In Miami, no.

23 Q. You didn't ask either of the Germans?

24 A. No.

25 Q. And you didn't ask Mr. Jackson?

26 A. No.

27 Q. And you didn't watch it?

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28 A. No, I didn't. 6060

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1 Q. To this day, have you seen this documentary
2 in its entirety?

3 A. Only the clips, the clips that the media
4 elects to put on there, little clips.

5 Q. But you have not --

6 A. But this is now.

7 Q. But you have not watched it in its
8 entirety?

9 A. No, I don't want to watch it. Now I don't
10 want to watch it.

11 Q. From the beginning to the end, you have not
12 seen it?

13 A. No.

14 Q. Did you have any other conversations on this
15 full day that you spent the day in Michael Jackson's
16 hotel room with Mr. Jackson, that you haven't told
17 us about already?

18 A. With Michael?

19 Q. Yes.

20 A. No, no. Just that -- you know, the
21 lovey-dovey 45-minute meeting.

22 Q. All right. Did you have any other
23 conversations with Dieter or with Ronald?

24 A. No. After the lovey-dovey meeting, then the
25 Ronald and Dieter meeting with him, and, no,
26 afterwards, no. Well, this is the best as I can
27 remember.

28 Oh, yeah, you know, when I came back up from 6061

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1 the -- from that when I went down there trying to
2 see the Bashir thing, so, yeah, I did.

3 Q. That conversation you've already told us
4 about with Mr. Jackson, all right.

5 Now, the next day, did you have any
6 conversations with Mr. Jackson?

7 A. No. No.

8 Q. All right. Did you head back to California?

9 A. No. Yeah, California, but not my home.

10 Q. Okay. Where did you think that you were
11 going to be going when you returned?

12 A. Well, I figured I'm going back to my home.

13 Q. Did you ever have a press conference while
14 you were there?

15 A. In Miami?

16 Q. Yes.

17 A. No.

18 Q. Did they ever explain to you why you didn't?

19 A. No.

20 Q. Did either Ronald or Dieter talk about an
21 alternative to a press conference?

22 A. No.

23 Q. Did Mr. Jackson speak to you about an
24 alternative to a press conference?

25 A. No.

26 Q. Did you make any inquiries of anybody as to
27 why you weren't having one?

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28 A. No. When I did start to ask questions now, 6062

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1 that's when a lot of craziness started happening.

2 Q. All right. Well, specifically with regards
3 to Ronald or Dieter, did you make any inquiries of
4 them?

5 A. Yes, I did. And so -- and they basically
6 would shut me down every time, because they're the
7 ones taking care of everything.

8 Q. What do you mean by shut you down?

9 A. When I'd ask, you know, like why didn't we
10 do the press conference, and it was like, "Arghh,
11 you stupid woman," you know, and just -- it just --
12 it escalated.

13 Q. All right.

14 A. I -- go ahead.

15 Q. And their behavior --

16 A. Escalated.

17 Q. -- escalated?

18 A. Yes.

19 Q. Escalated in what way?

20 A. Well, do you want me to go all the way to
21 the end?

22 Q. Just tell me what they were saying to you.

23 What did they say to you?

24 A. That they know best. They're the damage
25 control team. And you wouldn't want to hear the way
26 they said it.

27 Q. Tell us what they said. Tell us what they

28 said to you. 6063

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1 A. Well, Ronald telling me that he could have
2 me erased if I make him angry. Just different
3 things like that.

4 Q. All right. Were you frightened by the
5 things they were telling you?

6 A. Yes. They terrified me.

7 Q. Did you go back to Mr. Jackson and tell him?

8 A. When we initially got there to Miami, I
9 talked to him, and his response was, "Do everything
10 Ronald and Dieter tell you."

11 Q. But during --

12 A. And that was it.

13 Q. During this period of time that you were at
14 the Turnberry Hotel in Miami --

15 A. I --

16 Q. Hold on, hold on. You have to wait till the
17 question's asked.

18 During this period of time that you were in
19 Miami, and during this period of time that you were
20 having conversations with Ronald and Dieter and they
21 were threatening you and saying things that were
22 scary to you --

23 A. Not until we got at Neverland they did that.

24 Q. That's my question.

25 A. Yeah.

26 Q. Did these conversations take place in Miami?

27 A. No, no. In Miami they were just, you know,

28 ab -- extracting all the information possible. 6064

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1 Scaring me, that -- the scare was from other people,

2 and getting -- acquiring those two signatures.

3 Q. Okay. So neither one of them had threatened

4 you personally?

5 A. No, not in Miami.

6 Q. And you have mentioned that one of them

7 called you a stupid woman --

8 A. Yes.

9 Q. -- while you were there. Who was there?

10 A. Actually, both of them, but Ronald did

11 first.

12 Q. The other one did as well?

13 A. Yes.

14 Q. That was still in Miami?

15 A. No, no, this is in Neverland.

16 Q. All right. It's back at Neverland.

17 A. Miami, they're just like, you know, "Oh,"

18 you know, "We're here to help you, protect you,

19 protect the kids."

20 Q. Did you fly back with everybody else?

21 A. At first it wasn't going to be like that.

22 Q. Did somebody talk to you about your flying

23 separately?

24 A. Yes.

25 Q. Who was that?

26 A. Big Mike, or his head security of traveling.

27 Q. Do you know his real name?

28 A. I don't know his real name. 6065

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1 Q. Is that the name he goes by?

2 A. That's what they were calling him, Big Mike,

3 and he said, "I'm Big Mike."

4 Q. Is he big?

5 A. Yeah, he is big.

6 Q. Okay. Is he the one who told you you were

7 flying separately?

8 A. Yes.

9 Q. Where did you -- how did you understand your

10 children would be flying?

11 A. Okay. He had -- he had called me and talked

12 to -- to my room and told me that Michael didn't

13 want me flying back with my kids; that he wanted

14 only my kids, and that I was going to have to take

15 the next-day flight out with their security.

16 And I was like, "No." And then he's saying,

17 "Yes." And then I started crying on the phone, and

18 because I'm -- you know, these are my kids, you

19 know, "what's going on?"

20 I expressed to him, I said, you know,

21 remember how you wanted -- did I express to him --

22 I did, to Mike, Big Mike --

23 Q. Now, you --

24 A. -- my concerns.

25 Q. Did he then tell you you would be flying

26 with everybody else, or did somebody else tell you?

27 A. No, Big Mike said -- after I started crying

28 on the phone, and he says, "I'm going to talk to the 6066

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1 boss, and I'll see what I can do."

2 Q. Did somebody then call you back?

3 A. And then Big Mike called me back and said
4 then I could fly with the kids back to -- with
5 Michael and just to stay quiet.

6 Q. Did you, in fact, fly with them back?

7 A. Yes, I did.

8 Q. Do you know how long that flight was?

9 A. No, it was just hours. I don't know.

10 MR. ZONEN: Would you put another exhibit
11 tag on this, please?

12 Q. Do you remember who any of the other people
13 were who were on that plane?

14 A. Yes, I do.

15 Q. Tell us who they were.

16 A. Okay. Baby Rubba. Marie Nicole. All three
17 of his children. Patty and Grace. A doctor that
18 they called -- I now know per -- there's a lot of
19 things now I know per this investigation, but back
20 then I didn't know. I just knew him as Dr. Farsha.
21 And my kids. Michael. Me. One flight attendant.
22 And that's the best I can remember.

23 Q. All right. Baby Rubba is who?

24 A. I've come to find out now that his name is
25 Al, Aldo, but back then he was only known as Baby
26 Rubba.

27 Q. Is he related to Frank?

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28 A. Yes. 6067

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1 Q. Is Frank somebody you met prior to this
2 time?

3 A. Prior to --

4 Q. Did you know who Frank was at this time of
5 the flight going back?

6 A. I had initially met him in August of 2000.

7 Okay. Then on this -- in the Miami trip, he didn't
8 even talk to me. Not once.

9 Q. All right. But -- let me ask you this
10 question.

11 A. Okay.

12 Q. You met him in August of 2000. That was
13 your first trip to Neverland?

14 A. Yes.

15 Q. And he was there at that time?

16 A. Yes.

17 Q. He was introduced to you as Frank?

18 A. Yes.

19 Q. At some point in time, did you meet him in
20 Miami? Was Frank there?

21 A. Yes, but he didn't talk to me at all in

22 Miami. Zero conversation.

23 Q. But you saw him there?

24 A. Yes, I did.

25 Q. And was he introduced to you as the brother
26 of Aldo and Marie Nicole?

27 A. No, he wasn't. It's the children that told

28 me that that was his brother. 6068

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1 Q. Prior to your going back -- I assume all
2 three of your kids are on this flight.

3 A. Yes.

4 Q. And I assume all three of your kids are with
5 you in the hotel --

6 A. Yes.

7 Q. -- in Miami.

8 A. Yes.

9 Q. Did Davellin go to New York?

10 A. Davellin?

11 Q. Yeah.

12 A. No.

13 Q. Was she on a shopping spree in New York with

14 Marie Nicole?

15 A. Never.

16 Q. You've never heard about this, have you?

17 A. No. There's a lot of things I haven't

18 heard, and they just pop up.

19 Q. Was Davellin a friend of Marie Nicole prior

20 to Florida?

21 A. No.

22 Q. Had never met prior to Florida?

23 A. Never.

24 Q. Where did you think --

25 A. And in Miami, Baby Rubba and Marie Nicole

26 were very -- like away from my kids. It's until

27 they went to Neverland that they were all, you

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1 Q. Together?

2 A. Together, yes.

3 Q. All right. Now, where did you think this
4 plane was going to go?

5 A. Well, I thought -- I just thought that maybe
6 it was going to land in Los Angeles, and then, you
7 know, I'm -- you know, and that's it.

8 Q. Did they tell you it wasn't going to Los
9 Angeles?

10 A. No, they didn't tell me.

11 Q. How long did you think you were going to be
12 in Miami when you flew to Miami?

13 A. Well, just enough to do the press
14 conference - my kids are in school - and come back.
15 That's it.

16 Q. Did you expect to be back after the press
17 conference?

18 A. Yes. You know, take care of the problem,
19 that's it.

20 Q. Excuse me just one moment.

21 Do you know what day of the week it was that
22 you actually flew to Miami?

23 A. No, but it was a school day.

24 Q. It was a school day?

25 A. Because Davellin -- they had to wait till
26 Davellin got out of school. And I had the boys, you
27 know.

28 Q. And the next day that you were in Miami, was 6070

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1 that a school day as well?

2 A. I -- yes, I believe so. I'm not sure.

3 Q. Had any arrangements been made to

4 accommodate their absence from school?

5 A. No.

6 Q. Did you have any expectation that they were

7 going to be absent from school for an extended

8 period of time?

9 A. No.

10 Q. All right. When did you first learn you

11 were not flying back to Los Angeles?

12 A. On the flight.

13 Q. Where did they tell you you were going to be

14 going?

15 A. Neverland.

16 MR. ZONEN: May I approach the witness, Your

17 Honor?

18 THE COURT: Yes.

19 Q. BY MR. ZONEN: I show you Exhibit 808. Do

20 you recognize what this diagram is?

21 A. Yes.

22 Q. All right. And what do you understand it to

23 be?

24 A. The inside of the airplane.

25 Q. Excuse me.

26 Tom, do you have a pen that will write on

27 that?

28 Do you have a recollection of where you were 6071

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1 sitting at that time?

2 A. Yes. Some things are just burned in here.

3 Q. All right. So you know where you were

4 sitting. Do you have a recollection of where Mr.

5 Jackson was sitting?

6 A. Yes.

7 Q. Do you have a recollection of where your

8 children were sitting?

9 A. Yes.

10 Q. At different times during the course of this

11 flight, did people get up and move around?

12 A. Baby Rubba, Marie Nicole were running all

13 over the place. His kids were running all over the

14 place.

15 Q. Anybody else?

16 A. The -- the flight attendant was very busy.

17 Q. She was very busy?

18 A. Yes, very busy.

19 Q. Take a pen, if you would, please. Here's --

20 let's do blue.

21 A. Okay.

22 Q. And if you could, put your initials in the

23 seat where you were, please.

24 All right. And can you tell us where Mr.

25 Jackson was seated?

26 A. I'll put his initials or --

27 Q. Put his initials.

28 Do you remember where Gavin was seated? Put 6072

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1 "Gavin."

2 Do you remember where Star and Davellin were
3 seated?

4 Shall we go on? Do you remember where
5 everybody else was?

6 A. Yeah.

7 Q. How about Baby Rubba, where was he?

8 A. Okay, over here. That's why they were --
9 can I write the rest?

10 Q. And Marie Nicole, yes.

11 A. And Paris and Prince. And --

12 Q. Paris and Prince being Mr. Jackson's
13 children?

14 A. Yes. And then Grace was right here.

15 Q. Grace is the nanny?

16 A. Yes. Patty's right here.

17 Q. Is Patty a nanny as well?

18 A. Yes. And Farsha, Dr. Farsha, right here.

19 Q. Okay.

20 A. And the flight attendant all over the place.

21 Q. Okay. All right. Is this an accurate
22 depiction of the interior of that flight?

23 A. Yeah. I guess.

24 Q. And are the names of the different people
25 accurately depicted where they were sitting?

26 A. Yes.

27 Q. Would you, on -- at the bottom of this, just

28 write your first name, right at the bottom, so we'll 6073

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1 know whose exhibit that is.

2 Good. Nice large letters.

3 All right. Your Honor, I'd move to
4 introduce this Exhibit 808 into evidence.

5 MR. MESEREAU: No objection.

6 THE COURT: It's admitted.

7 MR. ZONEN: May I publish this?

8 THE COURT: You may.

9 Q. BY MR. ZONEN: This is the interior of this
10 exhibit; is that correct?

11 A. Yes. Yes.

12 Q. Okay. I'm going to hand you the laser, if I
13 could, please. Press that little button right
14 there.

15 A. Okay.

16 Q. Now, you've indicated by the names "Gavin"
17 and "MJ," "Star" and "Davellin" --

18 A. Yes.

19 Q. -- as your three children and Mr. Jackson;
20 is that correct?

21 A. Yes.

22 Q. Would you show us where "MJ" is?

23 That's Mr. Jackson's seat. And does that
24 face directly ahead towards Davellin's seat?

25 A. Yes, right there.

26 Q. And Gavin was next to him?

27 A. Yes.

28 Q. And that faces directly to Star's seat? 6074

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1 A. Yes.

2 Q. Okay. There is a "JJ" as we're further to
3 the right. Is that you?

4 A. Me.

5 Q. All right. And that would stand for?

6 A. "Janet Jackson."

7 Q. Janet Jackson. Okay.

8 Okay. Now, which direction was that seat
9 facing?

10 A. It faces in that direction.

11 Q. All right. You were not able to -- from the
12 vantage point of where you were seated, you were not
13 able to see --

14 A. And then not only that, they're really,
15 like, big in the back of me.

16 Q. The seats, you mean?

17 A. Yes.

18 Q. And you're not hugely tall, are you?

19 Were you not able to see over the top of
20 that seat, then?

21 A. Yes. They're not like these chairs. They
22 go past.

23 Q. It was up above your head?

24 A. Yes.

25 MR. ZONEN: All right. Let's move that
26 down. Yes, this direction.

27 THE WITNESS: And so do theirs, too. Not

28 just mine. 6075

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1 MR. ZONEN: Perfect. Right there.

2 Q. Tell us where Dr. Farshshian was.

3 A. Yes.

4 Q. And he was facing you?

5 A. Yes.

6 Q. And Patty and Grace?

7 A. Right here.

8 Q. And let's move in the other direction.

9 And we have what appears to be four people

10 on that.

11 A. Yes.

12 Q. Would you describe that seat? What --

13 A. It's kind of like a couch.

14 Q. Okay. Are there armrests at all?

15 A. I don't remember that, but I just remember

16 that it looked like a couch.

17 Q. All right. And the four of them were on

18 that seat?

19 A. Yes.

20 Q. Now, there's another seat that's up above

21 that --

22 A. Right here.

23 Q. -- what appears to be a couch. And who sat

24 there?

25 A. I don't know.

26 Q. Was the stewardess seated at any time?

27 A. No, no, the stewardess always sat in the

28 back, because Grace would get mad at her and throw 6076

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1 her in the back.

2 Q. All right.

3 A. Like she had to be working, because -- and

4 if you were not working, you go back.

5 Q. All right. Now, was there a person seated

6 in that seat, the one that was directly above from

7 where the couch is?

8 A. I don't remember.

9 Q. Do you know if there was another person on

10 the plane you don't recall?

11 A. I don't recall. But that's -- you know, I

12 don't --

13 Q. All right. We can take that off, and if we

14 could turn the lights back on.

15 Now, at some time while you were on that

16 plane, did you see an event that caused you concern?

17 A. Yes.

18 Q. What did you see?

19 A. Um, okay. (To the jury) Please don't judge

20 me.

21 Q. If you could, just answer the question.

22 Tell us what it was that you saw.

23 A. (To the jury) Please don't judge me.

24 At that time I was -- I hadn't slept for so

25 long. When everybody had fallen asleep -- and it

26 was hours into the flight. I hadn't gotten up, and

27 so -- and I figured this was my chance to look and

28 see what had -- what was going on back there. 6077

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1 So I got up, and that's when I saw Michael

2 licking Gavin's head.

3 I thought it was me. I thought I was seeing

4 things. I thought it was me.

5 When we got off the airplane and I asked my

6 son, I asked him, "Are you okay?" He said, "I'm

7 okay." And that was it.

8 Q. Do you know if Gavin was awake or asleep at

9 the time?

10 A. He was asleep at the time.

11 Q. How could you tell?

12 A. Because his head was on his chest.

13 Q. Okay. Where was Mr. Jackson's arms at that

14 time?

15 A. Like this.

16 Q. He had an arm around Gavin?

17 A. Yes.

18 Q. Now, I want you to describe what it was you

19 saw. You said you saw him lick him. What part of

20 his head?

21 A. Like this, over and over.

22 Q. All right. What part of his head was it?

23 Point to your head where it was.

24 A. Right here.

25 Q. Actually in his hair?

26 A. Yes.

27 Q. And do you mean the side of his head?

28 A. Yes. 6078

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1 Q. Okay. And you said, "over and over." How

2 many times did you see that?

3 A. It was just over and over.

4 Q. All right. Are we talking about a few

5 seconds' worth or a few minutes' worth? What?

6 A. I couldn't tell you.

7 Q. All right. Did you say anything to

8 anybody --

9 A. No.

10 Q. -- at that time?

11 A. I looked around to see if anybody was awake,

12 to see if anybody was seeing what I was seeing. And

13 everybody was asleep, that I could see. Like I took

14 a look at Patty and Grace, and I took a look at

15 Farshshian. They were asleep.

16 Q. Did you say anything to anybody at that

17 time?

18 A. No.

19 Q. Did you ever say --

20 A. I was never going to tell nobody.

21 Q. Did you say anything to anybody at any time

22 about that event?

23 A. No.

24 Q. Who was the first person you discussed that

25 with?

26 A. I didn't discuss it with anybody until like

27 way, way after, way after Neverland --

28 Q. Okay. 6079

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1 A. -- when Star had told me what he had seen.

2 Q. All right.

3 A. And then there was like -- everything went,

4 like, backwards.

5 Q. Okay. Who was the first person that you

6 told of your observation?

7 A. Me? I think it was the police.

8 Q. All right. So you had not told anybody

9 about this --

10 A. No.

11 Q. -- until a conversation with the police?

12 A. No.

13 Q. Do you remember where in this flight that

14 happened, where during the flight?

15 A. After everybody had gone to sleep.

16 Q. Could you tell me how many hours into the

17 flight that was?

18 A. No. Everybody was just sleeping, that I

19 could see.

20 Q. Where did you --

21 A. Even the flight attendant, she was like

22 this. She was way, way at the end, and she was like

23 this.

24 Q. Okay.

25 THE COURT: All right, Counsel. We'll take

26 our break. Is it time?

27 MR. ZONEN: No.

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1 (Laughter.)

2 THE COURT: All right. Go ahead.

3 Q. BY MR. ZONEN: When did you learn what

4 airport you landed in?

5 A. To this day, I still don't know what airport

6 I landed in. I just know it was near Neverland.

7 Q. Was it a small airport?

8 A. I couldn't tell you, because the car -- as

9 soon as we got off the airplane, the car was right

10 there.

11 Q. Were you actually in a building when you got

12 out of the plane or were you out on the tarmac?

13 A. I don't know what "tarmat" is.

14 Q. The ground where the airplane --

15 A. Yeah, when you got off the airplane, there

16 was that big old long car.

17 Q. So you were outside when you got out of the

18 plane?

19 A. We got out of the airplane, and the car was

20 there.

21 Q. You got into the car?

22 A. Yes.

23 Q. And you went to Neverland?

24 A. Yes.

25 Q. Do you know how long of a drive it was to

26 get from the airport to Neverland?

27 A. My best estimate is less than an hour.

28 Definitely less than an hour. 6081

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1 Q. Did you know where you were going?

2 A. Yeah. On the airplane, that's when I found
3 out we were going to Neverland.

4 Q. Did you have luggage with you and --

5 A. Yes.

6 Q. -- and clothing and things like that?

7 A. Yes.

8 Q. Okay.

9 A. And I now know how to travel. Before I used
10 to take just like everything, you know.

11 Q. All right. Now, when you got out of the
12 plane and you went to Neverland, at some point did
13 you go to a residence in Neverland?

14 A. Yeah, Michael's house.

15 Q. Where did you stay that night?

16 A. In one of the guesthouses.

17 Q. Do you know approximately what time it was
18 that you arrived at Neverland?

19 A. Very, very late. Again, like before
20 morning-time.

21 Q. Do you mean late at night or into the middle
22 of the night?

23 A. No, past the middle of the night.

24 Q. So it's almost until dawn?

25 A. Yeah. And please -- also the time change.

26 There's a time change.

27 Q. All right. So did you at that point go to

28 bed? 6082

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1 A. No. He had us -- he had the car stop like
2 way at the beginning, and then we all had to walk in
3 the freezing night into Neverland.

4 Q. So you walked some distance to get --

5 A. Yes.

6 Q. Along the driveway?

7 A. Like the pathway.

8 Q. All right. And did you go straight to a
9 cottage?

10 A. No. We went straight into the house. And
11 then from the house, we got our -- all our bags, and
12 then that's where my garbage bag was missing I had
13 tied up to my red sports bag.

14 Q. So you had a plastic garbage bag --

15 A. Yes.

16 Q. -- that contained items?

17 A. With my stuff. And then I had put -- in the
18 Turnberry bag, I had put my shoes inside there, my
19 Timberland shoes, so they wouldn't dirty the rest of
20 my stuff.

21 Q. There was a Timberland bag that I assume --

22 A. No, no. No, no. My Timberland shoes.

23 Q. I'm sorry, the Turnberry bag.

24 A. Yes, that I put my Timberland shoes in there
25 so it wouldn't dirty the rest of my stuff inside the
26 garbage white bag. It was one of those big ones
27 that I tied really tight to my red bag.

28 Q. All right. Now, was that the only form of 6083

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1 luggage that you brought with you when you went to
2 Miami?

3 A. Me personally.

4 Q. So all of your stuff was in a garbage bag?

5 A. Yes, plus the red bag.

6 Q. Plus the red bag. But the red bag was a
7 Turnberry Hotel bag?

8 A. The red bag was my bag.

9 Q. It was a separate bag that you had with you?

10 A. Yes. And the white garbage bag was tied to
11 the handles of my red bag.

12 Q. Okay. All right. And that --

13 A. I mean so tight that you have to -- I don't
14 know when you -- if you know, but when you tie a
15 plastic bag so tight you can't untie it anymore,
16 that's how tight I had it.

17 Q. It was not there when you got to Neverland?

18 A. No. No, it wasn't.

19 Q. And you had possessions inside of that bag?

20 A. Yes, I did.

21 Q. Did you report that to anybody?

22 A. Yes, immediately. I told Jesus, and then
23 Jesus contacted Chris.

24 Q. Chris was --

25 A. And then he told -- Michael became aware.

26 And Michael said, "It's okay. We'll replace
27 everything in there."

28 Q. Okay. You told Chris. You told Jesus. 6084

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1 A. Jesus.

2 Q. Jesus is Jesus Salas?

3 A. Yes. And Jesus then contacted Chris. And
4 then they also looked all over in the hotel, that
5 maybe some --

6 Q. Where did you stay that night when you
7 finally went to --

8 A. Neverland, in the guesthouse.

9 Q. Where was Davellin?

10 A. In -- in one of the guesthouses.

11 Q. All right. Where were the boys?

12 A. With Michael.

13 Q. Do you know where with Michael?

14 A. In -- now I know, okay.

15 Q. At the time did you know where they were?

16 A. At the time, no.

17 Q. You knew they were in the house?

18 A. Yes.

19 Q. Did you ever walk into the house during the
20 nighttime?

21 A. No.

22 Q. Did you ever make an effort to contact
23 either of the boys while they were inside the house?

24 A. No.

25 Q. Did you take your meals inside the house?

26 A. Me?

27 Q. Yes. During this time?

28 A. During -- yeah, you need to specify. 6085

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1 During -- prior to leaving with Jesus, in the
2 kitchen area.

3 Q. All right. Now, when you got there on
4 this -- at this hour, you spent the night there and
5 presumably woke up and left your room the next
6 day.

7 A. Yes.

8 Q. Do you have a sense of what time that was
9 when you finally came out?

10 A. I think it was -- I think it was
11 mid-morning. I think it was morning, mid-morning.

12 Q. Was Davellin with you?

13 A. No, Davellin was with Marie Nicole, Baby
14 Rubba.

15 Q. Did Davellin stay the night in your room?

16 A. Not in my room. In a guesthouse.

17 Q. In a different guest cottage?

18 A. Yes.

19 Q. Do you know where Marie Nicole or Aldo
20 stayed, or Baby Rubba?

21 A. Oh, Marie Nicole stood in the room -- they
22 have a bed over there above the theater. There's a
23 bed. That's where she slept. And Aldo and the
24 boys, they slept with Michael.

25 Q. Were you expecting to go back to Neverland?

26 A. No.

27 Q. Did anybody --

28 A. It wasn't until in the flight did I find 6086

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1 that out.

2 Q. Did anybody ask you if you would go back to
3 Neverland?

4 A. No, nobody asked me.

5 Q. Did you want to go to Neverland?

6 A. No, I needed the kids -- like I told you,
7 they were in school. And I just -- just do this
8 press conference, take care of this, and that's it.

9 Q. Had they talked about some press conference?

10 And by "they," I mean either Ronald or Dieter or
11 Michael Jackson.

12 A. No.

13 Q. Now, once you were back at Neverland, did
14 you see either Ronald or Dieter?

15 A. Yeah. Not immediately. The next day,
16 Dieter came. Ronald came days after, like I think a
17 day or two or something like that. I'm not quite
18 sure. But it was Ronald the next day, and then
19 Dieter afterwards. I mean -- I apologize. Dieter
20 first. Then Ronald.

21 Q. Was Mr. Jackson there during that few days
22 afterwards?

23 A. Yes.

24 Q. How long did you stay at Neverland before
25 you finally left?

26 A. Well, I stood until Jesus helped me.

27 Q. All right. I'd like to show you an exhibit,

28 if I may. 6087

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1 Is this in evidence?

2 (Off-the-record discussion held at counsel
3 table.)

4 MR. ZONEN: Madam Clerk, let me just confirm
5 that 405 is not in evidence.

6 THE CLERK: It is not.

7 MR. ZONEN: Not? Not in evidence.

8 May I approach the witness, Your Honor?

9 THE COURT: Yes.

10 Q. BY MR. ZONEN: Showing you an exhibit at
11 this time for identification not in evidence, No.
12 405, I'd like you to take a moment and read it, if
13 you would, please.

14 A. Okay.

15 Q. It's a full page. Take your time to go
16 ahead and read it to yourself.

17 A. Okay.

18 Q. When you're done, just set it down.

19 A. Okay.

20 Q. You have completed reading this; is that
21 correct?

22 A. Yes.

23 Q. All right. Do you know who Bell Yard is?

24 A. No.

25 Q. Does this appear to be a press release?

26 A. I don't know.

27 Q. All right. Are you quoted in this document?

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28 A. Yes. 6088

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1 Q. Have you ever made those quotes?

2 A. No.

3 Q. Did anybody ever interview you as to the
4 content of this document?

5 A. No.

6 Q. Have you ever seen this document before?

7 A. No. Right now.

8 Q. This is the first time you've seen it?

9 A. Yes.

10 Q. All right. It's attributed to Janet

11 Ventura-Arvizo; is that correct?

12 A. Yes.

13 Q. The date is Sunday, the 9th of February,

14 2003?

15 A. Yes.

16 Q. Did anybody contact you on that date about

17 releasing any kind of a press conference -- a press

18 release?

19 A. No.

20 MR. ZONEN: Your Honor, I would move to

21 introduce 405 into evidence.

22 MR. MESEREAU: Objection. Hearsay; no

23 foundation.

24 THE COURT: I don't think there is a

25 foundation. I was looking. It was identified on

26 March 2nd, but I can't recall who identified it.

27 MR. ZONEN: It was Ann Gabriel, I believe.

28 Let me withdraw the introduction of this 6089

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1 until we can do this at another time, for the
2 convenience of the jury. We can debate the issue at
3 that time.

4 THE COURT: That would be good.

5 Q. BY MR. ZONEN: How many days did you stay at
6 Neverland?

7 A. I can't remember. Until Jesus helped me.

8 Q. Give us a sense of it. Two days? Five
9 days?

10 A. No.

11 Q. Do you have a sense of it at all?

12 A. No, I don't have a sense of it.

13 Q. Okay. And you say that Jesus helped you
14 leave?

15 A. Yes, he did. And he got into it before
16 that.

17 Q. Hold on. Listen to the question that I ask
18 and only answer that question, if you would. Okay?

19 A. Okay.

20 Q. Now, did you ask anybody to -- did you ask
21 anybody to take you back to Los Angeles before going
22 to Jesus?

23 A. No.

24 Q. Did you express to anybody a desire to leave
25 Neverland?

26 A. Yes.

27 Q. To whom did you --

28 A. To Ronald and Dieter. 6090

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1 Q. To Ronald and Dieter?

2 A. Yes.

3 Q. Was Mr. Jackson present during the entirety
4 of that time?

5 A. Yes.

6 Q. For the period of time until Jesus took
7 you --

8 A. Yes.

9 Q. -- home?

10 When you asked Ronald and Dieter to leave,
11 what did they tell you?

12 A. That I had -- no, because I had to do the
13 rebuttal.

14 Q. Ahh, all right. A rebuttal?

15 A. Yes.

16 Q. Was this the first time that you had any
17 information about a rebuttal?

18 A. Right on.

19 Q. All right. And who was it who first spoke
20 to you about a rebuttal?

21 A. It was Ronald and Dieter.

22 Q. Together?

23 A. Yes. First it was Ronald. And then it was
24 Dieter, and then it was both, and they -- you know,
25 they took turns.

26 Q. You had multiple conversations with them?

27 A. Yes. But Dieter, before Ronald, was

28 preparing us for that. 6091

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1 Q. Okay.

2 A. Which I didn't know.

3 Q. What do you mean, preparing for you that?

4 A. They had this -- this thing that I guess --

5 they had extracted all the information from us. It

6 was like a script.

7 Q. They got information from you. Do you mean

8 about your family?

9 A. Back in Miami.

10 Q. All right. But --

11 A. And whatever else they did.

12 Q. Did anybody ever talk to you about a

13 rebuttal while you were in Miami?

14 A. Never.

15 Q. So it wasn't until you got to Neverland?

16 A. Yes.

17 Q. Who was the first one to broach that subject

18 with you?

19 A. Dieter.

20 Q. Did Michael Jackson talk to you about doing

21 a rebuttal?

22 A. No. When I spoke to him, he said, "Do

23 everything that Ronald and Dieter tell you, and it

24 will fix everything."

25 Q. Did you have any conversation back at

26 Neverland with Michael Jackson at all?

27 A. The initial -- when I first got there, I

28 expressed it to him, and he said, "Do everything 6092

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1 that Ronald and Dieter tell you to do."

2 Q. What he had previously said in --

3 A. Yes.

4 Q. -- Miami --

5 A. Yes.

6 Q. -- he said again?

7 A. Yes.

8 Q. Did you express to him your concerns at that

9 point about Ronald and Dieter?

10 A. No.

11 Q. Did you have concerns about Ronald and

12 Dieter at that point?

13 A. Yes. It escalated towards the middle-end.

14 Q. What did either one of them tell you about

15 this rebuttal? What did they tell you that was

16 going to be?

17 A. In answer to -- in answer to everything of

18 the "Living with Michael Jackson." They were

19 concerned about how he looked. They weren't

20 concerned about my children, me, anything else.

21 Only him.

22 Q. Did they explain to you what the rebuttal

23 had to do with your children's safety?

24 A. Yeah, "That" - this is another phrase -

25 "that would appease the killers." I heard that so

26 many times here, it's just --

27 Q. All right. Somebody actually used the word

28 "killers"? 6093

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1 A. Yes.

2 Q. Who?

3 A. Him. Michael. Ronald. Dieter. Later on,
4 Frank, Vinnie. And you know what? They ended up
5 being the killers.

6 Q. All right. I want you to listen to the
7 question that's being asked, and only ask that
8 question -- answer that question.

9 A. Okay.

10 Q. Answer this question only, all right?

11 Now, who was the first person who mentioned
12 to you "killers"?

13 A. Michael.

14 Q. Where was that?

15 A. That was in Miami.

16 Q. Now, the rebuttal, did you know what you
17 were doing a rebuttal to?

18 A. On all -- the answer to the questions of
19 this "Living with Michael Jackson," Martin Bashir.

20 Q. Now, you hadn't seen it; is that correct?

21 A. I hadn't seen it.

22 Q. Did somebody explain to you the content of
23 that?

24 A. No. They just -- it was a script, and that
25 was it, and expressed -- worked with us daily,
26 numerous times, on what to do, what to do in between
27 the outtakes, what to do before, and that's it.

28 Q. Who was it -- who talked to you about a 6094

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1 script?

2 A. Dieter.

3 Q. Did he show you one?

4 A. Yes.

5 Q. Something in writing; is that correct?

6 A. Yes.

7 Q. Did he present this script to you that you

8 were actually able to read it?

9 A. Yes.

10 Q. What types of things were on the script?

11 A. Just glowing things about Michael.

12 Q. Did he say to you why glowing things about

13 Michael would protect your children?

14 A. Yeah, "That that would appease the killers."

15 Q. All right. Now, did you tell them that you

16 would do this rebuttal?

17 A. No. Prior to Jesus, it was a no.

18 Q. And why did you say no?

19 A. Because I told them, "What's wrong with the

20 truth?" And that's it.

21 Q. All right. Now, did you --

22 A. I had no problems saying something nice, you

23 know.

24 Q. Did they tell you --

25 A. But when I had a 45-minute powwow when I got

26 there, I believed everything he said.

27 Q. Did they tell you that this rebuttal would

28 have not just you, but your children in it? 6095

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1 A. At Neverland?

2 Q. Yes.

3 A. Yes.

4 Q. So who was it who told you that the rebuttal
5 would feature all of you?

6 A. Ronald and Dieter.

7 Q. Why did you go to Jesus?

8 A. Because after asking them to leave so many
9 times and they wouldn't let me leave. And then they
10 were all working on a positive PR for Michael. They
11 also wanted to point out how they were doing things
12 for the mother and the kids. It was -- they were
13 going to use it -- it went back and forth, and then
14 they were going to use it in lieu, like -- also,
15 like, they don't think that they were going to put
16 out there. They're crazy.

17 So that was --

18 Q. You don't remember the question, do you?

19 A. No.

20 Q. I don't either.

21 A. I thought there was --

22 Q. Why did you go to Jesus?

23 A. To help me.

24 Q. Okay. And did you talk to him about helping
25 you?

26 A. Yes.

27 Q. All right. And in what language did you

28 speak with him? 6096

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1 A. I spoke to him both in English and Spanish.

2 Q. Why is that? Why did you speak in Spanish?

3 A. Well, because I was very concerned about
4 anybody hearing.

5 Q. What did you ask Jesus to do?

6 A. To help me leave, me and the kids.

7 Q. What did he tell you?

8 A. He says -- because I had told him that they
9 weren't letting me go. And he says that, "No one
10 should ever be held if they don't want to stay
11 there."

12 Q. And did you leave?

13 A. Yes, I did.

14 Q. All right. Now, during that period of time
15 that you were at Neverland before you left with
16 Jesus, did you go anyplace out of Neverland?

17 A. Yes, I did.

18 Q. Where did you go?

19 A. Ronald and Dieter said, like I told you
20 about Michael's positive PR, and they wanted to show
21 that he's doing things for the mother and the kids.
22 And, you know, so -- they had me so wrapped up. I
23 believed everything they said.

24 Q. Miss Arvizo?

25 A. Yes.

26 Q. Where did you go?

27 A. Okay. I went to, like, a beauty place.

28 And, oh, but get this. 6097

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1 Q. Miss Arvizo?

2 A. I'm paying for it.

3 Q. Miss Arvizo?

4 A. That's right.

5 Q. Where did you go?

6 A. Okay. I went and got my legs waxed.

7 Q. Okay.

8 A. And the key thing there --

9 Q. Hold on, hold on.

10 A. -- I'll pay for it, because it was in

11 replacement of my things.

12 Q. All right. I want you only to answer the

13 question that's asked of you.

14 A. Okay.

15 Q. I want you to listen to the question that's

16 asked. Would you do that?

17 A. Sure.

18 Q. Okay. You went to a beauty salon of some

19 nature; is that right?

20 A. Yes. Yes.

21 Q. Did you have a body wax?

22 A. No.

23 Q. All right. You had your legs waxed?

24 A. Yes.

25 Q. What else?

26 A. That's it.

27 Q. All right. Whose idea was it to do that?

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1 Q. How did they come up with a beauty parlor?

2 A. Because they wanted to show that they were

3 doing something for the mother. Positive PR.

4 Q. Okay. Now, you said you paid for it.

5 A. Yes.

6 Q. In what way did you pay for it?

7 A. Because I -- I told them, "The only way I'm

8 going to do that is if you deduct that from the

9 things that were lost or stolen." Who knows?

10 Q. Okay.

11 A. In replacement of that.

12 Q. Was that agreed to?

13 A. Yes.

14 Q. All right.

15 A. They said, "Okay."

16 Q. Who is it who took you there, to a location?

17 A. Chris.

18 Q. It was Chris Carter who took you there?

19 A. Yes. And then their little surveilling

20 people.

21 Q. There were other people that came with you?

22 A. Yes. Yes, their little surveilling filming

23 people.

24 Q. Where were your children during that time?

25 A. With Michael.

26 Q. Did you --

27 A. The boys were with him, you know.

28 Q. Did you return back to Neverland? 6099

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1 A. Yes, I did.

2 Q. Okay. Was that the day that you left?

3 A. I think it was, because I figured, you know

4 what? That's it. That's enough. They got their

5 positive PR, and now maybe I can go.

6 Q. You went to Jesus?

7 A. No. After, the Germans are following me

8 every single place.

9 Q. Then you went to Jesus?

10 A. I waited till they fell asleep, and then I

11 went to Jesus.

12 Q. Did Jesus agree to take you off the

13 property?

14 A. Yes. Yes.

15 Q. Did he drive you and your children home?

16 A. Yes.

17 Q. Where did you go?

18 A. To my mom's. They had me scared about going

19 to my mom -- to my own place.

20 Q. What did they tell you about your place?

21 A. That the killers had been there, that it had

22 even been broken into. I believed everything they

23 said. Now -- now I don't.

24 Q. This is the Soto Street residence?

25 A. Yes.

26 Q. All right. Did -- did you ask Jesus to take

27 you to your parents' place?

28 A. Yes. 6100

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1 Q. And did he, in fact, take you there?

2 A. Yes.

3 Q. Did you tell either of the two Germans,
4 Dieter or Ronald, where your residence was?

5 A. The East L.A.? Yeah. Oh, they took care of
6 all of that in Miami. Found out every detail.

7 Q. They knew where the Soto Street residence
8 was?

9 A. Yeah. And plus, you know, Michael knew
10 before that.

11 Q. Okay. He had picked up your children from
12 that residence?

13 A. Yeah, and I had lived there for almost
14 already five years.

15 Q. All right. Now, when you went to your
16 mother's residence, you stayed there how long?

17 A. I can't remember. But I remember Frank
18 convincing me that it's too scary to stay there.

19 And I figured my parents are old, and so I went to
20 Jay's house.

21 Q. With your children?

22 A. With my children.

23 Q. All right. Did --

24 A. But I still didn't want to go back to
25 Neverland.

26 Q. So you went to Jay's house?

27 A. Yes.

28 Q. And you stayed there for approximately how 6101

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1 long; do you know?

2 A. I don't know.

3 Q. Were you getting any telephone calls while
4 you were at either your mother's house or at Jay's
5 house?

6 A. Yes, a lot.

7 Q. From whom?

8 A. From Frank. And then Michael had called
9 once and spoke to the boys, and to Gavin.

10 Q. Mr. Jackson?

11 A. Yeah. At this point, I think he's still

12 a --

13 Q. Mr. Jackson phoned personally?

14 A. Yes.

15 Q. Was this at your mother's house or was this
16 at your --

17 A. My mom's house.

18 Q. Do you know how long after you returned from
19 Neverland it was that Mr. Jackson called your
20 mother's house?

21 A. Almost immediately. And spoke to both boys.
22 And then to Gavin. But Frank, ooh, all of the
23 time.

24 Q. You say "all of the time." What does that
25 mean?

26 A. Oh, gosh, a lot.

27 Q. What was he saying?

28 A. That he loves us, Michael loves us, and, you 6102

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1 know, loves -- he wants to protect us. I'm in so
2 much danger, me and the children. Just -- just
3 everything in those kind of topics.

4 Q. Did he describe the danger?

5 A. Yeah, he said that, "You don't know, Janet.

6 We're receiving constant death threats here about
7 the children." You know, I believed him.

8 Q. And he was telling you this in your
9 conversations?

10 A. Yes. Yes.

11 Q. All right.

12 A. But there was so many conversations.

13 Q. When Mr. Jackson actually phoned --

14 A. Yes.

15 Q. -- did you talk with him at all?

16 A. No. No, Frank had already done the legwork
17 for him, let him know.

18 Q. The question was only whether or not you had
19 spoken with Mr. Jackson.

20 A. No.

21 Q. When you went to Jay Jackson's home, this is
22 the one on St. Andrews Place?

23 A. Yes.

24 Q. In mid-Wilshire in Los Angeles?

25 A. Yeah, he has a -- had a one-bedroom
26 apartment.

27 Q. Did the phone calls continue there?

28 A. Yes. 6103

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1 Q. Were you calling Frank back? Was he leaving
2 messages? Were you returning his call?

3 A. The ones I returned, probably maybe -- at
4 that time, before returning to Neverland? I think
5 maybe -- maybe once. Once or three times. Very --
6 definitely less than five. The rest were all him.

7 Q. Did you believe there was a danger to --

8 A. And that's maybe.

9 Q. Did you believe there was a danger to your
10 children at that time?

11 A. Yes, I believed them.

12 (To the defendant) I believed you.

13 Q. Did Frank, in any of his conversations with
14 you, tell you who it was who posed a danger to your
15 children?

16 A. No. The killers, you know.

17 Now when somebody knocks, I say, "Okay, it's
18 either a subpoena or a killer."

19 Q. All right. Did he ever discuss any other
20 matters with you over the telephone?

21 A. Yeah. Yeah, how much that Michael loved the
22 kids and me. And then about doing this video. And
23 I had told them no, because Dieter and Ronald had
24 scripted it, and so they wanted us to say exactly
25 what they wanted us to say for -- what they wanted
26 us to exactly say.

27 Q. During this period of time that you were

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28 back in Los Angeles - all right? - after Jesus drove 6104

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1 you away from Neverland, did the kids go back into
2 school?

3 A. No.

4 Q. Why not?

5 A. Because I really believed them. I did.

6 Q. Believed that there was what?

7 A. Killers.

8 Q. Danger?

9 A. And then afterwards, I came to find out from

10 Mr. Davie that honestly no reporter ever came to my
11 children's school.

12 Q. Were you dealing with reporters at all

13 during this period of time after you came home?

14 A. When I came home, all I saw was my mom's

15 tables filled with offers, filled with different

16 offers. Vacation, money, cars. You name it, it was

17 there. It was there.

18 And so before I had gone to my mom's,

19 Ronald, Dieter, Michael had filled my head that

20 there was reporters all over the place, and the

21 killers were, you know, every place I was. I really

22 believed them.

23 And so when I got my to mom's and saw the

24 table filled, you know, I thought they were telling

25 the truth.

26 Q. Hold on. Now, the table was filled with

27 what, documents?

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28 A. Yeah. 6105

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1 Q. What kind of documents?

2 A. Letters. Different letters making offers,
3 making -- for a story, interviews.

4 Q. With you?

5 A. With the children, with me, or both.

6 Q. All right. Did anybody actually call and
7 contact -- and talk to you while you were there?

8 A. The phone was ringing like crazy, so I would
9 pick it up and pretend it wasn't me, you know, just
10 in case it was one of my parents' family members,
11 because my mother's mother has Alzheimer's, so my
12 mom and her sister, or a combination, they take care
13 of her, so, you know --

14 Q. All right. Did you have an opportunity to
15 look at any of those documents?

16 A. Yes, I did.

17 Q. All right. And I think that you said that
18 there were offers amongst them?

19 A. Yes. Yes, there were.

20 Q. Offers for money?

21 A. Money, cars, vacations. Just you name it.

22 Q. Any of them contain dollar amounts?

23 A. Yes, they did.

24 Q. How much?

25 A. One was 100,000 cash.

26 Q. To do what?

27 A. To give a story about Gavin.

28 Q. All right. Did you assume that it was a 6106

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1 story about Gavin with regards to Michael Jackson?

2 A. Yeah. They were very clear on what they
3 wanted. There was -- the only people that were
4 vague was those two reporters way in the beginning.

5 Q. Okay. But these offers dealt --

6 A. They were very clear.

7 Q. In other words --

8 A. And some were just, you know, "Basically we
9 want to talk," that's all. Not all of them. Some
10 of them were just, "I want to talk." That's all.

11 Q. Did you call any of these reporters?

12 A. No, I didn't.

13 Q. Did you have a telephone conversation with
14 any of these reporters?

15 A. No.

16 Q. Did you communicate --

17 A. Other than the one that said Gavin and all
18 that stuff.

19 Q. I understand. Did you communicate with any
20 reporters to the extent of telling them that you
21 were willing to do a story --

22 A. No.

23 Q. -- and accept payment?

24 A. Huh-uh, huh-uh.

25 Q. Did you accept payment from any reporter?

26 A. No.

27 Q. Have you given a story to any reporter?

1 Q. And to this day have you?

2 A. Till this day.

3 Q. Do you have any arrangement to do a story at
4 some time in the future?

5 A. No.

6 Q. Do you intend to give a story?

7 A. Huh-uh.

8 THE COURT: Is it time for a break?

9 MR. ZONEN: I believe so.

10 THE COURT: Let's take one.

11 (Recess taken.)

12 THE COURT: Go ahead.

13 Q. BY MR. ZONEN: Miss Arvizo, I've been asking
14 you about a series of phone calls that --

15 THE BAILIFF: Turn on the microphone, please.

16 Q. BY MR. ZONEN: Miss Arvizo, I've been asking
17 you about a series of telephone calls that you
18 received from Frank, and I asked you, I believe, if
19 anybody else had called you about this same issue.

20 Your answer was what?

21 A. About --

22 Q. About this matter of returning back to
23 Neverland.

24 A. Yeah, Michael.

25 Q. And, okay, anybody else beyond that?

26 A. Beyond Frank?

27 Q. Yes.

1 Q. Did he ever talk about any other matter
2 other than that issue, the danger to the children
3 returning to Neverland --

4 A. Yeah.

5 Q. -- and the rebuttal?

6 A. Yeah. And also, you know, about the media,
7 that they were all bad people. And, you know,
8 they -- they made me believe that.

9 (To the audience) I think different of you
10 guys now. That -- that's what they made me believe
11 about you guys, but, you know, you guys are
12 basically good guys, too. You guys are the good
13 side. It's okay.

14 Q. Miss Arvizo, at some point in time, did you
15 have an opportunity to listen to a tape-recording of
16 one of those telephone calls?

17 A. Yes, I did. Yes.

18 Q. Were you aware that one of those telephone
19 calls was actually tape-recorded?

20 A. No, I wasn't aware.

21 Q. Do you recall who it was who played that
22 tape-recording for you?

23 A. The D.A.'s Office at the grand jury.

24 Q. All right. Was it just prior to the grand
25 jury that you heard it for the first time?

26 A. It was right prior to the grand jury.

27 Q. All right. And was it played during the

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28 grand jury? 6109

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1 A. It was played during the grand jury.

2 Q. And you had an opportunity at that time to
3 listen to that tape-recording in its entirety, did
4 you not?

5 A. Yes.

6 Q. All right. Do you remember what specific
7 phone call that was?

8 A. It wasn't one specific phone call. It was
9 many conversations, and the masters of choreography
10 blended it all into one tape.

11 Q. I want you to just answer the question that
12 I ask you, all right?

13 It was more than one telephone call; is that
14 true?

15 A. Yes.

16 Q. How do you know that?

17 A. Because I'm the one talking.

18 Q. You simply remember that it was --

19 A. That, and also the key thing such as, you
20 know, my being at my mom's, being at Jay's, there's
21 a difference. My children all not being there, and
22 then Gavin being there. Just different little
23 clues. Since I was the one talking, I knew.

24 And also, one key thing. The original phone
25 number that -- that Frank had given me was very
26 different than the conversation that ended up being
27 on the tape. And that -- that number was actually

28 towards more over here rather than in the beginning. 6110

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1 Q. I'm not certain I understood that. There

2 was --

3 A. There were many conversations blended onto

4 one tape and made as if it was only one

5 conversation. So you're going to hear a series of

6 different conversations all blended into one.

7 Q. You said there was a phone number that Frank

8 gave you. What did that mean?

9 A. That phone number, the 201 number, was not

10 the one that was originally given to you, it was a

11 different number, that's why I know.

12 Q. 201 being the area code?

13 A. Yes, sir.

14 Q. Did you dial that number to talk to Frank?

15 A. No. Not at that time.

16 Q. At any time during this period while you

17 were in Los Angeles, before returning to Neverland?

18 A. Okay. Before returning to Neverland, I'm

19 seeing -- I'm being generous. Maybe if -- maybe

20 less than three, less than five. And I --

21 Q. Less than three, less than five what?

22 A. Of if I ever returned a phone call.

23 Q. You think you might have returned --

24 A. I may. I may.

25 Q. You might have returned a phone call to him?

26 A. Yes.

27 Q. And perhaps as many as three or five?

28 A. And I'm guessing one. 6111

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1 Q. Do you have --

2 A. But, yeah -- after.

3 Q. Do you have a specific recollection of ever
4 returning a phone call to him?

5 A. I don't remember. It was -- because he was
6 calling so much, there was no need for me to return
7 a phone call --

8 Q. All right.

9 A. -- at that period.

10 Q. Was he leaving either voice mail messages or
11 answer phone messages when he called?

12 A. At that time, I was picking up the call, and
13 there was also some phone messages.

14 Q. Did you -- can you give us a sense of how
15 many conversations you were actually having with
16 Frank in any given day?

17 A. With Frank? Okay. On the -- oh, God, no, I
18 can't.

19 Q. Was the subject of the video, doing the
20 rebuttal, was that something that was frequently
21 discussed in those phone calls?

22 A. This is when he was pulling me back in.

23 MR. ZONEN: Your Honor, we have marked -- we
24 have marked Exhibit No. 809 as a tape. Actually,
25 it's on the form of a CD that we would like to play
26 at this time.

27 (Whereupon, a CD, Plaintiff's Exhibit

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28 No. 809, was played for the Court and jury.) 6112

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1 MR. ZONEN: Your Honor, we have a
2 transcript, and we will furnish a copy of that
3 transcript tomorrow morning.

4 BAILIFF CORTEZ: The microphone, sir.

5 THE COURT: Again.

6 MR. ZONEN: We have a transcript of that
7 tape as well. We will furnish the Court a copy of
8 that transcript as a separate exhibit tomorrow
9 morning.

10 THE COURT: All right.

11 Q. BY MR. ZONEN: Ms. Arvizo, you've now
12 listened to this tape. Is this, in fact, the same
13 tape that you previously listened to?

14 A. Yes.

15 Q. And you have listened to this tape as well
16 during the course of the grand jury hearings?

17 A. Yes.

18 Q. You believe that this is a compilation of a
19 few telephone calls?

20 A. Yes.

21 Q. What were your feelings about Frank at the
22 time of these phone calls? What did you think of
23 him?

24 A. Well, I -- I thought he was a good guy. And
25 he ended up being the worst one out of all of them.

26 Q. At the time of these telephone calls, you
27 had trust in him?

28 A. Yes, because he was repeating the same 6113

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1 things. Not identical, but he was repeating the
2 same things that Michael had told me in the Miami
3 thing; that we were family. He had said that family
4 never leaves family behind.

5 Q. Did you believe that to be the case?

6 A. I did. I believed him.

7 Q. Michael Jackson you had only met on one
8 previous occasion?

9 A. That's right. But because he was going -- I
10 knew violence, and so when he presented to me that
11 there was a violence to my son and my kids, I
12 thought, you know, what a nice guy.

13 Q. Did you believe Frank with regards to the
14 things that he told you in these telephone calls?

15 A. I'm sorry, what did you say?

16 Q. Did you believe Frank's representations to
17 you during the course of these phone calls?

18 A. Yeah, I did. I did.

19 Q. Did you believe that you would be sheltered
20 from the Germans if you returned?

21 A. No, I didn't return until he told me that
22 they were fired. I believed everything he said.

23 Q. What did he tell you specifically about the
24 Germans?

25 A. That Michael had them fired. He found out
26 how they were treating the kids and me, so that
27 Michael fired them.

28 Q. He asked you on a few occasions during these 6114

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1 telephone calls if it would be okay to post a
2 24-hour guard outside your home.

3 A. Yeah.

4 Q. Is that the case?

5 A. And I said no.

6 Q. Did you tell him no repeatedly?

7 A. Yes. There was many conversations.

8 Q. Did you ever have a guard posted outside
9 your house?

10 A. Never.

11 Q. Why did you turn that offer down?

12 A. Because I didn't want my parents to know. I
13 had always hidden everything from my parents.

14 Q. You didn't want your parents to know what?

15 A. Because I didn't want them to get scared,
16 because they're older. I've never told my parents
17 about anything. I mean, they barely know now many
18 things.

19 Q. All right. Now, I think you said that there
20 was never a guard that came; is that true?

21 A. That's right.

22 Q. When did you decide to return back to
23 Neverland?

24 A. When -- when Frank convinced me.

25 Q. In the tape, he mentions a couple times
26 about doing a video. Is that the rebuttal video
27 that you referred to?

28 A. Yes. And every time I said no. 6115

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1 Q. On one occasion in here, you do tell him
2 that you'd be willing to do that, do you not?

3 A. Yeah, as long as it's not a script, because
4 the Germans wanted to me to say exactly what they
5 dictated.

6 Q. Were you willing to say something at that
7 time that was positive --

8 A. Yes.

9 Q. -- about Michael Jackson?

10 A. I was.

11 Q. At that time, did you have anything to say
12 about Michael Jackson that was negative?

13 A. No.

14 Q. Did you tell him you'd be willing to do
15 that?

16 A. Yes.

17 Q. You have references in this interview, or,
18 excuse me, conversation or conversations about
19 Michael Jackson and Frank being family.

20 A. Yes.

21 Q. What was that about?

22 A. Because I believed him.

23 Q. I'm sorry?

24 A. I believed him.

25 Q. And Frank was also making those
26 representations to you?

27 A. Yes. I wanted friends so bad.

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28 Q. You wanted friends? 6116

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1 A. I did.

2 Q. And why is that?

3 A. Because David always told me nobody loved
4 me.

5 Q. You had talked about David with Frank on
6 these conversations, did you not?

7 A. Yes, I did.

8 Q. Did you tell him everything that had
9 happened with regards to --

10 A. He already had known. I was just gathering.

11 (To the defendant) I was still trying to help
12 you.

13 I was gathering paperwork to prove of David
14 committing these crimes on me and my kids and my
15 animals.

16 Q. You were gathering up paperwork for what
17 purpose?

18 A. To give it to you.

19 Q. You need to address the question only.

20 A. Michael.

21 Q. Why were you gathering up paperwork for Mr.
22 Jackson?

23 A. Because David was interview after interview
24 and after interview; so they could know that he's a
25 liar.

26 Q. All right. You need to explain this to me.

27 David is David Arvizo --

28 A. Yes. 6117

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1 Q. -- your former husband?

2 A. Yes.

3 Q. You say he gave interview after interview
4 after interview?

5 A. Yes.

6 Q. With whom?

7 A. With different reporters. This is what
8 Ronald and Dieter had told me.

9 Q. And somebody had spoken to you about the
10 interviews that David Arvizo is doing?

11 A. Ronald and Dieter did at Neverland.

12 Q. And what did they say to you about those
13 interviews?

14 A. That David was talking bad stuff about me
15 and the children.

16 Q. About you and the children?

17 A. Yes.

18 Q. All right.

19 A. And about Michael.

20 Q. Did somebody ask you to gather up paperwork
21 about David?

22 A. No, I was just trying to help.

23 Q. And why did you gather up paperwork for them
24 about David?

25 A. Just the paperwork, the restraining orders,
26 everything that the court had given me.

27 Q. What was your purpose for doing that?

28 A. Well, so that we can have proof that this -- 6118

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1 everything that this man is saying from his mouth is
2 untrue. David.

3 Q. What time was it during the day or evening
4 that Jesus Salas drove you back to your parents'
5 house?

6 A. I think -- I don't know. Maybe about one-
7 something a.m.

8 Q. It was in the early morning hours?

9 A. Yes. About 1:15.

10 Q. Did you talk with Michael Jackson before
11 being driven back to your parents' house?

12 A. No.

13 Q. During the entire time that you were in Los
14 Angeles, either at your parents' house or at Jay
15 Jackson's residence, were the phone calls continuous
16 during that time?

17 A. Yes.

18 Q. What finally was it that caused you to
19 decide to return to Neverland?

20 A. When Frank had said that Michael had fired
21 the Germans.

22 Q. Was there an understanding about whether or
23 not you would be doing a video once you got back?

24 A. No.

25 Q. You hadn't talked about that?

26 A. No. At that point, no. It was just --

27 Q. What was your belief about whether or not

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28 you would be doing a video? 6119

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1 A. There was -- there was none. He had said
2 that I didn't have to do it after all.

3 Q. Did you express to him some reservations
4 about doing it?

5 A. No, he -- I had told him that the Germans
6 wanted to dictate exactly what we wanted to say, so
7 I was -- I told him no.

8 And so afterwards, towards when -- the end,
9 Frank had said that, okay, that I didn't have to do
10 it at all, me and the kids.

11 Q. Did you go back to Neverland?

12 A. Yes, I did.

13 Q. Do you know approximately what time of the
14 day or evening it was?

15 A. The daytime. Gary came for us.

16 Q. Before going back to Neverland, did you have
17 an interview?

18 A. Yes.

19 Q. With whom?

20 A. With Brad Miller.

21 Q. Did you know who Brad Miller was?

22 A. No.

23 Q. Had you ever seen him before?

24 A. No.

25 Q. Was it prearranged that you would have an
26 interview with him?

27 A. Yes. Yes.

28 Q. And who had arranged that? 6120

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1 A. Frank.

2 Q. Now, you were still in Los Angeles; is that
3 right?

4 A. Yes. In Jay's apartment.

5 Q. And how long prior to that interview was it
6 that you had arranged it or Frank had arranged it
7 with you?

8 A. Hours.

9 Q. So it was the same day?

10 A. Same day.

11 Q. Did he tell you the purpose for this
12 interview?

13 A. Yeah. He had called me like in a state of
14 panic, and he was telling me, "Quick, Janet, quick.
15 We need you to talk to Bradley Miller because he's a
16 P.I., and he just saw" -- "he just saw David make
17 contact with the killers."

18 And then he's -- he told me about how
19 important it is to say nice things about Michael and
20 that Michael was going to protect me and the kids.

21 Q. Did you believe it?

22 A. I believed it.

23 Q. Did you feel the kids were in danger at that
24 time?

25 A. Yes, I did.

26 Q. Why did you agree to have an interview with
27 Brad Miller?

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28 A. Because I believed him. 6121

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1 Q. At which location was this interview?

2 A. In Jay's apartment.

3 Q. And did he arrive by himself, Mr. Miller?

4 A. Yes, he did.

5 Q. Did he identify himself to you?

6 A. Yes, he did. Michael's P.I.

7 Q. He told you he was a P.I.?

8 A. Michael's P.I.

9 Q. You've had an opportunity to listen to a

10 tape-recording of that interview, have you not?

11 A. Yes, I have.

12 Q. Do you recall at some point during the

13 course of that interview him turning the tape off?

14 A. Yes.

15 Q. Do you know why?

16 A. I had walked in for that second, and then I

17 had walked back out right after he had turned it

18 back on, and he said that -- that -- here's that

19 phrase, to say nice things about Michael, because

20 that would appease the killers. That phrase is

21 burned in my brain.

22 Q. And were you in the room during the entirety

23 of that interview?

24 A. No. I kept coming in and out, because Jay

25 in the beginning, he was kind of like very -- now

26 he's softened up, but before, he was very military,

27 very -- everything had -- everything was organized,

28 everything was -- his things were his things. 6122

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1 And so I noticed that he was kind of getting
2 a little upset, because he was walking back from
3 the -- from the living room where we were at into
4 his bedroom, so I was kind of nervous that he was
5 getting upset, so --

6 Q. So you were checking on him periodically?

7 A. Yes. Yes.

8 Q. Do you know how long that interview went?

9 A. It -- I since have seen the transcript to
10 it, and it shows an ending time, and the ending time
11 is inaccurate. It's incorrect.

12 Q. What do you think is the length of that
13 interview?

14 A. The length of the interview from when he was
15 there is -- it's about an hour, a little over an
16 hour, but the time that it has on the transcript
17 doesn't reflect that.

18 Q. Did Mr. Miller explain to you why he was
19 there?

20 A. Yes. For what Frank had said. The same
21 purpose.

22 Q. Did he give you any instruction as to what
23 to say before turning on the tape-recorder?

24 A. Yeah, he fed us. Sometimes we would rewind,
25 stop, rewind, stop. And so he was feeding us, but
26 everything I said, I said it with my heart.

27 Q. All right. And you said nice things about

28 Mr. Jackson, did you not? 6123

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1 A. Yes, I did.

2 Q. And did you believe those things at that
3 time?

4 A. Yes, I did.

5 Q. You would have said those things even if he
6 hadn't rewind the tape-recorder?

7 A. That's right.

8 Q. Did you then go back to Neverland?

9 A. Yes, I did.

10 Q. Did Mr. Miller talk to you about going back
11 to Neverland?

12 A. No, he didn't.

13 Q. Who was it who made the arrangements for you
14 to return to Neverland?

15 A. Frank.

16 Q. Do you know if that was the next day?

17 A. That was the next day.

18 Q. When you got back to Neverland, what did you
19 see?

20 A. And another thing, too, that I seen, which I
21 wasn't that correct on, I noticed that there is --
22 the only way I can know this is because when Chris
23 Carter brought me back, immediately the phone -- the
24 phone stuff was subpoenaed, so on the day that I
25 used Chris Carter's phone is the day that --

26 Q. We're jumping ahead of ourselves.

27 A. Well, okay. I feel the date may be

28 incorrect also. But the only reason is because I 6124

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1 found out afterwards of that phone call.

2 Q. We're going to get there. We're going to
3 get there.

4 You're back in Los Angeles. Who is it who
5 brought you back to Neverland?

6 A. Gary Hearn.

7 Q. Did you go with your children?

8 A. Yes, I did.

9 Q. Do you know what time it is, approximately,
10 that you arrived at Neverland?

11 A. I think it was the afternoon.

12 Q. What did you see when you got there?

13 A. Ronald and Dieter.

14 Q. Did that surprise you?

15 A. Minutes -- minutes into being inside the
16 house.

17 Q. Which house?

18 A. Michael's house.

19 Q. Did you go to his house soon after arriving
20 at Neverland?

21 A. Yes.

22 Q. Did you see if Michael Jackson was there?

23 A. Yes. I saw him. He went straight to my
24 kids.

25 Q. And where did your kids go?

26 A. With him to his office.

27 Q. All three of your kids?

28 A. Yes. And then I saw Davellin, and then she 6125

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1 went back in. But they were in his office.

2 Q. Did you speak with Mr. Jackson at the time
3 that you arrived?

4 A. No.

5 Q. Did you see the two Germans, Dieter and
6 Ronald, immediately?

7 A. Yes.

8 Q. What did you do when you saw them?

9 A. I knew now that Frank had been lying to me
10 the whole entire time.

11 Q. What did you do when you saw them?

12 A. I told them that I had an emergency and I
13 have to go back home, me and the kids have to go
14 back home.

15 Q. And who did you say that to?

16 A. I said it to Ronald and I said it to Dieter.

17 Q. What did they say?

18 A. They said no, I couldn't; that the kids have
19 to stay. If I have an emergency, I can go, but the
20 kids had to stay. And that at this point is when
21 they had pointed out to me that my outside phone
22 calls are being monitored, that I'm being watched,
23 listened to, and they can make my kids disappear.

24 Q. Was this the first time --

25 A. And that anybody -- anybody I told -- and at
26 this time I'm like, what am I going to tell? That
27 we're walking across the grass? You know, what am I

28 going to tell? And that anybody that I told, their 6126

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1 life was going to be in danger.

2 Q. Did you make a decision at that time as to
3 whether you would leave?

4 A. Yes.

5 Q. What was that decision?

6 A. Because that's the only way I could get out,
7 because the other time it took -- it took a long
8 process for me to leave. And this time, Jesus had
9 told me he couldn't help me.

10 Q. What was that decision that you made? To
11 leave?

12 A. To leave.

13 Q. To leave, all right. Did you speak to
14 anybody else other than Ronald and Dieter about
15 leaving?

16 A. Yeah, well, Jesus, I asked him for help. We
17 went from the -- from the video place, tried to
18 talk -- I tried to talk secret with him in Spanish
19 because I was talking to him in English and that's
20 when Dieter had walked up, and then I -- and then I
21 tried to talk to him in Spanish.

22 And we went to the train station, and we
23 went up -- up to the -- way up on the top, and I
24 tried to talk to him, plead for him to help me, and
25 he said he couldn't help me anymore, because when I
26 had -- when I had left, the whole house turned into
27 chaos.

28 Q. Did you ask him specifically to take you 6127

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1 back to Los Angeles?

2 A. Yes, I did. Me and the kids.

3 Q. He told you no? What did he tell you?

4 A. That he couldn't; that to ask Chris for
5 help, because he doesn't know, and -- and I found
6 out that everybody was on a need-to-know basis; that
7 not unless they stumbled upon the problem or they
8 were pulled into it, other than that, everybody was
9 clueless.

10 Q. Okay. All right. Did you go talk to Mr.
11 Carter?

12 A. Well, what happened was, when -- I was going
13 to look for him, but I didn't have to -- have to
14 look for him, because I happened to see him, so --
15 and that was Jesus's advice.

16 Q. Did you know Chris Carter from a prior
17 visit?

18 A. Yes, from when I was there. He's Michael's
19 personal bodyguard.

20 Q. Was he somebody who had been nice to you in
21 the past?

22 A. Yes, he was.

23 Q. Did you go up and ask him if you could
24 leave?

25 A. Yes.

26 Q. Did you ask him if your children could as
27 well?

28 A. I did mention it to him, but that's when I 6128

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1 seen the Germans again, so I completely, you know,
2 "pshooo," played it off; it was just an emergency.

3 Q. Did he say he would take you?

4 A. Yes, he did.

5 Q. And did you leave?

6 A. Yes, I did.

7 Q. Did you leave with your children still at
8 Neverland?

9 A. Yes.

10 Q. Why did you do that?

11 A. Because I did. Because of the reasons that
12 I just told you.

13 Q. Now, you mentioned earlier that in the drive
14 back to Los Angeles, you used Mr. Carter's cell
15 phone?

16 A. Over and over. And I used the phone inside
17 your car.

18 Q. Who were you calling?

19 A. Calling Jay over and over. But -- and I was
20 praying in the car. And --

21 Q. Were you scared?

22 A. Yes.

23 Q. What were you worried about?

24 A. That they were going to make true on
25 everything that they had said.

26 Q. Were you able to reach Jay on the telephone?

27 A. No.

28 Q. Where did Mr. Carter take you? 6129

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1 A. To Jay's.

2 Q. And did he drop you off there?

3 A. Yes.

4 Q. Do you recall at approximately what time you
5 arrived?

6 A. Oh, I don't know, but that -- that telephone
7 call is -- you could see it on the subpoenaed phone
8 record.

9 Q. Whatever time that is would be the time that
10 you were in the vehicle?

11 A. That's the time. That's the time.

12 Q. Do you remember how many phone calls you
13 made to Jay during that time?

14 A. A lot of them.

15 Q. At one time during the course of this phone
16 conversation or conversations that we just listened
17 to, Frank mentions a trip, going someplace; says
18 you'll be dancing every night. Do you remember that
19 conversation?

20 A. Yes, I do.

21 Q. Did you have more than one conversation with
22 Frank about going someplace?

23 A. Yeah. They wanted us to leave the country.

24 Q. Did they tell you where they wanted you to
25 go?

26 A. Well, this is in Neverland, when I -- and I
27 found out that they were monitoring my phone calls

28 inside Neverland. They had first mentioned Austria. 6130

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1 And so I had mentioned it to -- to Jay, I think it
2 was Jay, over the phone, and then they came in
3 hollering, because nobody was supposed to know.
4 Then they found out that I had -- that I
5 knew Spanish and was a Spanish-speaking country, and
6 the end result was Brazil, so I knew that they
7 wanted me out of the country since then.

8 Q. All right. They were talking about going to
9 Brazil?

10 A. Yes.

11 Q. They'd actually begun that conversation
12 prior to Jesus taking you out?

13 A. Prior to Jesus.

14 Q. And during the phone calls that you had with
15 Frank, did he mention that?

16 A. Yes.

17 Q. Did he mention it more than once?

18 A. Yes.

19 Q. Did he mention it often?

20 A. Yes.

21 Q. Did he ever mention locations other than
22 Brazil?

23 A. No. It ended up being Brazil.

24 Q. Did he tell you why he wanted you to go to
25 Brazil?

26 A. At first -- everything -- everything
27 evolved. At first, it was to keep me and my

28 children safe from the killers. Then -- then it 6131

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1 just evolved into that, into -- and one of the
2 maximum points was until they had damage-controlled
3 everything for you.

4 Q. No, you need to address us, okay?

5 A. I mean for Michael. And it escalated to
6 that there was no definite time of return, until
7 they fixed everything for you, for Michael.

8 Q. Now, at some time after you came back to
9 Jay's residence, at some point around that time, did
10 you become aware of the fact that the Department of
11 Child & Family Services wanted to talk with you?

12 A. Immediately.

13 Q. Do you remember if that was before or after
14 you went back to Neverland?

15 A. When Chris Carter brought me back,
16 immediately like that, so then I said yes, I'm going
17 to use this as an excuse to get my children out;
18 that I need them for that.

19 Oh, they went into high gear now, more.

20 Q. Hold on. We'll get there. We'll get there,
21 okay?

22 Now, who was it who called you from the
23 Department of Child & Family Services?

24 A. On the phone I spoke to three ladies at
25 three different times, because I was trying to meet
26 with the Child Protective Services by myself, in
27 their office, because I figured -- because I

28 believed what the Germans had said. So I figured, 6132

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1 you know what? Maybe inside their office, you know,
2 it's going to be safe to express to them that my
3 children are still there and they're not letting
4 them out.

5 Q. Did you ask somebody among them if you could
6 interview with them at the office?

7 A. Yes, and they said no. They were not
8 helpful.

9 Q. Who is "they"?

10 A. Karen Walker. LaVerne. And I think -- I
11 don't know whether it's Jackie or Yvonne. She goes
12 by two --

13 Q. There were two people that you had spoken
14 with?

15 A. Three.

16 Q. All on the telephone?

17 A. Yes.

18 Q. Same conversation or different
19 conversations?

20 A. Different conversations, because I couldn't
21 make them aware over the phone that - because I
22 believed that my phone calls were being monitored -
23 that they were over there.

24 Q. Did you know why they wanted to meet with
25 you?

26 A. No.

27 Q. Did they tell you why?

1 Q. Did they tell you whether or not it had
2 something to do with Michael Jackson?

3 A. No. They said that it -- that they would
4 let me know in the meeting.

5 Q. All right. Did --

6 A. They didn't let me know of any allegations
7 till the meeting.

8 Q. Did not discuss this video, the "Living with
9 Michael Jackson"?

10 A. Nothing.

11 Q. Were you aware, prior to your meeting with
12 Child Protective Services or, as they call it, their
13 Department of Child Family Services, whether or not
14 that meeting had something to do with this
15 documentary "Living with Michael Jackson"?

16 A. Not until they had the actual meeting.

17 Q. Okay. Now, did you tell anybody at
18 Neverland about the fact that you'd been contacted
19 by representatives of the Department of Child &
20 Family Services?

21 A. Yes. I had called the administration
22 office. I had called -- I had called -- I had
23 called Jesus. Jesus did not return a -- not a
24 single phone call of mine. And the administration
25 offices, their business offices did not return any
26 of my phone calls. And then so there was contact
27 made between Frank and me.

28 Q. All right. Now, Frank then called you back? 6134

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1 A. Yes. I don't know whether he called -- I
2 can't remember this fact, but maybe by the phone
3 records you can.

4 Q. Okay.

5 A. I don't know whether they told him to call
6 me or I called him. I don't know. But at that
7 point I was completely desperate.

8 Q. Did you -- did they -- by "they" I mean the
9 people from Child -- the Department of Child Family
10 Services, DCFS, did they request of you to have your
11 children present during that interview?

12 A. Yes.

13 Q. Did they tell you that that was necessary?

14 A. Yes; that they have to see them themselves.

15 Q. All right. Did you communicate that to Frank?

16 A. Yes.

17 Q. Did you tell anybody else that; that you
18 needed to have the children there?

19 A. No, that's all. My one conversation was now
20 only with Frank.

21 Q. All right. And tell me about the
22 conversation that you had with Frank about this
23 interview with DCFS?

24 A. I'm sorry, did you say --

25 Q. Did you have a conversation in particular
26 with Frank?

27 A. No, not "a." Many.

28 Q. Many, all right. Do you remember any of 6135

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1 these conversations?

2 A. Yeah. That -- I mean, my kids, because of
3 this meeting.

4 Q. What was Frank telling you during that time?

5 A. At first, it was no, unless I do the video.

6 Then it evolved into -- it evolved into more.

7 Q. Well, what more? I mean, what specifically
8 was he telling you about the video and the children?

9 A. Well, it evolved. Right before the video,
10 it evolved into that if I did a good job, I wouldn't
11 have to leave the country.

12 Q. At some point in time did you agree to do a
13 video?

14 A. Yes, I did.

15 Q. Did somebody say to you that the video
16 needed to be done before the interview?

17 A. Yes.

18 Q. Who was that?

19 A. Frank.

20 Q. What specifically did he tell you about that?

21 A. That I had to do it.

22 Q. You had to do it before?

23 A. Yes.

24 Q. All right. Now --

25 A. The meeting could not take place prior to
26 the video. The video had to take place prior to the
27 meeting.

28 Q. Do you have a recollection at this time of 6136

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1 the dates that these particular events --

2 A. Yes.

3 Q. In other words, if I were to ask you

4 specifically the date of the initial phone call from

5 the Department of Child Family Services.

6 A. Oh, no, that I wouldn't be able to tell you.

7 I need your help on the phone records.

8 Q. Do you know the date?

9 A. But I know it was like that, immediately.

10 Q. Immediately after you returned?

11 A. Yes, with Chris Carter.

12 Q. Do you know the date that was scheduled for

13 the interview?

14 A. Yes, that I do. The 20th.

15 Q. And what day was that? The 20th?

16 A. The 20th. I --

17 Q. And do you know what day of the week that is?

18 A. I think that was a Thursday. I think. I

19 think so. I -- I think so. Thursday and the 20th

20 go together in my mind.

21 MR. ZONEN: If the Court will once again

22 take judicial notice that the 20th -- I'm sorry, I

23 gave you my calendar. I believe it is a Thursday,

24 but could the Court check and perhaps we could take

25 notice of that.

26 THE COURT: Thursday is the 20th.

27 MR. ZONEN: It is a Thursday, then.

28 MR. MESEREAU: May I just see it for a second? 6137

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1 MR. ZONEN: He doubts you?

2 MR. MESEREAU: Thursday is the 20th. Thank
3 you. So stipulated.

4 THE COURT: All right. Is this a good place
5 to stop?

6 MR. ZONEN: Yes, Your Honor.

7 THE COURT: Is it time to stop?

8 Okay. We'll stop. See you tomorrow morning
9 at 8:30. Remember the admonitions.

10 (The proceedings adjourned at 2:30 p.m.)

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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 5953 through 6138

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 13, 2005, and thereafter

20 reduced to typewriting by computer-aided

21 transcription under my direction.

22 DATED: Santa Maria, California,

23 April 13, 2005.

24

25

26

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

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