

7749

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 IN AND FOR THE COUNTY OF SANTA BARBARA

3 SANTA MARIA BRANCH; COOK STREET DIVISION

4 DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

5

6

7 THE PEOPLE OF THE STATE OF )

8 CALIFORNIA, )

9 Plaintiff, )

10 -vs- ) No. 1133603

11 MICHAEL JOE JACKSON, )

12 Defendant. )

13

14

15

16

17 REPORTER'S TRANSCRIPT OF PROCEEDINGS

18

19 WEDNESDAY, APRIL 27, 2005

20

21 8:30 A.M.

22

23 (PAGES 7749 THROUGH 7807)

24

25

www.mjfacts.info

26

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

28 BY: Official Court Reporter 7749

[www.mjfacts.info](http://www.mjfacts.info)

1 APPEARANCES OF COUNSEL:

2

3 For Plaintiff: THOMAS W. SNEDDON, JR.,

4 District Attorney -and-

5 RONALD J. ZONEN, Sr. Deputy District Attorney

6 -and- GORDON AUCHINCLOSS,

7 Sr. Deputy District Attorney 1112 Santa Barbara Street

8 Santa Barbara, California 93101

9

10

11 For Defendant: COLLINS, MESEREAU, REDDOCK & YU BY: THOMAS A.  
MESEREAU, JR., ESQ.

12 -and- SUSAN C. YU, ESQ.

13 1875 Century Park East, Suite 700 Los Angeles, California 90067

14 -and-

15 SANGER & SWYSEN

16 BY: ROBERT M. SANGER, ESQ. 233 East Carrillo Street, Suite C

17 Santa Barbara, California 93101

18

19

20

21

22

23

24

25

26

27

www.mjfacts.info

[www.mjfacts.info](http://www.mjfacts.info)

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.

7

8

9 PLAINTIFF'S WITNESSES DIRECT CROSS REDIRECT RECROSS

10

11 MOSLEHI, Hamid 7752-M (Contd.)

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

www.mjfacts.info

27

28 7751

[www.mjfacts.info](http://www.mjfacts.info)

1 Santa Maria, California

2 Wednesday, April 27, 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: (In unison) Good morning.

9 THE COURT: Counsel, you may proceed.

10 MR. SANGER: Can we have just one second,

11 Your Honor, for a technical matter?

12 MR. MESEREAU: Thank you, Your Honor.

13

14 HAMID MOSLEHI

15 Having been previously sworn, resumed the

16 stand and testified further as follows:

17

18 CROSS-EXAMINATION (Continued)

19 BY MR. MESEREAU:

20 Q. Good morning.

21 A. Good morning.

22 Q. Mr. Moslehi, yesterday you mentioned that

23 you had decided to give Janet Arvizo a \$2,000 loan

24 on approximately February 19th, 2003, right?

25 A. That's correct.

26 Q. And you said you did that based upon a phone

27 conversation with Ms. Arvizo that lasted about 25

28 minutes, right? 7752

[www.mjfacts.info](http://www.mjfacts.info)



1 A. That's correct.

2 Q. You didn't give her the actual check till  
3 the next day after you had filmed the Arvizo family  
4 in what is often referred to as the rebuttal  
5 portion, right?

6 A. Towards the end of it, after the interview,  
7 yes.

8 Q. Yes. Now, obviously, if you were filming  
9 the Arvizo family in that tape, you heard what Janet  
10 was saying, correct?

11 A. Oftentimes I wasn't paying fully attention  
12 to what she was saying because I was mostly  
13 concerned about, you know, lighting, camera, that  
14 kind of stuff. But, yeah, I heard some.

15 Q. But you heard a number of the things that  
16 Janet Arvizo said in that footage, correct?

17 A. Some, yes.

18 Q. And did you hear her saying words to the  
19 effect that her family had been spat upon and abused  
20 and not treated properly by various people?

21 A. I believe so.

22 Q. And would it be accurate to say that your  
23 phone conversation with her the previous day plus  
24 what you heard her say in that tape-recording  
25 influenced you to give her \$2,000?

26 A. In some effect, yes.

27 Q. Okay. Now, in your phone conversation with

28 Ms. Arvizo on February 19th, 2003, did she ever tell 7753

[www.mjfacts.info](http://www.mjfacts.info)

1 you that she was living with and being supported by  
2 a Major Jay Jackson?

3 MR. AUCHINCLOSS: I'll object as assumes  
4 facts not in evidence. Compound, as well.

5 MR. MESEREAU: I'll rephrase it if the Court  
6 would like.

7 THE COURT: All right.

8 Q. BY MR. MESEREAU: When Ms. Arvizo on the  
9 19th of February 2003 in your approximately

10 25-minute phone conversation discussed her financial  
11 situation, did she ever tell you she was living with  
12 Major Jay Jackson?

13 A. I don't remember her making a comment as far  
14 as where she lives and who she lives with.

15 Q. In that conversation, did she ever tell you  
16 that she was being supported by a Major Jay Jackson?

17 MR. AUCHINCLOSS: I'll object as assuming  
18 facts not in evidence.

19 MR. MESEREAU: Strictly a question.

20 THE COURT: The objection is overruled.

21 You may answer.

22 THE WITNESS: Um, did she mention whether she  
23 lives or being supported by Jay Jackson?

24 Q. BY MR. MESEREAU: My first question was, did  
25 Janet Arvizo in your phone conversation on February  
26 19th, 2003, ever mention to you that she was living  
27 with a Major Jay Jackson, and I believe you said,

[www.mjfacts.info](http://www.mjfacts.info)

1 A. I believe -- I don't remember having that  
2 conversation.

3 Q. My next question is, in that same phone  
4 conversation did Janet Arvizo ever mention that she  
5 was receiving any financial support from a Major Jay  
6 Jackson?

7 A. I don't remember having that conversation.

8 Q. In that phone conversation, did Ms. Arvizo  
9 ever mention that her family had obtained an  
10 approximately \$152,000 settlement from J.C. Penney?

11 A. No.

12 Q. In that phone conversation, did Miss Arvizo  
13 ever mention that her family had received any money  
14 from fund-raisers at The Laugh Factory?

15 A. No.

16 MR. AUCHINCLOSS: I'll object and move to  
17 strike, as to the last question, as vague as to  
18 time.

19 THE COURT: Overruled.

20 Q. BY MR. MESEREAU: In that phone conversation  
21 of February 19th, 2003, did Ms. Arvizo ever mention  
22 that any celebrities had at any time given her  
23 family money?

24 MR. AUCHINCLOSS: Objection; vague as to  
25 time.

26 THE COURT: Overruled.

27 THE WITNESS: Do I answer? No.

28 Q. BY MR. MESEREAU: And in your phone 7755

[www.mjfacts.info](http://www.mjfacts.info)

1 conversation on February 19th, 2003, did Ms. Arvizo  
2 ever mention that she had set up a bank account for  
3 the benefit of her son Gavin from which she withdrew  
4 thousands of dollars?

5 MR. AUCHINCLOSS: Objection; assumes facts  
6 not in evidence.

7 THE COURT: Sustained.

8 Q. BY MR. MESEREAU: In that phone conversation  
9 on February 19th, 2003, did Ms. Arvizo ever mention  
10 that she had set up a bank account for the benefit  
11 of her son Gavin?

12 A. No.

13 Q. And in that same phone conversation, did she  
14 ever mention that her family had ever obtained any  
15 vehicle from Michael Jackson?

16 A. No.

17 Q. Did she ever say in that phone conversation  
18 any benefits, financial or otherwise, that she or  
19 her family had received from Michael Jackson?

20 A. No.

21 Q. Did she ever say anything about someone  
22 named Louise Palanker giving the family \$20,000?

23 A. No.

24 Q. Did she ever say anything about Fritz  
25 Coleman, a newscaster in Los Angeles, trying to  
26 raise money for the family?

27 A. No.

28 Q. Did she ever say anything about Chris Tucker 7756

[www.mjfacts.info](http://www.mjfacts.info)



1 giving \$2,000 to the family?

2 A. No.

3 Q. Did she ever say anything about Chris Tucker

4 giving the family the use of a vehicle at any time?

5 A. No.

6 Q. Now, you indicated that when you went to

7 Neverland to pick up the family -- excuse me.

8 Pardon me. Let me rephrase that. Poor question.

9 You indicated that you drove to Neverland

10 for the purpose of filming the family at Neverland,

11 right?

12 A. That's correct.

13 Q. And you indicated that when you got there,

14 to your knowledge, the children were there but Janet

15 Arvizo was not, correct?

16 A. That's correct.

17 Q. And I believe you said you spoke to Joe

18 Marcus about your desire to take the children to Los

19 Angeles to do the filming, correct?

20 A. After Janet not being there, there was a

21 decision made that the interview will take place in

22 L.A.

23 Q. Okay.

24 A. And I informed Joe Marcus about that

25 decision.

26 Q. And to your knowledge, who was Joe Marcus?

27 A. Joe Marcus is Neverland Valley property

28 manager. 7757

[www.mjfacts.info](http://www.mjfacts.info)

1 Q. And had you met him before?

2 A. Yes.

3 Q. And was it your understanding he had worked  
4 at Neverland for a long period of time?

5 A. That's correct.

6 Q. And your understanding from Mr. Marcus was  
7 that he didn't have the authorization to let the  
8 children get in your car and drive off to Los  
9 Angeles, correct?

10 A. What I remember is that I told him about the  
11 plan of taking the kids to Los Angeles for an  
12 interview, and if I remember correctly, he said that  
13 they're not allowed to leave the property.

14 Q. And at some point, he came back to you and  
15 said he had the authority to let you drive the kids  
16 to L.A., correct?

17 A. If I remember correctly, it just happened  
18 that I took the kids and I don't remember having any  
19 more conversation. But he was aware of me taking  
20 the kids with me.

21 Q. Okay. So did you assume at the time that  
22 Mr. Marcus knew the children were on the property,  
23 without the mother, and that Mr. Marcus needed some  
24 type of authorization to just let them go off with  
25 you?

26 MR. AUCHINCLOSS: Objection; requires  
27 speculation.

28 THE COURT: Sustained. 7758

[www.mjfacts.info](http://www.mjfacts.info)

1 Q. BY MR. MESEREAU: How much time elapsed  
2 between Mr. Marcus telling you that he didn't have  
3 authority to let the kids go and your actually  
4 taking the kids with you?

5 A. Approximately 30 minutes.

6 Q. Okay. And did you assume that within that  
7 30-minute period Mr. Marcus telephoned someone to  
8 find out if he could let these children leave the  
9 property?

10 A. I assume that's what he did, yes.

11 Q. Okay. And you then, approximately 30  
12 minutes later, put the three children in your car  
13 and drove them to Los Angeles, right?

14 A. That's correct.

15 Q. Had you ever had those three children in  
16 your car before?

17 A. No.

18 Q. Now, when you went to Mr. Marcus and told  
19 him you wanted to take the three children to Los  
20 Angeles, did he ask you if you had the authority to  
21 do so?

22 A. I don't remember.

23 Q. Did you tell him you had the mother's  
24 permission to put her three children in your car and  
25 drive them to Los Angeles?

26 A. I don't remember.

27 Q. Okay. But I assume at some point you

28 thought you had the mother's permission to do that, 7759

[www.mjfacts.info](http://www.mjfacts.info)

1 correct?

2 A. That's correct.

3 Q. Okay. And at some point in time, you

4 learned that Janet Arvizo did not want to return to

5 Neverland for the filming, right?

6 A. That's correct.

7 Q. You learned that Janet Arvizo wanted the

8 filming to take place somewhere in Los Angeles

9 County, correct?

10 MR. AUCHINCLOSS: Objection; assumes facts.

11 THE COURT: I'll sustain the objection as

12 vague.

13 MR. MESEREAU: Okay.

14 Q. At some point before you put the three

15 children into your automobile and drove them to your

16 home, was it your understanding that the mother

17 approved your doing that?

18 A. Yes.

19 Q. And I gather you then drove the children

20 directly to your home; is that right?

21 A. That's correct.

22 Q. When you got to your home, was Janet Arvizo

23 there?

24 A. No.

25 Q. At some point after you arrived at your home

26 with the three children, did Janet Arvizo arrive?

27 A. That's correct.

28 Q. Okay. And as you testified, the filming 7760

[www.mjfacts.info](http://www.mjfacts.info)



1 then took place at your home, right?

2 A. That's correct.

3 Q. Now, you indicated that an investigator

4 named Brad Miller was there, right?

5 A. That's correct.

6 Q. And did you learn that he was working for

7 Attorney Mark Geragos?

8 A. I did not know who he was working for.

9 Q. Okay. Did you assume he was investigating

10 somebody?

11 A. I didn't know why he's there.

12 Q. Okay. Did he ever explain to you why he was

13 there?

14 A. No.

15 Q. Okay. But he must have identified himself

16 as a private investigator, right?

17 A. No. What happened is I asked one of the

18 gentlemen of Marc Schaffel's people who this guy is,

19 and they said he's a private investigator.

20 Q. Okay. But you never really knew if he was

21 investigating the Arvizos, or Schaffel, or you, or

22 anybody, right?

23 A. I didn't know.

24 Q. Okay. Now, you've been interviewed by

25 representatives of the District Attorney's Office,

26 correct?

27 A. That's correct.

28 Q. And have they ever discussed with you who 7761

[www.mjfacts.info](http://www.mjfacts.info)

1 Mr. Miller is in those interviews?

2 A. On November 18, 2003, I was served with a  
3 search warrant. On that search warrant, it says  
4 that any document that could show any relationship  
5 between me and Brad Miller.

6 Q. Okay.

7 A. And there were some other questions about  
8 that.

9 Q. And other than him being at your house that  
10 night, you really had no relationship with him,  
11 right?

12 A. No.

13 Q. And if he was putting anyone under  
14 surveillance, you weren't aware of it, right?

15 A. No.

16 Q. Okay. And at some time you learned that he  
17 had actually done a few minutes of surveillance on  
18 you, right?

19 A. Recently I learned that.

20 Q. You learned that from the prosecution,  
21 correct?

22 A. That's correct.

23 Q. Okay. Now, obviously yesterday, the  
24 prosecutor played that little bit of footage, and  
25 you identified yourself and your automobile, right?

26 A. That's correct.

27 Q. And where did that footage take place, if

28 you know? 7762

[www.mjfacts.info](http://www.mjfacts.info)

1 A. That's what I was wondering yesterday. I

2 don't --

3 Q. It was not at your home, right?

4 A. No.

5 Q. It was somewhere else?

6 A. That's correct.

7 Q. It appeared that you were going to a parked

8 vehicle that you owned?

9 A. I believe so.

10 Q. But you're not sure where that was?

11 A. No.

12 Q. Okay. Okay. Did you ever see Investigator

13 Brad Miller after that evening you filmed the Arvizo

14 family?

15 A. Did I see him again?

16 Q. Yes.

17 A. No.

18 Q. So that was the first and only time you've

19 ever seen the guy?

20 A. That was the first and the last time I ever

21 saw him.

22 Q. Did he ever call you after that and ask you

23 anything, to your knowledge?

24 A. No.

25 Q. Okay. But you're saying Marc Schaffel told

26 you he was a private investigator?

27 A. One of his guys.

28 Q. Okay. Not Schaffel himself? 7763

[www.mjfacts.info](http://www.mjfacts.info)

1 A. Not Schaffel himself.

2 Q. Okay. Okay. But whoever told you that  
3 didn't tell you that he was employed by Attorney  
4 Geragos, correct?

5 A. No.

6 Q. All right. Did you learn that at some  
7 point, that Mr. Miller was a private investigator  
8 hired by Attorney Mark Geragos?

9 MR. AUCHINCLOSS: Objection; asked and  
10 answered.

11 THE COURT: Overruled.

12 You may answer.

13 THE WITNESS: I heard on the T.V.

14 Q. BY MR. MESEREAU: Okay. Okay. All right.

15 Let me get back to the financial disagreement you  
16 had regarding your filming the Arvizo family, okay?

17 A. I'm sorry, repeat that, please.

18 Q. The concerns you had about being properly  
19 compensated for the work that you had done, okay?

20 A. Unpaid invoices?

21 Q. Yes. I want to ask you some questions about  
22 that.

23 At the time you filmed the Arvizo family for  
24 purposes of the rebuttal documentary, did you know  
25 when the documentary was supposed to air on  
26 television?

27 A. Yes.

28 Q. And what was your understanding about when 7764

[www.mjfacts.info](http://www.mjfacts.info)



1 that rebuttal documentary with Maury Povich was  
2 supposed to air on television?

3 A. February 20th of 2003.

4 Q. That didn't give you much time to get the  
5 footage you filmed to the network that was going to  
6 actually air the show, did it?

7 A. No. In fact, we missed the deadline.

8 Q. Yes. Originally, was the plan for you to  
9 film the family, get immediately paid and get it to  
10 the network? Was that the initial plan?

11 A. The initial plan was to finish this rebuttal  
12 documentary by midnight of 19 -- February 19 of  
13 2003, to be aired for the 20th. And the day after  
14 it's aired I was supposed to get paid in full.

15 Q. Okay. And I believe you testified that you  
16 withheld the footage because you hadn't been  
17 immediately paid, correct?

18 A. Well, I held the footage because of other  
19 reasons. I had to make a copy of it. And also,  
20 since we missed the deadline, there was no reason to  
21 rush to deliver these tapes anyway.

22 Q. But by withholding the footage, it was clear  
23 to you that it could never be on the televised  
24 documentary, right?

25 A. Sorry, say that again?

26 Q. By withholding the footage the way you did  
27 for the reasons you've expressed, it was obvious to

28 you that it could never appear on the documentary, 7765

[www.mjfacts.info](http://www.mjfacts.info)

1 right?

2 A. Well, as I said, we missed the deadline  
3 anyway, so there was no way that those footage could  
4 have been used in the rebuttal documentary.

5 Q. But your understanding about why you were to  
6 film the family was that there was a desire to  
7 possibly use that footage in the T.V. documentary,  
8 correct?

9 A. Well, originally we were supposed to shoot  
10 this on 19, February 19, to be delivered by midnight  
11 to the production company. Since we passed that  
12 deadline, I knew that it's not going to be used for  
13 the rebuttal documentary.

14 Q. Now, yesterday, you testified that Dieter  
15 and Konitzer had promised you a profit participation  
16 in the televised documentary, correct?

17 A. A percentage of the revenue.

18 Q. Now, correct me if I'm wrong, I think  
19 yesterday you used the term -- used the term, excuse  
20 me, a percentage of gross profits; was that true?

21 A. Yeah, gross profit.

22 Q. Okay. Because there is documentation that  
23 talks about your claim that you had a net profits  
24 interest as opposed to a gross profits interest?

25 A. Well, maybe I'm not qualified to distinguish  
26 the difference between the two, but there was an  
27 agreement that once -- once this documentary is

28 aired, there would be a percentage of the sales, 7766

[www.mjfacts.info](http://www.mjfacts.info)

1 amount of the gross sales, to me for my work.

2 Q. And was that percentage of gross sales

3 supposed to include gross sales all over the world?

4 A. That's correct.

5 Q. And in your mind, that could be many

6 millions of dollars potentially, right?

7 A. At the time, I didn't know what was the

8 sales.

9 Q. Okay. And you're saying that Dieter and

10 Konitzer gave you an oral agreement to that effect,

11 right?

12 A. That's correct.

13 Q. There was nothing ever reduced to writing

14 about your having a percentage interest in profits

15 associated with that show, right?

16 A. They promised me that they will put this in

17 writing, but they never did.

18 Q. Okay. Now, in light of the fact that the

19 footage of the Arvizo family could not appear in

20 that documentary, did you still think you were

21 entitled to that percentage interest?

22 A. Sure.

23 Q. In light of the fact that the footage could

24 not appear in that documentary, did you still feel

25 you were entitled to your normal fees and costs?

26 A. Well, the Arvizo family footage was not the

27 only one, the only footage to be used in that

28 rebuttal documentary. There was some other footage 7767

[www.mjfacts.info](http://www.mjfacts.info)

1 created by me that was supposed to be used in there.

2 Q. And an example of that footage was your own

3 personal interview, right?

4 A. As far as profit goes?

5 Q. Yes.

6 A. Could you be more specific?

7 Q. Sure. Sure. Let's talk about all the work

8 you did on the rebuttal show that was hosted by

9 Maury Povich, okay?

10 A. Okay.

11 Q. The work you did was a personal interview,

12 right?

13 A. Personal interview of --

14 Q. You.

15 A. I did not do that myself.

16 Q. But you spoke yesterday about a personal

17 interview --

18 A. No, I did not shoot that interview. In

19 other words, I did not shoot myself to be

20 interviewed. Somebody else shot me.

21 Q. Yes. But certainly you did grant an

22 interview that somebody else shot for purposes of

23 that documentary, right?

24 A. That's correct.

25 Q. And you also obviously did a shoot of the

26 Arvizo family for the purposes of that documentary,

27 right?

www.mjfacts.info

[www.mjfacts.info](http://www.mjfacts.info)



1 Q. What else did you do for the purposes of  
2 preparing that documentary?

3 A. As I remember correctly, I put 250 hours in  
4 a matter of 11 days, 250 hours in a matter of 11  
5 days, oftentimes 20 -- 20 hours a day to finish this  
6 rebuttal documentary.

7 Q. And that included footage of other family  
8 members of the Jackson family, correct?

9 A. The Jacksons' family members interview,  
10 other footage that I provided, and edited for --

11 Q. Right.

12 A. -- for the purpose of this documentary.

13 Q. All right. Now, other than the Arvizo  
14 footage, did you provide the other footage you did  
15 to the network?

16 A. Other footage of?

17 Q. Family members. Did you provide that in a  
18 timely fashion so it could be used in the  
19 documentary?

20 A. When you say "family members," are you  
21 talking about Mr. Jackson's family members?

22 Q. Yes.

23 A. Okay.

24 Q. So that was given in time to be included in  
25 the documentary, correct?

26 A. That's correct.

27 Q. The only footage you did that was not

28 provided in time to include in the documentary was 7769

[www.mjfacts.info](http://www.mjfacts.info)

1 the footage of the Arvizo family, right?

2 A. The only footage that was not provided?

3 Q. Well, let me -- I'm probably confusing you.

4 Don't intend to.

5 The Arvizo family footage never got there in

6 time, right?

7 A. That's correct.

8 Q. The other footage you did did get there in

9 time, right?

10 A. That's correct.

11 Q. Okay. If you knew that the footage of the

12 Arvizo family was not going to get there in time,

13 why did you continue to do it?

14 A. Well, since we set up all the equipment and

15 everything, might as well shoot it.

16 Q. Okay. And your position after you shot it

17 was, "I want to make a copy of it, and I'm not

18 handing it over to anybody till I'm properly

19 compensated," right?

20 A. No, first my thought was I'm making a copy

21 of it, just for insurance. In case something

22 happens to the tapes, there's a copy of it.

23 But the morning after when Ronald and Dieter

24 and other of Mr. Jackson's agents refused to talk to

25 me about this unpaid invoices issue, I decided that

26 I'm not going to do anything until I get paid.

27 Q. Uh-huh. Okay. Your position was you

28 weren't going to do anything until you got paid your 7770

[www.mjfacts.info](http://www.mjfacts.info)

1 normal fees and costs that were owed, plus you had a  
2 documented percentage interest in profits coming  
3 from the show, right?

4 A. All the unpaid invoices and the percentage  
5 that they promised me.

6 Q. Yes. Okay.

7 Now, your lawyers at Greenberg Traurig, the  
8 law firm you retained, wrote a letter to David  
9 LeGrand on March 5th, 2003, that I showed you  
10 yesterday, okay?

11 A. I don't think you showed me a letter of my  
12 lawyer.

13 Q. Oh, may I -- would it refresh your  
14 recollection if I just show it to you?

15 A. Sure.

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

17 THE COURT: No, you haven't asked him a  
18 question that requires any refreshing of memory.

19 Q. BY MR. MESEREAU: Okay. Do you recall a  
20 letter from your lawyers that was written to David  
21 LeGrand on March 5th, 2003?

22 A. There was a lot of letters wrote. I don't  
23 recall which one you are referring to.

24 Q. Do you recall one written on March 5th,  
25 2003?

26 A. I don't remember a specific date.

27 Q. Would it refresh your recollection if I just

28 show you a copy of that letter? 7771

[www.mjfacts.info](http://www.mjfacts.info)

1 A. Sure.

2 MR. MESEREAU: May I approach?

3 THE COURT: No. You haven't asked him a  
4 question that requires refreshing of memory.

5 MR. MESEREAU: I thought -- he doesn't know  
6 the date, Your Honor. I was just going to refresh  
7 him on that. All right.

8 Q. How long after you completed the footage of  
9 the Arvizo family did you retain a law firm to  
10 represent you?

11 A. Could you repeat that again?

12 Q. Yes. You filmed the Arvizo family on the  
13 20th, right?

14 A. Yes.

15 Q. You withheld the footage - okay? - for  
16 various reasons that you've identified?

17 A. Sure.

18 Q. And you went to a law firm to represent you  
19 shortly after that, correct?

20 A. What do you mean "shortly after"?

21 Q. Well, within a couple of weeks, true?

22 A. Approximately.

23 Q. The law firm was a firm by the name of  
24 Greenberg Traurig, correct?

25 A. That's correct.

26 Q. And Greenberg Traurig wrote a letter to  
27 Attorney David LeGrand, who you have spoken about

28 before. They wrote him a letter on March 5th, 2003, 7772

[www.mjfacts.info](http://www.mjfacts.info)



1 identifying your position on compensation, right?

2 A. I believe so.

3 Q. Okay. Do you know for sure?

4 A. Well, again, I don't have my records here,

5 so I don't know what -- what letter you're referring

6 to.

7 Q. Okay. Would it refresh your recollection if

8 I show that to you?

9 A. Sure.

10 MR. MESEREAU: The letter of March 5th, is

11 that permitted, Your Honor?

12 THE COURT: Yes.

13 MR. AUCHINCLOSS: So what number?

14 THE WITNESS: Okay.

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

16 look at that document?

17 A. Well, my lawyer was in touch with Mr.

18 LeGrand, so most of the communications were between

19 my lawyer and Mr. LeGrand.

20 Q. But you've looked at that document I showed

21 you, right?

22 A. Right now I looked at it.

23 Q. And you see a date of March 5th, 2003?

24 A. It says March 5th.

25 Q. Okay. Do you know approximately when you

26 hired a lawyer to represent you on this particular

27 issue?

28 A. I don't remember. 7773

[www.mjfacts.info](http://www.mjfacts.info)

1 Q. Okay. It was shortly after you filmed the  
2 Arvizo family, correct?

3 A. When you say "shortly," what do you mean?

4 Q. Within a couple weeks? Within two weeks?

5 A. Approximately.

6 Q. And had you made any verbal requests to  
7 Dieter and Konitzer to fulfill what you say their  
8 promises were before you went to a lawyer?

9 A. I'm sorry, say that again?

10 Q. Had you spoken to Dieter and Konitzer  
11 between the filming of the Arvizo family and the  
12 time you retained the law firm of Greenberg Traurig?

13 A. Yes, I spoke with them.

14 Q. Did you try to get things resolved with  
15 them?

16 A. Yes, I did.

17 Q. And I gather you could not do that?

18 A. Negative.

19 Q. Okay. Now, you were asking to be  
20 compensated for projects you had done since 1999,  
21 right?

22 A. There were unpaid invoices --

23 Q. Yes.

24 A. -- from '99, 2001, and I believe 2002 and  
25 2003.

26 Q. Right. One of them had to do with your  
27 filming the Air Force visiting Neverland, correct?

28 A. I don't have my records, but it could be. 7774

[www.mjfacts.info](http://www.mjfacts.info)

1 Q. Would it refresh your recollection if I just  
2 show you your outstanding -- a record of your  
3 outstanding invoice?

4 A. Is that one of the outstanding?

5 Q. Yes.

6 A. It is, for sure? Okay. I mean, I don't  
7 have my records. I do have records that shows what  
8 has been paid, what has not been paid.

9 Q. Okay.

10 A. But right now I don't have nothing in front  
11 of me to be able to tell you whether that specific  
12 invoice has been paid or not.

13 Q. Would it refresh your recollection if I just  
14 show you a record of your invoices?

15 A. Please.

16 MR. MESEREAU: May I approach?

17 THE COURT: Yes.

18 MR. AUCHINCLOSS: What number, Counsel?

19 THE WITNESS: Are you referring to this one?

20 Okay.

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

23 A. Yes.

24 Q. Does it refresh your recollection about your  
25 outstanding invoices at that time?

26 A. What you showed me, it's a summary of all  
27 the unpaid invoices at the time.

28 Q. Okay. And some of the work you had done you 7775

[www.mjfacts.info](http://www.mjfacts.info)

1 had provided and some of it you had withheld pending  
2 payment, true?

3 A. I don't remember.

4 Q. Well, the -- you had done an interview with  
5 Michael Jackson, correct?

6 A. I did an interview with Michael Jackson?

7 Q. Well, you, in your invoices, refer to the  
8 Bashir interview with Michael Jackson in Florida,  
9 correct?

10 A. Okay.

11 Q. You had filmed that interview yourself,  
12 right?

13 A. That's correct.

14 Q. And you were withholding that footage until  
15 you were paid, correct?

16 A. No.

17 Q. Well, the schedule your lawyer provided  
18 indicated that, didn't it?

19 A. Well, this footage that you're talking  
20 about, it's been aired already. So that means I  
21 have provided that.

22 Q. Okay. Do you recall your lawyer saying you  
23 were going to withhold that footage until you were  
24 paid on March 5th, 2003?

25 A. Do I recall if my lawyer were saying that  
26 I'm going to withhold --

27 Q. Yes.

28 A. -- the footage until I get paid? 7776

[www.mjfacts.info](http://www.mjfacts.info)



1 Q. Yes.

2 A. That footage was not withheld.

3 Q. Okay.

4 A. Because it was aired already on February

5 20th --

6 Q. So that --

7 A. -- by FOX.

8 Q. So you weren't withholding anything in that

9 regard?

10 A. Well, that footage, no.

11 Q. The only footage you say you're withholding

12 is the footage of the Arvizo family?

13 A. Again, I don't have my records, but if you

14 tell me, I'll take your word.

15 Q. Do you recall filming in London, in New

16 York, some footage dealing with Sony?

17 A. I do remember that.

18 Q. And were you withholding that footage until

19 you were paid?

20 A. Again, I don't have my records to tell you

21 whether I have turned over those footage or not.

22 Q. I'm talking about March 5th, 2003. Do you

23 recall whether your position was you were going to

24 withhold footage dealing with Sony in New York and

25 London until you were paid?

26 A. I don't understand your question.

27 Q. Okay. Let me rephrase it.

28 As of March 5th, 2003 -- 7777

[www.mjfacts.info](http://www.mjfacts.info)

1 A. Okay.

2 Q. -- the Arvizo footage that you have  
3 described was not the only footage you were refusing  
4 to deliver until you were properly paid, right?

5 A. Well, I mean, I -- can you refresh my memory  
6 by making an example of it?

7 Q. Would it refresh your recollection to look  
8 at this summary of invoices your lawyer sent?

9 A. Sure.

10 MR. MESEREAU: May I approach?

11 THE COURT: Yes.

12 THE WITNESS: When it says, "No," not  
13 necessarily means nothing has been turned over.

14 Maybe not like the original copy, but there has been  
15 copies that has been delivered already.

16 In fact, if you look at that summary, you'll  
17 see under the Martin Bashir footage, it says, "No,"  
18 but it was provided, a copy of that footage anyway.

19 Q. BY MR. MESEREAU: Okay.

20 A. Because it was aired on February 20th.

21 Q. Okay. Do you recall any money ever being  
22 wired to you in partial payment of what you felt you  
23 were owed for the work you did?

24 A. There was one payment made after -- I  
25 believe a month after what they promised me.

26 Q. Do you know how much that was?

27 A. 200,000.

28 Q. Okay. Who wired you the 200,000; if you 7778

[www.mjfacts.info](http://www.mjfacts.info)

1 know?

2 A. I believe it was from David LeGrand's  
3 office.

4 Q. Okay. And do you recall how much you felt  
5 you were still owed after you received the 200,000?

6 A. I believe my invoices were over \$300,000.

7 Q. Okay.

8 A. For a period of a year and a half, which  
9 200,000 was paid.

10 Q. Okay. And you, to this day, never turned  
11 over the Arvizo footage to anyone, correct?

12 A. Correct.

13 Q. The Arvizo footage was seized by sheriffs  
14 representatives when they did a search of your home,  
15 right?

16 A. That's correct.

17 Q. Now, when did you last talk to Janet Arvizo?

18 A. February 20th of 2003.

19 Q. Okay. So that was the last day you saw her  
20 or spoke to her, right?

21 A. As I remember, that's correct.

22 Q. Okay. Have you ever spoken to any of her  
23 three children since that day?

24 A. No.

25 Q. Okay. Now, the prosecutor asked you  
26 questions about Dieter and Konitzer claiming they  
27 managed Mr. Jackson's affairs, right?

www.mjfacts.info

28 A. I was informed by Mr. Ronald and Dieter, 7779

[www.mjfacts.info](http://www.mjfacts.info)

1 Konitzer and Weizner, that sometime in probably  
2 approximately December of 2002, they going to take  
3 over the management of Mr. Jackson.

4 Q. And you were instructed by Konitzer not to  
5 call Michael Jackson, right?

6 A. At one point, yes.

7 Q. He asked you to only call him and not call  
8 Michael Jackson or Evvy, correct?

9 A. That's correct.

10 MR. AUCHINCLOSS: Objection; hearsay.

11 MR. MESEREAU: Your Honor, it's in response  
12 to the doors opened by the prosecution on that  
13 issue.

14 THE COURT: The objection's overruled.

15 Q. BY MR. MESEREAU: Approximately when did  
16 Konitzer tell you, "Don't speak to Michael Jackson  
17 or Evvy"?

18 A. I believe was like approximately February  
19 21st.

20 Q. Okay.

21 A. Late February, I mean of 2003.

22 Q. And did he do that in person or on the  
23 phone?

24 A. I believe there was an e-mail and a phone.

25 Q. Okay. And he told you that he was going to  
26 clean up the mismanagement in Mr. Jackson's business  
27 affairs, right?

28 A. That's correct. 7780

[www.mjfacts.info](http://www.mjfacts.info)



1 Q. He told you he was in charge of all  
2 restructuring, right?

3 A. They told me that they going to take over,  
4 and, you know, make things smoother.

5 Q. Right.

6 A. Operation.

7 Q. And did you honor his request that you not  
8 contact Mr. Jackson?

9 A. Um, I don't remember.

10 Q. Okay. Do you remember whether or not you  
11 ever telephoned Mr. Jackson after Mr. Konitzer told  
12 you, "Don't call him; just talk to me"?

13 A. I believe I spoke to Mr. Jackson.

14 Q. Okay. And do you know when that was?

15 A. I believe it was February 21st of 2003.

16 Q. Okay.

17 A. I believe.

18 Q. And you think that was after Konitzer told  
19 you, "Don't ever call Mr. Jackson; just contact  
20 me"?

21 A. Could have been.

22 Q. Did you talk to Mr. Konitzer after he made  
23 that request?

24 A. Yes, I believe I did.

25 Q. Okay. Did you ever see him in person after  
26 he made that request to you?

27 A. I believe I did.

28 Q. Okay. Do you know where that was? 7781

[www.mjfacts.info](http://www.mjfacts.info)

1 A. In Santa Monica in a hotel.

2 Q. Okay. Now, at some point did you learn that

3 Weizner and Konitzer had been fired?

4 MR. AUCHINCLOSS: Objection. Assumes facts;

5 hearsay; foundation.

6 THE COURT: Sustained on assumes facts.

7 Q. BY MR. MESEREAU: Did you ever learn whether

8 or not Ron Konitzer continued to be involved in Mr.

9 Jackson's affairs?

10 A. After --

11 Q. The 20th.

12 A. Yeah. That was my belief, that he still

13 continued.

14 Q. And did you ever learn from him at any point

15 that he was no longer involved with Mr. Jackson's

16 affairs?

17 A. Not from him.

18 Q. Did you learn from someone else?

19 MR. AUCHINCLOSS: Objection; hearsay.

20 THE COURT: Sustained.

21 MR. MESEREAU: Okay.

22 Q. Do you recall a lawsuit in England that was

23 filed by attorneys representing Mr. Jackson over the

24 Bashir documentary?

25 A. I have heard about it, but I've never seen

26 the lawsuit itself.

27 Q. Was it true that after Bashir did his

www.mjfacts.info

28 footage, you asked him to provide you copies of his 7782

[www.mjfacts.info](http://www.mjfacts.info)

1 footage?

2 A. Repeat that question one more time?

3 Q. Yes, I'm sorry if it's unclear.

4 Did you ever ask Bashir or any agent of

5 Bashir to provide you copies of Bashir's footage?

6 A. Yes, I did.

7 Q. And when did you do that?

8 A. The very first day I met him.

9 Q. Okay. Now, it was understood that you were

10 going to do your own footage at the same time,

11 right?

12 A. That's -- well, the first day.

13 Q. But you were also asking Bashir to give you

14 some of his footage, right?

15 A. All his footage.

16 Q. All right. And did he respond to you?

17 A. He said -- he promised he will.

18 Q. Did he ever do that?

19 A. No.

20 Q. Did you ask him verbally or in writing; do

21 you know?

22 A. Verbally.

23 Q. And that was face to face?

24 A. That was face to face.

25 Q. All right. And was that at Neverland?

26 A. That's correct.

27 Q. Okay. And was that before any of the

28 filming began? 7783

[www.mjfacts.info](http://www.mjfacts.info)

1 A. That's correct.

2 Q. Now, he never objected to you doing your  
3 filming, correct?

4 A. He wasn't happy, but he had no choice.

5 Q. Okay. How much of Bashir's footage --  
6 excuse me, let me rephrase that.

7 How much of the material that Bashir filmed  
8 did you film as well? Did you film everything that  
9 he filmed?

10 A. No.

11 Q. Okay. What did you actually film yourself?

12 A. Two interviews and one sightseeing at  
13 Neverland.

14 Q. To your knowledge, what did Bashir film that  
15 you didn't film yourself?

16 A. Well, since I was not present at all the  
17 sessions that Mr. Bashir did, I really don't know  
18 how much he shot.

19 Q. Okay. But other than your request that he  
20 give you some of his footage, you didn't participate  
21 in any litigation involving Bashir, right?

22 A. Legal litigation?

23 Q. Yes.

24 A. No.

25 Q. Okay. And you knew litigation was going on  
26 in England, did you not?

27 A. I have heard from Mr. Jackson's personal

28 assistant that there's going to be a lawsuit against 7784

[www.mjfacts.info](http://www.mjfacts.info)



1 Martin Bashir and Granada T.V. in regard to this  
2 documentary.

3 Q. Okay. During the filming of the Arvizo  
4 family at your home, you said you were sort of in  
5 and out of the room where the filming was being  
6 done?

7 A. While I was setting up, yeah, I was going  
8 from garage to the place where the interview was  
9 supposed to take place.

10 Q. But while the interview was actually  
11 conducted, were you present at all times?

12 A. During the filming, yes.

13 Q. Okay. And approximately how long did that  
14 filming last, if you know?

15 A. Approximately an hour.

16 Q. How long were the children at your house  
17 before the filming actually began, approximately?

18 A. Two to three hours.

19 Q. And how long was Janet Arvizo at your house  
20 before the filming actually began?

21 A. Approximately one hour.

22 Q. Who did the questioning during the  
23 interview?

24 A. Christian Robinson.

25 Q. Had you worked with him before?

26 A. Yes.

27 Q. Okay. How many times had you worked with

28 Christian Robinson before? 7785

[www.mjfacts.info](http://www.mjfacts.info)

1 A. On one project.

2 Q. All right. And was it your understanding  
3 that he had a list of questions he was going to ask  
4 during the interview?

5 A. I saw him having a list of questionnaire,  
6 yes.

7 Q. And was it your understanding that he was  
8 asking questions from the questionnaire?

9 A. I believe so.

10 Q. Okay. And you observed the Arvizo family  
11 responding to those questions, true?

12 A. That's correct.

13 Q. Before the filming began, did you see Mr.  
14 Robinson meet with any member of the Arvizo family?

15 A. I'm sure he did. But I did not observe  
16 that.

17 Q. Did you see him going over the questions  
18 with any member of the Arvizo family?

19 A. Could have been.

20 Q. You're not sure?

21 A. I'm not sure.

22 Q. Okay. Typically when you film an interview  
23 like this, the person doing the interview has a list  
24 of questions, correct?

25 A. Most of the time.

26 Q. And you've filmed numerous interviews like  
27 this in your career, right?

28 A. That's correct. 7786

[www.mjfacts.info](http://www.mjfacts.info)

1 Q. Okay. During the two to three hours that  
2 the Arvizo children were at your home before the  
3 interview, you never watched them memorizing  
4 anything, did you?

5 MR. AUCHINCLOSS: Objection; requires  
6 speculation.

7 THE COURT: Overruled.

8 You may answer.

9 THE WITNESS: Repeat that again.

10 Q. BY MR. MESEREAU: Yes. During the two to  
11 three hours that the Arvizo children were at your  
12 home prior to the start of the interview, you never  
13 saw them memorizing words, did you?

14 A. No.

15 Q. In fact, what you saw them doing was mostly  
16 playing and having fun, right?

17 A. As I remember.

18 Q. Before Janet Arvizo started the interview,  
19 you didn't watch her memorizing words, did you?

20 A. No, I didn't.

21 Q. You said that Janet was there for about an  
22 hour, right --

23 A. Approximately.

24 Q. -- before the taping began, okay?

25 And I think you said that she was in a  
26 discussion about some type of contract, right?

27 A. I believe there was a release that she had

28 to sign. 7787

[www.mjfacts.info](http://www.mjfacts.info)

1 Q. Okay. And was she talking to someone about  
2 that release?

3 A. Yeah.

4 Q. Who was she talking to, if you know?

5 A. I think she was talking to a few people.

6 Vinnie, Christian Robinson, and possibly Paul.

7 There's a gentleman by the name of Paul, I believe

8 it's Hugo or something like that. I don't know his

9 last name, but --

10 Q. And did you see a document that you thought  
11 was a contract or a release?

12 A. I saw a document, but I never looked at it.

13 Q. Okay. And did it appear that Janet and

14 these other individuals were discussing the

15 document?

16 A. Yes. They were discussing the document.

17 Q. Did you actually hear Janet and these

18 individuals discussing this document?

19 A. Did I hear or see?

20 Q. Yes. Well -- excuse me, let me rephrase.

21 Did you hear what you believed was a

22 discussion between Janet and these individuals about

23 that document?

24 A. Yeah.

25 Q. Okay. Did you see Janet and these

26 individuals discussing that document?

27 A. I believe I saw some.

28 Q. Okay. Did you ever see Janet on the phone 7788

[www.mjfacts.info](http://www.mjfacts.info)



1 during that period of time?

2 A. Could have been. I'm not sure.

3 Q. Okay. At some point, did you watch Janet

4 sign that document?

5 A. I don't remember seeing her signing it. But

6 it was towards the end of the interview, and I -- my

7 understanding was that she signed it.

8 Q. Okay. And correct me if I'm wrong, but did

9 you say something yesterday about there being

10 changes made to the document?

11 A. I believe there was some changes being made

12 to the document.

13 Q. And what made you believe that?

14 A. Because Vinnie asked me to use my fax

15 machine so he can fax some documents back and forth

16 I believe with Schaffel.

17 Q. Okay. And why did you think Janet at some

18 point signed the document?

19 A. Because there was no other discussion about

20 it.

21 Q. Okay. Did you see -- but you never saw

22 anybody actually sign it, true?

23 A. I didn't see her sign it.

24 Q. Okay. Now, did you say at some point

25 Schaffel told you he didn't want the Arvizos to know

26 where he lived?

27 A. That's correct.

28 Q. Did he tell you he was suspicious of the 7789

[www.mjfacts.info](http://www.mjfacts.info)

1 Arvizos?

2 MR. AUCHINCLOSS: Objection; hearsay.

3 THE COURT: Sustained.

4 Q. BY MR. MESEREAU: Did Schaffel ever discuss

5 with you why Investigator Brad Miller was there?

6 A. Schaffel himself?

7 Q. Yes.

8 A. No.

9 Q. Did anyone else there ever tell you that the

10 investigator was investigating the Arvizo family?

11 A. No.

12 Q. What did you see Brad Miller doing while the

13 taping went on?

14 A. Well, during the taping I was paying

15 attention to, you know, my work. But before that,

16 he was walking around my house.

17 Q. Okay. Did he appear to be taking notes at

18 all, to your knowledge?

19 A. During the filming?

20 Q. Let me start again.

21 At some point Miller arrived at your house,

22 right?

23 A. Correct.

24 Q. And did he knock on the door?

25 A. Yes, he did.

26 Q. And did you answer the door?

27 A. Yes, I did.

28 Q. And did he identify who he was at that 7790

[www.mjfacts.info](http://www.mjfacts.info)

1 point?

2 A. I said, "Who are you?" And he said, "I'm  
3 for the interview."

4 Q. Okay. Did he say he was a private  
5 investigator?

6 A. No, he did not.

7 Q. Did he give you his card?

8 A. No, he did not.

9 Q. Okay. And why did you let him in?

10 A. Um, because I -- why did I let him in? Um,  
11 I thought he was with Marc Schaffel's people, and  
12 since they were there already, I thought they were  
13 expecting him. Maybe it's delivering something  
14 or -- I don't know. But being kind and polite, I  
15 let him in.

16 Q. Yes. Okay. So he was there the whole time,  
17 as far as you know?

18 A. Yes.

19 Q. Do you know when he left?

20 A. At the end of the interview.

21 Q. Okay. Do you know if he left with anybody?

22 A. I did not see him leaving with who -- with  
23 anybody.

24 Q. Did you ever see him recording anything in  
25 your house?

26 A. No, I did not see him recording anything.

27 Q. Did you ever see him writing anything down?

28 A. I did not. Could have been. I don't know. 7791

[www.mjfacts.info](http://www.mjfacts.info)

1 Q. And did you ever see him photographing  
2 anything while he was in your house, to your  
3 knowledge?

4 A. Not to my knowledge.

5 Q. Okay. Now, when Janet -- excuse me.

6 Before Janet Arvizo was filmed, she used  
7 your rest room and began to apply her own makeup,  
8 right?

9 A. She used my --

10 Q. Rest room --

11 A. Yeah.

12 Q. -- and applied her own makeup for the  
13 filming, correct?

14 A. I believe so.

15 Q. And you never saw anybody coaching Janet on  
16 what to say, correct?

17 A. No, I did not.

18 Q. You never saw anyone coaching the children  
19 on what to say in the interview, right?

20 A. I did not see anything.

21 Q. I believe you testified yesterday that, in  
22 your opinion, Janet Arvizo had a problem with a  
23 draft contract, right?

24 MR. AUCHINCLOSS: Objection to the use of  
25 the word "contract."

26 MR. MESEREAU: Well, I'll change the -- I'll  
27 rephrase it.

28 Q. You recall Janet looking at a three-page 7792

[www.mjfacts.info](http://www.mjfacts.info)



1 nondisclosure contract, right?

2 A. I never --

3 MR. AUCHINCLOSS: I'll make the same

4 objection.

5 THE COURT: Sustained.

6 Q. BY MR. MESEREAU: Did you ever tell a

7 representative of the Santa Barbara Sheriff's

8 Department during an interview that Vinnie brought a

9 three-page nondisclosure contract for Janet to sign?

10 MR. AUCHINCLOSS: Calls for a legal opinion.

11 THE COURT: No, he's asking if he told the

12 sheriff that, so the objection is overruled.

13 You may answer.

14 THE WITNESS: I don't remember being so

15 specific about "three-page" or "nondisclosure

16 agreement." If I had said anything about that,

17 about that document, it would have been a release.

18 I don't remember saying that it was a three-page

19 confidentiality or some sort of title for the

20 document.

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

22 recollection to just show you a police report

23 summary of your interview?

24 A. Sure.

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

26 THE COURT: Yes.

27 THE WITNESS: Um, I don't --

28 MR. MESEREAU: I have to first ask you a 7793

[www.mjfacts.info](http://www.mjfacts.info)

1 question.

2 Q. Have you had a chance to review that  
3 document?

4 A. No, I never have, that document.

5 Q. Have you had a chance to review the document  
6 that I just showed you?

7 A. No, I did not, I never obtained that  
8 document that you just showed me.

9 Q. Okay. Did you just look at that document?

10 A. I looked at that document. I do not  
11 remember saying three pages nonconfidentiality  
12 contract.

13 Q. Okay. Okay. Now, Vinnie at some point  
14 asked you to sign a document, did he not?

15 A. I believe so.

16 Q. And you refused to sign a document presented  
17 to you by Vinnie, correct?

18 A. That's correct.

19 Q. Okay. Do you know what that document  
20 concerned?

21 A. That was a three-page non -- a  
22 confidentiality document, which he left it at the  
23 house.

24 Q. The FOX TV special, "The Footage You Were  
25 Never Meant To See," appeared on February 20th,  
26 2003, on television, right?

27 A. That's correct.

28 Q. Did you watch that show? 7794

[www.mjfacts.info](http://www.mjfacts.info)

1 A. Yes, I did.

2 Q. Okay. Did some of the footage you had done  
3 of the Bashir interview appear on that documentary?

4 A. Yes, it did.

5 Q. Did your interview, your personal interview,  
6 appear in that documentary?

7 A. Yes, it did.

8 Q. Was it your understanding that additional  
9 documentaries were going to be made to put Mr.

10 Jackson in a favorable light?

11 A. Another after "The Footage You Were Never  
12 Meant To See," I had no knowledge of that.

13 Q. You never understood there was to be a two-  
14 or three-part series in that regard?

15 A. No. Nobody informed me anything on that.

16 Q. Okay. Do you recall being at Neverland on  
17 approximately February 8th, 2003, to meet people  
18 from 60 Minutes?

19 A. I believe so. I think it was a Saturday, if  
20 I'm not wrong.

21 Q. Do you remember meeting someone named Ed  
22 Bradley at Neverland?

23 A. Yes.

24 Q. And do you remember meeting Mr. LeGrand on  
25 that day?

26 A. Yes.

27 Q. Do you remember meeting other people from

28 CBS on that day? 7795

[www.mjfacts.info](http://www.mjfacts.info)

1 A. Yes.

2 Q. And why were you at Neverland on February  
3 8th, 2003?

4 A. I was there as a personal DP, which stands  
5 for Director of Photography, for Mr. Jackson, for  
6 his lighting and the look of his picture.

7 Q. Was anything filmed on February 8th, 2003?

8 A. I don't believe so.

9 Q. Do you know why?

10 A. No.

11 Q. Okay. How long were you there that day, if  
12 you remember?

13 A. A few hours.

14 Q. Do you remember seeing Janet Arvizo there  
15 that day?

16 A. I don't remember.

17 Q. Would it refresh your recollection just to  
18 look at the police report summary of your interview?

19 A. Sure.

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

21 THE COURT: Yes.

22 THE WITNESS: I don't remember making that  
23 statement about Janet.

24 Q. BY MR. MESEREAU: How many times do you  
25 think you have seen Janet Arvizo at Neverland?

26 A. I would say two or three times.

27 Q. Okay. Do you know approximately when?

28 A. At various times. 7796

[www.mjfacts.info](http://www.mjfacts.info)



1 Q. Okay. Approximately when do you think the  
2 first time you saw Janet Arvizo at Neverland was?

3 A. Between 2000 and 2003. It could have been  
4 2001. I don't know.

5 Q. Okay. Did you meet her for the first time  
6 when the 60 Minutes crew was at Neverland?

7 A. I don't remember seeing her that day.

8 Q. Okay. When do you think you first saw her,  
9 ever?

10 A. It could have -- again, it's between the  
11 year 2000 and 2002, I would say. It could -- like  
12 approximately 2001. I don't know.

13 Q. And was your first meeting with her at  
14 Neverland, to your knowledge?

15 A. Yes.

16 Q. Okay. And do you recall whether or not her  
17 children were there when you met her the first time?

18 A. I think they were.

19 Q. Okay. And you indicated in response to the  
20 prosecutor's questions you developed a friendship  
21 with the Arvizo family?

22 A. Well, as I said, in the year 2000, I did two  
23 projects that Arvizo kids, David or Star and Gavin,  
24 were involved. One of the project I was directing.  
25 And within that project I had a lot of conversations  
26 and interactions with David and Gavin. So I kind of  
27 got to know them.

28 Q. Did you stay in touch with them on a social 7797

[www.mjfacts.info](http://www.mjfacts.info)

1 level?

2 A. No.

3 Q. When you weren't talking to them at

4 Neverland, did you call them on the phone?

5 A. From Neverland, calling them?

6 Q. Let me rephrase it. I'll ask a better

7 question.

8 Aside from the instances where you saw them

9 in person, did you have a relationship where you

10 would call them from time to time?

11 A. I don't think so.

12 Q. Did they call you from time to time?

13 A. I don't think so.

14 Q. Okay. So your only involvement with them

15 was either at Neverland or when they came to your

16 home; is that right?

17 A. That's correct.

18 Q. You didn't see them during your trips to

19 Florida, right?

20 A. No, I didn't.

21 Q. Okay. Now, you indicated that you had met

22 one of Marlon Brando's sons; is that correct?

23 A. Yes.

24 Q. And who did you meet that was a son of

25 Marlon Brando?

26 A. Miko Brando.

27 Q. And when did you first meet him?

28 A. .97, .98. 7798

[www.mjfacts.info](http://www.mjfacts.info)

1 Q. Did you see him often at Neverland?

2 A. Sometimes.

3 Q. Was it your understanding that he was a

4 friend of Michael Jackson?

5 A. Friend and associate.

6 Q. Okay. And when did you last see him?

7 A. Last time, end of February of 2003.

8 Q. Okay. Now, you did an interview with a

9 woman named Debbie Rowe, didn't you?

10 A. That's correct.

11 Q. And that was footage that you filmed for

12 purposes of the rebuttal documentary, right?

13 A. At the time I don't think there was a

14 rebuttal documentary. My understanding was she was

15 responding to some of the comments that Bashir made

16 on his documentary.

17 Q. And that interview took place at your home,

18 correct?

19 A. No.

20 Q. Where did that take place?

21 A. At Marc Schaffel's house in Calabasas.

22 Q. Oh, okay. Okay. Do you know approximately

23 when that interview took place?

24 A. I believe early February 2003.

25 Q. So it took place before you filmed the

26 Arvizo family, right?

27 A. That's correct.

28 Q. Did you meet Ms. Rowe at Marc Schaffel's 7799

[www.mjfacts.info](http://www.mjfacts.info)

1 house?

2 A. I met her at -- well, not for the first  
3 time, but, yeah, I saw her.

4 Q. But when you filmed her for purposes of  
5 responding to the Bashir documentary, you traveled  
6 to Schaffel's home, correct?

7 A. That's correct.

8 Q. And when you got there, was Debbie Rowe  
9 present?

10 A. Or she came afterwards.

11 Q. You didn't bring her there, right?

12 A. No.

13 Q. So your understanding on February 20th was  
14 that Schaffel had no problem with Debbie Rowe  
15 knowing where he lived, but he didn't want the  
16 Arvizos to know where he lived, right?

17 A. That could be so, yeah.

18 Q. But he never told you why he didn't want the  
19 Arvizos to know where his house was?

20 A. No.

21 Q. Now, it was no secret that the purpose of  
22 the rebuttal documentary was to put Mr. Jackson in a  
23 positive light, right?

24 A. Sure.

25 Q. Everyone knew that was the purpose, right?

26 A. Yeah.

27 Q. It was meant to be a response to the Bashir

28 documentary, right? 7800

[www.mjfacts.info](http://www.mjfacts.info)



1 A. That's correct.

2 Q. It was meant to show things that Bashir had  
3 left out of his documentary that were positive about  
4 Michael, right?

5 A. That's correct.

6 Q. You actually had volunteered to provide  
7 footage that Bashir had left out of his show, right?

8 A. Did I volunteer?

9 Q. Yes. It was partly your idea to include  
10 your footage in the response to Bashir, right?

11 A. Um --

12 Q. Let me rephrase it if it's unclear.

13 A. Please.

14 Q. At some point following the airing of  
15 Bashir, you came forward and said, "I have footage  
16 of what positive things Bashir said about Michael,"  
17 right?

18 A. This, I believe, was prior to the airing it.

19 Prior to the airing the ABC version of Martin Bashir  
20 in the United States.

21 Q. Yes. Okay. Let me restate the question.

22 You saw the Bashir documentary at some  
23 point, right?

24 A. At one point, yes.

25 Q. When you saw it, you realized he had left  
26 out a lot of footage where he praises Michael  
27 Jackson, right?



1 Q. Well, he had footage where he praised

2 Michael Jackson for being a good parent, right?

3 A. Well, I mean, let me correct --

4 Q. Sure.

5 A. Okay. The timing of how you're putting it

6 is kind of off.

7 Q. Oh, okay.

8 A. I was told by Mr. Jackson's personal

9 assistant at one point, before this documentary, the

10 ABC version of the Martin Bashir was aired in United

11 States; that Martin Bashir is going to air his own

12 version in London through BBC, I believe. At that

13 point I brought up the fact that I have some footage

14 of the behind the scenes. So at that time I have

15 not seen the Martin Bashir footage yet.

16 Q. Okay.

17 A. Am I clear?

18 Q. At that particular time, you were the only

19 one that had a copy of your footage, right?

20 A. That's correct.

21 Q. Okay. And did you talk to representatives

22 of FOX about including your footage in the FOX

23 documentary?

24 A. No.

25 Q. Okay. Who did you talk to about including

26 your footage in that show?

27 A. Well, this is how it happened: I talked to

28 Mr. -- Miss Evvy Tavasci, which is Mr. Jackson's 7802

[www.mjfacts.info](http://www.mjfacts.info)

1 personal assistant. I informed her that I have  
2 footage of the behind-the-scene and other footage of  
3 the interview.

4 Q. Uh-huh.

5 A. And I offered her to look at it. And she  
6 refused. She said, "It's okay. Don't worry. Mr.  
7 Jackson has obtained lawyers and they're going to  
8 take care of this matter."

9 I took the footage with a video camera and a  
10 play-back machine to the office of Miss Tavasci to  
11 show her what I have. She still refused to look at  
12 them, and she indicated that I should not be worried  
13 about it, and Mr. Jackson's lawyers will handle the  
14 situation.

15 Then --

16 Q. And what did you do next?

17 A. Next, I believe I spoke to Mr. Jackson and  
18 he asked me to call Dieter --

19 Q. Okay.

20 A. -- about the matter.

21 Q. Right.

22 A. I spoke to Dieter, and I told him what I  
23 have, and he informed me that I'm going to go to  
24 Florida for another type of filming, and we're going  
25 to discuss this matter with him.

26 Q. And it was after that that you flew to  
27 Florida, right?

28 A. Yes. 7803

[www.mjfacts.info](http://www.mjfacts.info)

1 Q. And you flew to Florida expecting to do some  
2 filming, right?

3 A. That's correct.

4 Q. And at some point in Florida you learned  
5 that there was a change of plans and there would be  
6 no filming; is that correct?

7 A. That's correct.

8 Q. How long were you in Florida for that trip?

9 A. I think a day, one day maybe.

10 Q. Do you know approximately when that was?

11 A. I don't have my records here. But I believe  
12 it's like February 6th and 7th. Something like  
13 that.

14 Q. Do you remember hearing anything about a  
15 press conference that was cancelled in Florida?

16 A. Did I hear that there was a press conference  
17 that was cancelled?

18 Q. Yes.

19 A. No.

20 Q. Okay. Do you recall any talk about a press  
21 conference in Florida?

22 A. I asked what is the purpose of this  
23 filming --

24 Q. Yes.

25 A. -- and they never give me a specific answer.

26 But my understanding was that it could have been

27 either a press conference or a response in a video

28 format from Mr. Jackson to Martin Bashir 7804

[www.mjfacts.info](http://www.mjfacts.info)



1 documentary.

2 Q. Okay. Now, how long after you got to

3 Florida did you find out there was a change of

4 plans and you were not going to be filming

5 anything?

6 A. I think hours after that.

7 Q. Okay. Did you spend the night in Florida on

8 that trip?

9 A. Yes, I did.

10 Q. Where did you stay?

11 A. At the hotel.

12 Q. The Turnberry?

13 A. I don't remember the name of the hotel.

14 Q. Okay. And did you fly back on your own the

15 next day?

16 A. Yes.

17 Q. Okay. And when you were in Florida for that

18 trip, did you see Mr. Jackson?

19 A. No.

20 Q. Did you see any of the Arvizos?

21 A. No.

22 Q. Did you see Chris Tucker?

23 A. No.

24 Q. Did you see Dieter or Konitzer?

25 A. Yes.

26 Q. And where did you see them?

27 A. In their room.

28 Q. Okay. 7805

[www.mjfacts.info](http://www.mjfacts.info)

1 THE COURT: Okay, Counsel. Let's take a break.

2 (Recess taken.)

3 --o0o--

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

www.mjfacts.info

[www.mjfacts.info](http://www.mjfacts.info)

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 7752 through 7806

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 27, 2005, and thereafter

20 reduced to typewriting by computer-aided

21 transcription under my direction.

22 DATED: Santa Maria, California,

23 April 27, 2005.

24

25

26

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

www.mjfacts.info

[www.mjfacts.info](http://www.mjfacts.info)

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

5

6

7 THE PEOPLE OF THE STATE OF )

8 CALIFORNIA, )

9 Plaintiff, )

10 -vs- ) No. 1133603

11 MICHAEL JOE JACKSON, )

12 Defendant. )

13

14

15

16

17 REPORTER'S TRANSCRIPT OF PROCEEDINGS

18

19 WEDNESDAY, APRIL 27, 2005

20

21 8:30 A.M.

22

23 (PAGES 7808 THROUGH 7971)

24

25

26

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

www.mjfacts.info

[www.mjfacts.info](http://www.mjfacts.info)



1 APPEARANCES OF COUNSEL:

2

3 For Plaintiff: THOMAS W. SNEDDON, JR.,

4 District Attorney -and-

5 RONALD J. ZONEN, Sr. Deputy District Attorney

6 -and- GORDON AUCHINCLOSS,

7 Sr. Deputy District Attorney -and-

8 MAG NICOLA, Sr. Deputy District Attorney

9 1112 Santa Barbara Street Santa Barbara, California 93101

10

11

12 For Defendant: COLLINS, MESEREAU, REDDOCK & YU

13 BY: THOMAS A. MESEREAU, JR., ESQ. -and-

14 SUSAN C. YU, ESQ. 1875 Century Park East, Suite 700

15 Los Angeles, California 90067

16 -and-

17 SANGER & SWYSEN BY: ROBERT M. SANGER, ESQ.

18 233 East Carrillo Street, Suite C Santa Barbara, California 93101

19

20

21

22

23

24

25

26

27

www.mjfacts.info

[www.mjfacts.info](http://www.mjfacts.info)

1 I N D E X

2

3 Note: Mr. Sneddon is listed as "SN" on index.

4 Mr. Zonen is listed as "Z" on index. Mr. Auchincloss is listed as "A"  
on index.

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

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

7

8

9 PLAINTIFF'S

10 WITNESSES DIRECT CROSS REDIRECT RECROSS

11 MOSLEHI, Hamid 7872-A 7848-M

12 PAULSEN, Terry 7852-N 7859-SA 7864-N

13 DOMINGUEZ,

14 Gabriel 7877-N 7892-SA

15 SIMS, Anne Marie 7896-N 7905-SA 7913-N

16 SHEBROE, Joseph 7914-N 7923-SA

17 MULCAHY, Jeanne 7924-N

18 JACKSON,

19 Deborah Rowe 7932-Z

20

21

22

23

24

25

26

www.mjfacts.info

27

28 7810

[www.mjfacts.info](http://www.mjfacts.info)

1 E X H I B I T S

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

3

4 451 Pacific Bell records 7896 7898

5 452 T-Mobile records 7878 7883

6 453 AT&T Wireless records 7924 7928

7 454 Cingular Wireless Records 7924 7928

8 456 Verizon Wireless subscriber information 7915 7919

9 850 Air-to-ground telephone

10 bill from 2-7-03 7853 7855

11 851 Fax from Hale Lane dated 2-21-03 7842 7850

12

13

14

15 DEFENDANT'S NO.

16 5009-A DVD 7812

17 5009-B DVD 7812

18 5009-C DVD 7812

19 5010 DVD 7812

20

21

22

23

24

25

26

27

www.mjfacts.info

[www.mjfacts.info](http://www.mjfacts.info)

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

4

5 THE COURT: Counsel?

6 MR. SANGER: Yes, Your Honor, if I may  
7 address the Court.

8 THE COURT: Yes.

9 MR. SANGER: Thank you.

10 We would -- first of all, it's a good time  
11 to do this on the record. There were four DVDs  
12 which were lodged with the Court on a previous  
13 occasion for a pre-trial matter that were numbered  
14 913, 1011 and 12, and also 1315, and I don't think  
15 they were given exhibit numbers at the time.

16 I believe the Court has allowed the clerk to  
17 now mark the Exhibits 913, 1011 and 12 as 5009-A,  
18 -B, and -C. And then the item marked 1315 has been  
19 marked as 5010.

20 So we'd just like the record to reflect  
21 that, if we can, Your Honor, first of all.

22 THE COURT: All right.

23 MR. SANGER: Now, having said that, we would  
24 like -- as a part of the cross-examination of this  
25 witness, we would like to play Exhibit 5009-A, -B  
26 and -C, which are the outtakes or Mr. Moslehi's  
27 footage of the Bashir interviews. And they're

28 offered for the purpose of showing the context and 7812

[www.mjfacts.info](http://www.mjfacts.info)



1 the complete statements made by Mr. Jackson at the  
2 time that certain statements were edited out and  
3 placed in the Bashir video.

4 And as the Court recalls, statements in the  
5 Bashir video were admitted for the truth of the  
6 matter as admissions of the party. And these videos  
7 show the context in which those statements were  
8 made, not just the particular words, but the whole  
9 context in which Mr. Jackson was led to make those  
10 statements. So that's our offer.

11 Now, I've talked to the District Attorney,  
12 Mr. Auchincloss. I asked him if he would agree that  
13 we could play this in open court without first  
14 showing Mr. Moslehi to authenticate it, and he is  
15 considering that; I think probably will agree to  
16 that.

17 The question that he asked that we address  
18 right now was the admissibility of this, so I asked  
19 the bailiff to ask Your Honor to come out so we  
20 could talk about --

21 THE COURT: I already ruled that it wasn't  
22 admissible in the direct part of the People's case,  
23 because the Bashir case -- the Bashir tape was  
24 introduced for the limited purpose of showing that  
25 Mr. Jackson had some motive to be doing certain acts  
26 that the People claimed that he did, and it had  
27 nothing to do with the truth of the matter in the

28 tape, although the tape was admitted under certain 7813

[www.mjfacts.info](http://www.mjfacts.info)

1 circumstances for the truth of the matter.

2 So your request is denied. That's the

3 second time I've denied it.

4 All right. Let's bring in the jury.

5 MR. SANGER: Your Honor, could I --

6 THE COURT: No.

7 MR. SANGER: I don't mean to argue -- okay.

8

9 (The following proceedings were held in

10 open court in the presence and hearing of the

11 jury:)

12

13 THE COURT: You may proceed.

14 MR. MESEREAU: Thank you, Your Honor.

15 Q. Mr. Moslehi, I believe you testified that

16 you had approximately six or seven meetings with the

17 Arvizo family at various times. Does that sound

18 right?

19 A. Approximately.

20 Q. Okay. And I believe you testified that

21 Janet Arvizo told you in the phone conversation of

22 the 19th of February, 2003, that she was being

23 hassled by the media; is that right?

24 A. That's correct.

25 Q. And she was not happy about that, correct?

26 A. That's correct.

27 Q. And in your interviews with representatives

28 of the Santa Barbara Sheriff's Department, you have 7814

[www.mjfacts.info](http://www.mjfacts.info)

1 discussed your various discussions with Janet,  
2 correct?

3 A. Could you refresh my memory?

4 Q. Sure. Sure. Maybe I'm not being clear.

5 In your interviews with representatives of  
6 the Santa Barbara Sheriff's Department, you have  
7 discussed conversations you had with the Arvizos,  
8 correct?

9 A. Janet and the kids?

10 Q. Yes.

11 A. Yeah.

12 Q. And in your discussions with representatives  
13 of the prosecution, you have discussed conversations  
14 you had with the Arvizos, right?

15 A. Sure.

16 Q. At no time did Janet Arvizo tell you she  
17 thought she was going to be murdered, right?

18 A. No.

19 Q. She never said that to you, right?

20 A. No.

21 Q. At no time did Janet Arvizo tell you there  
22 were death threats on she and her family, right?

23 A. That's correct.

24 Q. At no time did Janet Arvizo tell you she or  
25 her family were being falsely imprisoned, right?

26 A. That's correct.

27 Q. At no time did Janet Arvizo ever complain to

28 you that Mr. Jackson was giving alcohol to her 7815

[www.mjfacts.info](http://www.mjfacts.info)

1 children, right?

2 A. That's correct.

3 Q. At no time did Janet Arvizo ever complain to  
4 you that Mr. Jackson was improperly touching any of  
5 her children, right?

6 A. That's correct.

7 Q. At no time did Janet Arvizo tell you her  
8 children were being abused by Mr. Jackson, right?

9 A. That's correct.

10 Q. At no time did Janet Arvizo ask you to call  
11 the police on her behalf, right?

12 A. That's correct.

13 Q. Now, you testified that at Mr. Jackson's  
14 request, you did a video at Neverland called  
15 "Neverland Channel," right?

16 A. That's correct.

17 Q. And was it your understanding that was  
18 supposed to be a videotape featuring Star Arvizo as  
19 sort of the narrator?

20 A. Well, initially my understanding was that  
21 we're going to do a pilot - a pilot is like a sample  
22 of an idea in a video format - of an idea that Mr.  
23 Jackson have.

24 Q. And you did film that entire video, right?

25 A. That's correct.

26 Q. And the understanding was that Mr. Jackson  
27 would pay for your services in filming that video,

28 right? 7816

[www.mjfacts.info](http://www.mjfacts.info)



1 A. That's correct.

2 Q. You also testified that you did a video of

3 Mr. Jackson with Gavin, right?

4 A. The 2000?

5 Q. Yes.

6 A. Yeah.

7 Q. And it was your understanding Gavin was

8 recovering from cancer, correct?

9 A. Well, Gavin had cancer. I'm not sure

10 whether he was recovering or not, but --

11 Q. But your understanding is he was ill?

12 A. Yes.

13 Q. And your understanding was that Mr. Jackson

14 also agreed to pay for your services in doing that

15 video, right?

16 A. Customary, sure.

17 Q. Yes. At no time was it ever your belief

18 that the Arvizos were supposed to pay for any of

19 these videos?

20 A. That's correct.

21 Q. Okay. Now, you currently have a lawsuit

22 against Mr. Jackson, right?

23 A. Unpaid invoices, yes.

24 Q. Right. You're seeking unpaid invoices and

25 some other benefits, right?

26 A. Like?

27 Q. Well, you're asking that invoices be paid.

www.mjfacts.info

28 You're also -- 7817

[www.mjfacts.info](http://www.mjfacts.info)

1 A. Damages.

2 Q. Yeah. You're also talking about a profits  
3 interest that you claim Dieter and Konitzer promised  
4 you, right?

5 A. That's correct.

6 Q. Now, in your lawsuit, you're also asking for  
7 damages related to a -- excuse me. You're also  
8 seeking damages related to some footage of what you  
9 call "Michael Jackson's Private Home Videos,"

10 correct?

11 A. I believe so.

12 Q. And that was another FOX special that was  
13 done about Michael Jackson, right?

14 A. I believe so.

15 Q. And it's your belief that some of your work  
16 appeared in that show as well, right?

17 A. Yes.

18 Q. And it's your belief that you should be paid  
19 for your services in that regard, right?

20 A. For -- sure.

21 Q. Yes. Was it your belief that footage you  
22 did was going to appear both in the Povich  
23 documentary and in another show done by FOX called  
24 "Michael Jackson's Home Videos"?

25 A. No. I was never been informed that there is  
26 a second documentary.

27 Q. Do you know, as you sit here today, whether

28 or not there was a second documentary? 7818

[www.mjfacts.info](http://www.mjfacts.info)

1 A. I did not know there was a second  
2 documentary. Meaning nobody informed me that  
3 there's a follow-up, .nother piece of documentary  
4 called "Michael Jackson's Home Videos."

5 Q. Did you learn at some point that that had  
6 happened?

7 A. Yes.

8 Q. When did you learn that there had been a  
9 second documentary called "Michael Jackson's Private  
10 Home Videos"?

11 A. I believe I've learned that watching T.V.,  
12 been advertised.

13 Q. Okay. And that show appeared in  
14 approximately April of 2003, right?

15 A. Approximately.

16 Q. Did you watch that show on television?

17 A. Yes, I did.

18 Q. Okay. Your belief is you're entitled to a  
19 profit participation in whatever revenues were  
20 generated from that show as well, right?

21 A. Well, I guess we have to talk to my lawyer  
22 in regard to that.

23 Q. Okay.

24 A. Because that's a technical question. I'm  
25 not a lawyer to make that kind of --

26 Q. Okay. But your lawsuit is currently active,  
27 right?

28 A. It is. 7819

[www.mjfacts.info](http://www.mjfacts.info)

1 Q. Okay. And your claim is that the agreements  
2 you had about being compensated for your services  
3 and having a profit participation in these  
4 television shows were primarily based on what Dieter  
5 and Konitzer told you, right?

6 A. Well, the invoices, it's part of customary  
7 transactions between me and MJJ Productions.

8 Q. Right.

9 A. But the percentage was between Ronald,  
10 Dieter and me.

11 Q. Okay. And you don't know whether Dieter or  
12 Konitzer ever discussed a profit participation with  
13 Michael Jackson, right?

14 A. With Mr. Jackson himself?

15 Q. Yes.

16 A. I'm not sure.

17 Q. They just told you talk to them and don't  
18 talk to Mr. Jackson, right?

19 A. That's correct.

20 Q. Okay. Now, I believe you said that  
21 approximately February 21st, 2003, Michael Jackson  
22 called you to thank you, right?

23 A. That's correct.

24 Q. Now, obviously when he called you to thank  
25 you, he hadn't seen what you had filmed, right?

26 A. Filmed what?

27 Q. Well, the footage you did of the Arvizos, he

www.mjfacts.info

28 could not have seen, true? 7820

[www.mjfacts.info](http://www.mjfacts.info)



1 A. Oh, of the Arvizo family footage.

2 Q. But nevertheless, he called you and thanked  
3 you for what you had done, right?

4 A. After seeing "The Footage You Were Never  
5 Meant To See," I believe that's why Mr. Jackson  
6 called me, to thank me.

7 Q. He was talking about the Bashir footage that  
8 you had done; is that correct?

9 MR. AUCHINCLOSS: Objection; requires  
10 speculation.

11 MR. MESEREAU: I'll rephrase it.

12 Q. When Mr. Jackson called you to thank you on  
13 February 21st, was it your understanding that he was  
14 thanking you about what you had done in the Bashir  
15 interview?

16 MR. AUCHINCLOSS: Objection; speculation.

17 THE COURT: Overruled.

18 You may answer.

19 THE WITNESS: My understanding for that  
20 thank-you call was that Mr. Jackson saw the rebuttal  
21 documentary, the entire "Footage You Were Never  
22 Meant To See," and because of what I've done --

23 Q. BY MR. MESEREAU: Yes.

24 A. -- he's calling to thank me.

25 Q. But he obviously, at that point, had never  
26 seen your film of the Arvizo family, right?

27 A. No.

28 Q. Because you had control of that, right? 7821

[www.mjfacts.info](http://www.mjfacts.info)

1 A. That's correct.

2 Q. You had never released that, right?

3 A. That's correct.

4 Q. And he was thanking you for what was on that

5 Maury Povich documentary, true?

6 MR. AUCHINCLOSS: Objection; asked and

7 answered.

8 THE COURT: Sustained.

9 MR. MESEREAU: No further questions, Your

10 Honor.

11 THE COURT: Counsel?

12 MR. AUCHINCLOSS: Thank you, Your Honor.

13

14 REDIRECT EXAMINATION

15 BY MR. AUCHINCLOSS:

16 Q. During the period of time that you were

17 working with the Arvizos on this rebuttal film,

18 you've told us about Christian Robinson, Brad

19 Miller, Paul being present, Vinnie being present,

20 you and your crew.

21 As far as you know, was anybody else

22 involved in this rebuttal video?

23 A. Being involved or being present at my house?

24 Q. That's a good question. Let's add a few

25 names.

26 You mentioned that Frank was involved in it;

27 is that correct?

28 A. He was involved with it, yes. 7822

[www.mjfacts.info](http://www.mjfacts.info)

1 Q. And Mr. Schaffel was involved in it?

2 A. That's correct.

3 Q. And Mr. Konitzer was involved in it?

4 A. I'm -- sure.

5 Q. He talked to you about it, right?

6 A. I think most of the conversation was going  
7 through Dieter than Ronald in regard to that.

8 Q. Was Ronald present in that conversation?

9 A. It was a phone conversation, so I don't know  
10 whether Ronald was listening to that or not, or  
11 whether they had conversation within themselves.

12 Q. Okay. But you also mentioned a conversation  
13 you had in Florida with Ronald and Dieter?

14 A. That's correct.

15 Q. Did they discuss filming the rebuttal film  
16 at that time?

17 A. At that time, the discussion was about what  
18 I had already filmed of Martin Bashir.

19 Q. Okay.

20 A. There was nothing on the table as far as  
21 project goes.

22 Q. Okay. So as far as the project goes, they  
23 just told you to talk to Mr. Schaffel?

24 MR. MESEREAU: Objection. Leading; assumes  
25 facts not in evidence.

26 MR. AUCHINCLOSS: I'll strike the question.

27 Q. So as far as the project goes, what did they

28 direct you to do? 7823

[www.mjfacts.info](http://www.mjfacts.info)

1 A. Once we discussed what I have as far as the  
2 footage that I shot of Martin Bashir interview with  
3 Mr. Jackson, and once we agreed to certain terms,  
4 they informed me and advised me to go to L.A. and  
5 talk to Marc Schaffel.

6 Q. Okay. And the purpose of this, you've  
7 testified, was to make Michael Jackson look good  
8 ultimately, the whole rebuttal film?

9 A. That's correct.

10 Q. Okay. So other than the names I've  
11 mentioned, were -- were there any other people  
12 involved in this enterprise of making the entire  
13 rebuttal film, as far as you know?

14 A. Um -- okay, can we go through those names  
15 one more time? Just so I don't misunderstand.

16 Q. Okay. Mr. Jackson, Ronald, Dieter. We've  
17 got Mr. Schaffel, Frank, Vinnie, Christian, Paul --

18 MR. MESEREAU: Objection to the question.

19 I don't think it's -- I think it's a compound  
20 question.

21 MR. AUCHINCLOSS: I'm asking him for other  
22 names.

23 THE COURT: He's clarifying an earlier  
24 question.

25 Overruled. Go ahead.

26 Q. BY MR. AUCHINCLOSS: Paul. Brad Miller.

27 You and your crew.

28 A. Well, there was another production company 7824

[www.mjfacts.info](http://www.mjfacts.info)



1 called Brad Lachman Productions --

2 Q. Okay.

3 A. -- which FOX hired to put the final editing  
4 together.

5 Q. Very good. Anybody else other than that?

6 A. Not that I remember right now.

7 Q. When you were engaging in the production or

8 the putting together the various videos that were

9 going to make up this rebuttal film, what were the

10 issues that you were trying to address specifically?

11 A. Comments that Martin Bashir made on his own

12 documentary.

13 Q. Were there comments that Mr. Jackson himself

14 made that you were attempting to address?

15 A. On the Martin Bashir documentary?

16 Q. In your rebuttal, yes.

17 A. Well, we tried to clarify certain statements

18 that Mr. Jackson made which, for example, if Martin

19 Bashir would have continued rolling, I mean, or

20 editing that -- let me try this again.

21 Q. Sure.

22 A. There were certain statements that were made

23 by Mr. Jackson in the Martin Bashir documentary --

24 Q. Uh-huh.

25 A. -- that the way it was edited, what happened

26 is Mr. Jackson sounded different than if they would

27 have continued another two or three seconds of that

28 statement. 7825

[www.mjfacts.info](http://www.mjfacts.info)

1 Q. Give me an example.

2 A. Um -- um --

3 THE COURT: Counsel, I have to ask a  
4 question. Why are you going into an area that I  
5 told the defense they couldn't go into?

6 My objection's sustained.

7 MR. AUCHINCLOSS: Okay. Thank you, Your  
8 Honor. I'll move on.

9 Q. What was the level -- well, let me ask you  
10 this: Was there any sense of urgency in the  
11 creation of this rebuttal film?

12 MR. MESEREAU: Objection; vague.

13 THE COURT: Overruled.

14 You may answer.

15 THE WITNESS: We tried to get it as soon as  
16 possible.

17 Q. BY MR. AUCHINCLOSS: Okay. And why was  
18 that?

19 MR. MESEREAU: Objection; foundation.

20 THE COURT: All right. I'll sustain the  
21 foundation objection.

22 MR. AUCHINCLOSS: Okay.

23 Q. Do you know why there was a sense of urgency  
24 in creating this film?

25 A. My opinion? Or was there any discussion  
26 from any party?

27 Q. Did you discuss the timing issues of this

28 film with any of the people that I've mentioned 7826

[www.mjfacts.info](http://www.mjfacts.info)

1 previously that were involved in it?

2 A. Well, once this project was sold to FOX,

3 they set up a date, deadline to be aired.

4 Q. Okay.

5 A. So basically, based on that date, we'll try

6 to squeeze everything in there and finish it.

7 Q. And that date was?

8 A. February 20th.

9 Q. Midnight February 20th; is that right?

10 A. Well, the deadline to provide the footages

11 was I believe the 19th, February 19 of 2003, to be

12 aired on February 20th, 2003.

13 Q. In terms of the Martin Bashir special, was

14 there any editing done by Mr. Bashir that was

15 problematic, that you saw, that misrepresented Mr.

16 Jackson's statements about him sleeping with

17 children?

18 MR. MESEREAU: Objection. Foundation;

19 leading; Court order.

20 THE COURT: The objection is sustained.

21 It's the area I told you not to go into.

22 MR. AUCHINCLOSS: All right.

23 Q. Was that area one of the areas that you felt

24 you needed to work on?

25 MR. MESEREAU: Same objection.

26 THE COURT: Sustained.

27 MR. AUCHINCLOSS: All right.

28 Q. As far as the -- I want to talk now about 7827

[www.mjfacts.info](http://www.mjfacts.info)

1 the activities that occurred at your home when the  
2 Arvizos were being filmed.

3 You mentioned that Janet was -- expressed  
4 some reluctance to sign this release; is that  
5 correct?

6 MR. MESEREAU: Objection; misstates the  
7 evidence.

8 THE COURT: Sustained.

9 Q. BY MR. AUCHINCLOSS: Did Janet express any  
10 reluctance to sign this release?

11 A. What I saw is that there was a con -- a  
12 conversation and a discussion between Janet and  
13 Vinnie and other parties about this release or  
14 document that was presented to her.

15 Q. Did that discussion cause any delay in the  
16 shooting of the filming?

17 A. A little bit. A little bit.

18 Q. How many minutes of delay, would you say, if  
19 you can characterize it?

20 A. I would say 15 minutes.

21 Q. And you said that Vinnie used your phone  
22 number?

23 A. My fax.

24 Q. Your fax number.

25 A. Or they could have used my phone, too.

26 Q. Do you know if he used your phone number?

27 A. To call somebody?

28 Q. Yes. 7828

[www.mjfacts.info](http://www.mjfacts.info)



1 A. I remember my phone being used, but I didn't  
2 know who's calling who or what. But I remember my  
3 phone being used.

4 Q. Do you know the number (310) 283-5866?

5 A. That's my cell phone number.

6 Q. That's your cell phone number, okay.

7 As far as the use of your fax machine, do  
8 you know if Vinnie made any documents that came from  
9 your fax machine?

10 A. I believe that he either received or send  
11 some faxes through my machine.

12 Q. When Janet had finished with negotiating or  
13 talking with Vinnie, Christian and Paul, you  
14 mentioned that Vinnie, Christian and Paul seemed  
15 happy previously, correct?

16 A. It seemed to me that the matter has been  
17 resolved, but --

18 Q. Did Janet seem happy, or could you tell?

19 You tell me.

20 A. Well, when we started filming, she appeared  
21 happy. But I don't know, prior to, whether or not  
22 she was happy or not. I don't know.

23 Q. Was there a change in her demeanor from  
24 before filming to when the cameras started rolling?

25 A. Repeat that one more time.

26 Q. Was there a change in her demeanor from  
27 before the cameras were rolling and she's in your

28 home for this however -- I guess you said it was 7829

[www.mjfacts.info](http://www.mjfacts.info)

1 over an hour -- to the time the cameras started  
2 rolling, was there a change in Janet's demeanor?

3 A. She seemed more energetic when the cameras  
4 are rolling.

5 Q. You were asked if you saw any coaching, and  
6 you said, "No."

7 A. Not that I remember seeing any coaching.

8 Q. Do you know if she was coached?

9 A. I don't know that.

10 Q. Do you know whether or not -- did you keep  
11 your eye on her the entire time that she was in your  
12 house?

13 A. The entire house? No.

14 Q. Was there an opportunity for her to be  
15 coached?

16 MR. MESEREAU: Objection. Foundation; calls  
17 for speculation.

18 THE COURT: Calls for a conclusion.

19 Sustained.

20 Q. BY MR. AUCHINCLOSS: You mentioned that you  
21 went to Neverland at one time for the filming of  
22 60 Minutes, correct?

23 A. Yes.

24 Q. And was that cancelled?

25 A. Yes.

26 Q. Do you know why?

27 A. I don't.

www.mjfacts.info

28 Q. As far as the entire documentary, this 7830

[www.mjfacts.info](http://www.mjfacts.info)

1 rebuttal documentary, you mentioned that you were to  
2 receive some points?

3 A. Percentage.

4 Q. A percentage?

5 A. Yeah.

6 Q. When you spoke to Ronald and Dieter, was it  
7 contemplated that this documentary was a for-profit  
8 enterprise?

9 A. For profit?

10 Q. Yeah, would make money.

11 A. Sure.

12 Q. Do you know if it made money?

13 A. I think it did, yes.

14 Q. Do you know how much it made?

15 MR. MESEREAU: Objection; foundation.

16 THE COURT: Sustained.

17 Q. BY MR. AUCHINCLOSS: Do you know how much --

18 was there any discussion about how much this  
19 documentary was anticipated to make with Dieter and  
20 Ronald?

21 A. Well, FOX --

22 MR. MESEREAU: Objection; foundation.

23 THE COURT: Sustained.

24 Q. BY MR. AUCHINCLOSS: Did you have a  
25 discussion with Dieter and Ronald about the  
26 profitability or the amount of money that this  
27 documentary or rebuttal could make?

28 A. Did I have any conversations with them that 7831

[www.mjfacts.info](http://www.mjfacts.info)

1 this documentary will make -- well, we knew there  
2 was going to be some money made off of it.

3 Q. Yes.

4 A. But we didn't know how much at the time.

5 Q. Did you have an idea?

6 MR. MESEREAU: Objection. Foundation and  
7 Court order.

8 MR. AUCHINCLOSS: It's a "yes" or "no."

9 That's fine, Your Honor. I'll move on.

10 Q. Now, as far as the -- the Arvizos  
11 being taken off -- the Arvizo children being taken  
12 off of Neverland, you answered a few questions for  
13 counsel concerning that issue when you took the  
14 children off Neverland.

15 And you said there was a period of time, I  
16 believe it was about a half an hour, between when  
17 you first talked to Joe Marcus and he said the  
18 children were not allowed off the property and the  
19 time when you actually left; is that right?

20 A. I believe so, yeah.

21 Q. Did you see where he went during that half  
22 hour at all?

23 A. No, I didn't.

24 Q. If you wanted to contact Mr. Jackson when he  
25 was away from Neverland, how would you do it?

26 A. I would either call his bodyguards or his  
27 office.

28 Q. Okay. Why would you call his bodyguard? 7832

[www.mjfacts.info](http://www.mjfacts.info)



1 A. Well, that's the fastest way to get to Mr.

2 Jackson.

3 Q. Does Mr. Jackson carry a cell phone?

4 A. I don't believe so.

5 Q. Do his bodyguards carry cell phones?

6 A. I think they do.

7 Q. Have you seen this?

8 A. Yes.

9 Q. If he wants to make a call, do you know what

10 he does in terms of use of a cell phone?

11 MR. MESEREAU: Objection; foundation.

12 THE COURT: Sustained.

13 Q. BY MR. AUCHINCLOSS: Have you seen Mr.

14 Jackson ever use a cell phone?

15 MR. MESEREAU: Objection. Foundation; calls

16 for speculation; beyond the scope.

17 THE COURT: Overruled.

18 Q. BY MR. AUCHINCLOSS: Have you seen Mr.

19 Jackson ever use a cell phone over the years you've

20 known him?

21 A. Dialing it, or just talking on it?

22 Q. Talking on it.

23 A. I've seen him talking on the cell phone.

24 Q. Whose cell phone would he use?

25 A. I'm assuming his bodyguards', but I can be

26 wrong.

27 Q. Okay. So after this half hour passed and

28 you left the property, did Joe Marcus offer any 7833

[www.mjfacts.info](http://www.mjfacts.info)

1 resistance?

2 A. No.

3 Q. Did he seem to be okay with you taking the  
4 children off property?

5 A. Sure.

6 Q. You said that you had a conversation at  
7 Neverland with Mrs. Arvizo, and your sense was that  
8 she approved of you taking the children to your  
9 home. I believe that was your testimony. You

10 correct me if I'm wrong. Is that accurate?

11 A. If I remember correctly, after I had a  
12 conversation with her, my understanding was that  
13 she's going to participate in this rebuttal  
14 documentary, but she's not going to be at Neverland,  
15 so therefore we went to L.A.

16 Q. Okay. So that was on the evening of  
17 February 19th?

18 A. That's correct.

19 Q. And your deadline was midnight on February  
20 19th; is that correct?

21 A. That's correct.

22 Q. Was an arrangement made with Brad Lachman  
23 Productions that if you got the Arvizo film to them  
24 by midnight, they would still be able to incorporate  
25 it into the final production of the rebuttal film?

26 A. If I remember correctly, if we had any  
27 additional or new footage that we wanted to put into

28 this documentary, should be delivered no longer than 7834

[www.mjfacts.info](http://www.mjfacts.info)

1 midnight 19 -- February 19.

2 Q. Okay. If you delivered it on February 19th  
3 before midnight, was it your understanding there was  
4 still time to get it into the final version?

5 A. Yes.

6 Q. And your testimony is that you didn't make  
7 that deadline?

8 A. Yes, we missed that.

9 Q. When you originally talked with Dieter and  
10 Ronald about being paid the money that you were  
11 owed, was it understood that upon the completion of  
12 the Arvizo film, you would be paid, the filming of  
13 the Arvizos?

14 A. Upon airing "The Footage You Were Never  
15 Meant To See."

16 Q. Okay. And the Arvizo footage was just part  
17 of that?

18 A. That's correct.

19 Q. All right. Did you anticipate that you  
20 would be getting a payday - in other words, a  
21 payment of all the money that was owed to you -  
22 after the 20th of February?

23 A. I was expecting the 21st, by midday, I would  
24 receive my payments in full, plus what they promised  
25 me.

26 Q. Okay. Are you aware of whether or not this  
27 documentary was also sold all over the world?

28 A. It is sold all over the world. 7835

[www.mjfacts.info](http://www.mjfacts.info)

1 Q. Okay. This rebuttal film was sold all over  
2 the world?

3 A. That's correct.

4 Q. In terms of the filming of the Arvizos, the  
5 footage that you obtained, is this footage -- was  
6 this footage at the time, did you consider it to be  
7 valuable?

8 MR. MESEREAU: Objection; vague.

9 THE COURT: Sustained.

10 Q. BY MR. AUCHINCLOSS: At the time that this  
11 footage was filmed, you understood that it was not  
12 going to make it into the Brad Lachman production,  
13 correct?

14 A. Well, I was hoping that I can get it done by  
15 midnight.

16 Q. Okay.

17 A. But once we passed the deadline, I figured  
18 it's not going to happen.

19 Q. And you shot it anyway because of what?

20 A. Well, because I was told to, and also I  
21 wanted to do my job. I mean, I had a responsibility  
22 and I wanted to do that.

23 Q. And who specifically told you to shoot that  
24 footage?

25 A. I believe it was arranged through Marc  
26 Schaffel and Dieter, those people.

27 Q. Did you discuss with anybody the fact that

28 you weren't going to make the deadline and that you 7836

[www.mjfacts.info](http://www.mjfacts.info)



1 should go ahead and shoot it anyway?

2 A. I don't remember discussing the deadline

3 with anyone. This was just in my mind.

4 Q. Okay. So that was your decision to go ahead

5 and shoot it anyway?

6 A. Well, I figured since I had my crew and

7 equipment ready, if they are happy to participate,

8 get it done at least.

9 Q. Was there a discussion at the shooting about

10 the deadline; that it had to be done by midnight?

11 A. I think I mentioned to one of these guys

12 that, "Guys, we're not going to make it anyway."

13 But --

14 Q. Do you know if either Christian or Paul or

15 Vinnie knew about the deadline?

16 A. I'm not sure about Vinnie, but I'm sure

17 Christian and Paul should have known about the

18 deadline.

19 Q. And I believe your testimony is that

20 Christian wanted the video to take with him?

21 A. They wanted to take the tapes that night,

22 yes.

23 Q. Even though it was too late to put it on

24 the --

25 A. That's correct.

26 Q. All right. If you -- are you familiar with

27 the value of footages such as this, you know,

28 footage concerning a family that is of public 7837

[www.mjfacts.info](http://www.mjfacts.info)

1 interest on the open market?

2 MR. MESEREAU: Objection. Vague; Court  
3 order.

4 MR. AUCHINCLOSS: I'm unfamiliar with the  
5 Court order, but --

6 THE COURT: I'll sustain the objection. It's  
7 the restrictions I've placed on financial  
8 information.

9 MR. AUCHINCLOSS: All right.

10 Q. You testified that you gave Janet Arvizo  
11 \$2,000, considered it a loan, and were asked a  
12 number of questions about financial conditions  
13 involving Janet Arvizo.

14 Would it have made any difference to you in  
15 giving Janet Arvizo this \$2,000 if you learned that  
16 some people gave her some money three years earlier  
17 based upon Gavin's illness? Would that have made  
18 any difference to you?

19 MR. MESEREAU: Calls for speculation and  
20 misstates the evidence.

21 THE COURT: Overruled.

22 You may answer.

23 THE WITNESS: Um, can you repeat the  
24 question one more time?

25 Q. BY MR. AUCHINCLOSS: My question is, you  
26 gave her this \$2,000.

27 A. Okay.

28 Q. You previously stated you were concerned 7838

[www.mjfacts.info](http://www.mjfacts.info)

1 about Janet. Her world was upside down is what  
2 you've said.

3 Would it have made any difference, would it  
4 have prevented you from doing this act of generosity  
5 or kindness if you knew that years earlier she had  
6 received some money for charitable -- from  
7 charitable individuals to help Gavin? Would that  
8 have made any difference?

9 A. I believe, depending on the timing and the  
10 amount of money, it could have been.

11 Q. Okay. So let's say she got \$20,000 to help  
12 Gavin with his illness in terms of creating a safe  
13 room for him, that type of thing.

14 A. Three years prior?

15 Q. Yeah. Would that have made any difference  
16 to you?

17 A. For 20,000 three years prior, no.

18 Q. And what about if she got a civil judgment  
19 for about 30,000 three years prior, would that have  
20 made any difference?

21 A. Three years --

22 MR. MESEREAU: Objection; misstates the  
23 evidence.

24 THE COURT: Overruled.

25 You may answer.

26 THE WITNESS: Three years, 30,000, no.

27 Q. BY MR. AUCHINCLOSS: Okay. You were asked

28 if she told you some things about her circumstances 7839

[www.mjfacts.info](http://www.mjfacts.info)

1 at the time. Did Janet confide in you anything  
2 other than the fact that her world was upside down  
3 at that time?

4 A. I don't remember.

5 Q. Okay. Did you have a relationship with  
6 Janet where she would sit down and confide with you  
7 details about her problems, other than what you've  
8 stated?

9 A. Did I have a relationship? Such as --

10 Q. Is she the type of person that would sit  
11 down and confide in you personal things?

12 A. I believe because I worked with her kids a  
13 lot during a few other productions, she kind of felt  
14 comfortable to just empty herself of whatever she  
15 had in mind, I guess, at that time.

16 Q. And did she do that in that phone  
17 conversation with you at Neverland?

18 A. Did she do that on that conversation?

19 Q. Yeah. That you had when you were at  
20 Neverland.

21 A. I believe the way she was expressing her,  
22 you know, personal life matters, in this case being  
23 upside down because of the media, I felt like, you  
24 know, she needs a shoulder to cry, kind of things.

25 Q. Did she do that any other time?

26 A. No.

27 Q. When you were -- well, I want to go through

28 this time period of February 20th to the 21st. And 7840

[www.mjfacts.info](http://www.mjfacts.info)



1 I want to talk particularly about your conversation  
2 with Mr. Jackson on that.

3 First of all, when you talked to Mr. Jackson  
4 after the filming -- or after the airing of the  
5 rebuttal film, you mentioned that you talked to him  
6 about some financial problems that you were having  
7 with him and his production company.

8 A. I believe what I discussed with him is that  
9 my invoices are not being paid.

10 Q. Yes.

11 A. And also some other issues.

12 Q. Did you talk to him about the fact that you  
13 were also promised some -- a percentage of the  
14 rebuttal film?

15 A. I don't think I went that far. But I just  
16 wanted to keep it simple and, you know, short with  
17 him, just so, you know, whomever he needs to call,  
18 please call, because I'm not being paid.

19 Q. Did you explain that you hadn't been paid in  
20 years, or over a year, I guess it was?

21 A. I'm not sure whether I mentioned the period  
22 of time that I'm not getting paid, but I said that  
23 my invoices are not being paid, and I --

24 Q. Did you mention the amount of money that was  
25 owed to you?

26 A. I don't remember.

27 Q. Okay. And what did he tell you to do about

28 these problems? 7841

[www.mjfacts.info](http://www.mjfacts.info)

1 A. He asked me to call David LeGrand, his  
2 lawyer.

3 Q. And did you call David LeGrand?

4 A. Yes, I did.

5 Q. And you told him about the problems?

6 A. Well, he knew the problem. I told him that,  
7 "Mr. Jackson wants to talk to you, so why don't you  
8 call Mr. Jackson."

9 Q. Okay. Did you mention to him that it was  
10 about finances?

11 A. I -- well, I don't remember specifically on  
12 that conversation whether I spoke or not. But  
13 during the day, during the whole entire day, I'd  
14 been calling them and asking, you know, "What is it  
15 with my payment?" So they were well aware of that  
16 I'm not being paid, that they have not made the  
17 payment.

18 Q. Sometime later in the day, did you receive a  
19 fax from David LeGrand that same day?

20 A. I believe it was the 21st, yes.

21 MR. AUCHINCLOSS: If I may approach, Your  
22 Honor.

23 THE COURT: Is that a marked exhibit?

24 MR. AUCHINCLOSS: Yes, it is.

25 Q. Mr. Moslehi, I show you Exhibit No. 851.

26 Appears to be a two-page document with a fax page on  
27 the first, and the top being -- at the top of each

28 page are the words "Hale Lane." 7842

[www.mjfacts.info](http://www.mjfacts.info)

1 Do you recognize that document?

2 A. Yes, I do.

3 Q. What is it, please?

4 A. This is a letter from David LeGrand dated  
5 February 21st, 2003. It was faxed to me. And is  
6 telling me that my services are no longer required.

7 And then also Mr. Weizner and --

8 MR. MESEREAU: Objection; hearsay.

9 Q. BY MR. AUCHINCLOSS: Okay. I'll ask you, is  
10 this the document that you received from Mr. LeGrand  
11 in response to your conversation with him that he  
12 should call Mr. Jackson?

13 A. That's correct.

14 Q. And was a copy of this letter -- does this  
15 letter indicate a copy was sent to Mr. Jackson?

16 A. Um --

17 MR. MESEREAU: Foundation.

18 THE WITNESS: It says carbon copy --

19 THE COURT: Just a moment.

20 THE WITNESS: I'm sorry.

21 MR. AUCHINCLOSS: This is offered as

22 foundation.

23 THE COURT: All right. Overruled.

24 Q. BY MR. AUCHINCLOSS: Does it indicate that a  
25 copy was sent to Mr. Jackson?

26 A. This letter is signed by David LeGrand and  
27 it's carbon copy, cc, to Michael Jackson, Ronald

[www.mjfacts.info](http://www.mjfacts.info)

1 Q. And the facsimile page on the front, the  
2 first page, does it also indicate that copy was sent  
3 to Mr. Jackson at Neverland Valley Ranch?

4 A. That is correct.

5 MR. AUCHINCLOSS: All right. Offer 851 into  
6 evidence, Your Honor.

7 MR. MESEREAU: Objection. Foundation and  
8 hearsay.

9 THE COURT: I need to see the document.

10 MR. AUCHINCLOSS: Yes. It is offered as an  
11 authorized admission, as well as it is offered for  
12 nonhearsay purposes to show knowledge on behalf of  
13 the defendant.

14 There is one further authentication issue  
15 that I will mention; that this is defense discovery  
16 to the People, so this is a copy of a document  
17 that's in the defendant's possession.

18 THE COURT: That doesn't authenticate  
19 anything.

20 The only foundational issue that I just have  
21 a quandary about is how he knows that this is  
22 from -- who it purports to be from.

23 MR. AUCHINCLOSS: It's a response to --

24 THE COURT: No, how the witness knows, not  
25 how you know.

26 MR. AUCHINCLOSS: No, I mean his testimony  
27 is that he called Mr. LeGrand that day and received

28 this letter. 7844

[www.mjfacts.info](http://www.mjfacts.info)



1 THE COURT: I'd like to hear from -- I'll  
2 allow you to -- before I rule on the foundation  
3 issue, I'll allow you to ask him any other questions  
4 you have on that issue to --

5 MR. AUCHINCLOSS: Thank you.

6 THE COURT: -- authenticate that.

7 Q. BY MR. AUCHINCLOSS: Mr. Moslehi, how long  
8 after the conversation with Mr. LeGrand on the  
9 21st -- first of all, let me ask you, did you  
10 receive this communication, Exhibit 851, before or  
11 after you spoke to Mr. LeGrand on the phone?

12 A. After.

13 Q. How much time after?

14 A. A few hours.

15 Q. And this document references a communication  
16 regarding future -- your business affairs that is --  
17 that you are to have with Dieter Weizner and Ronald  
18 Konitzer on February 24th, 2003. Are you aware of  
19 that?

20 A. I'm sorry, um --

21 Q. If I may show you the exhibit again. Page  
22 two, paragraph two.

23 MR. MESEREAU: Objection. I'm not sure what  
24 the procedure is.

25 THE COURT: Excuse me.

26 MR. AUCHINCLOSS: Well, I'm --

27 THE COURT: Why are you showing him the

28 document? 7845

[www.mjfacts.info](http://www.mjfacts.info)

1 MR. AUCHINCLOSS: I'm sorry. I'm sorry.

2 I'll go about it the proper way.

3 Q. Would -- does this letter have a paragraph  
4 in this indicating that you are to communicate with  
5 Ronald Konitzer and Dieter on February 24th, 2003?

6 A. Yes, it does.

7 Q. Did you communicate with them on that date?

8 A. And prior, yes.

9 Q. Did you discuss this letter with them?

10 A. Yes, I did.

11 Q. Did they appear to understand and know about  
12 it?

13 A. They were playing games with me.

14 Q. Okay. But did they pretend that they didn't  
15 know about this letter, or did they --

16 MR. MESEREAU: Objection. Leading;  
17 foundation.

18 MR. AUCHINCLOSS: I'll strike the question.

19 THE COURT: Sustained.

20 MR. AUCHINCLOSS: May I ask the next  
21 question?

22 THE COURT: Yes.

23 Q. BY MR. AUCHINCLOSS: What do you mean they  
24 were playing games with you?

25 A. I would call Dieter, and Dieter would say  
26 call Ronald, and they were not responding to my  
27 phone calls properly. And they told me this was

28 probably a misunderstanding, or -- you know, games. 7846

[www.mjfacts.info](http://www.mjfacts.info)

1 Q. All right.

2 A. They were not sincere about their statements

3 or, you know, whatever they had in mind.

4 MR. AUCHINCLOSS: I would offer 851 into

5 evidence at this time.

6 MR. MESEREAU: Same objection.

7 THE COURT: How did you know that that letter

8 came from Mr. LeGrand?

9 THE WITNESS: Because it was faxed from his

10 office, and it had a cover sheet and it's signed by

11 Mr. LeGrand.

12 THE COURT: Did you recognize that signature?

13 THE WITNESS: I believe it was the first

14 time I saw Mr. LeGrand's signature, but I had every

15 reason to believe that that was from Mr. LeGrand.

16 THE COURT: All right. I'm going to reserve

17 ruling on that. I have some problems with your

18 foundation.

19 MR. AUCHINCLOSS: Okay. I'll ask a couple

20 more questions along those lines.

21 Q. Have you subsequently received any faxes

22 from Hale Lane, Attorneys at Law?

23 A. After that?

24 Q. Yes.

25 A. Yes, I have.

26 Q. Did they look identical in terms of the

27 appearance of the fax letterhead?

28 A. Yes, they did. 7847

[www.mjfacts.info](http://www.mjfacts.info)

1 Q. Have you subsequently received letters from  
2 David LeGrand?

3 A. After that one?

4 Q. Yes.

5 A. I believe maybe I received one or two, and  
6 then he started communicating with my lawyer.

7 Q. Okay. As far as those letters go, did they  
8 match, did the signature match?

9 A. I never tried to look into the signature,  
10 see if it matches. Once I received that letterhead,  
11 I had every reason to believe that it's coming from  
12 David LeGrand.

13 Q. Did you -- this is a fax letter with a fax  
14 letterhead. Did you subsequently receive this  
15 letter by way of U.S. Mail?

16 A. I don't believe so.

17 MR. AUCHINCLOSS: Okay. Thank you. No  
18 further questions.

19 THE COURT: All right.

20 MR. MESEREAU: May I see that exhibit?

21 MR. AUCHINCLOSS: Uh-huh.

22

23 RE-CROSS-EXAMINATION

24 BY MR. MESEREAU:

25 Q. Mr. Moslehi, if you had known that Janet  
26 Arvizo was living with someone who earned close to  
27 \$80,000 a year, would you have loaned her that

28 \$2,000? 7848

[www.mjfacts.info](http://www.mjfacts.info)



1 MR. AUCHINCLOSS: Objection; assumes facts.

2 THE COURT: Overruled.

3 You may answer.

4 THE WITNESS: If I knew that Janet Arvizo  
5 was living with another husband or just a person  
6 that has \$80,000?

7 Q. BY MR. MESEREAU: Who was supporting her and  
8 who earned close to \$80,000 a year, would you have  
9 loaned her the 2,000?

10 A. Well, at the time, my state of mind was  
11 different. I don't know. Today, probably not.

12 Q. Okay. Now, the letter that the prosecutor  
13 just showed you, which purports to be from the Hale  
14 Lane law firm, is dated February 21st, 2003, right?

15 A. That's correct.

16 Q. And you claim you did receive this letter,  
17 right?

18 A. That's correct.

19 Q. And in the letter, you were asked to return  
20 tapes, photos and other property of MJJ Productions  
21 by a certain date, correct?

22 A. Yes, it is.

23 Q. The date you were supposed to return those  
24 properties was February 24th, 2003, correct?

25 A. I -- I'm not sure. I don't have it in front  
26 of me, but if you say so, I take your word.

27 Q. Okay. And the letter suggested that your

28 invoices will be addressed, correct? 7849

[www.mjfacts.info](http://www.mjfacts.info)

1 A. I'm not looking at the document, but if you  
2 say so, I take your word.

3 Q. And at some point after this letter was  
4 received, you obtained or received payment of  
5 \$200,000, correct?

6 A. I believe a month after I received that  
7 letter, approximately a month after, I received.

8 Q. So approximately late March 2003, you  
9 received payment of \$200,000, true?

10 A. That's correct.

11 Q. You never returned the tapes or photos  
12 referred to in the letter, true?

13 A. What does it refer in the letter?

14 Q. Any tapes, photos or other property of MJJ  
15 Productions, or Michael Jackson or his affiliates.

16 A. I don't -- after 21st, I don't believe so.

17 Q. Okay. To date, you haven't turned over all  
18 the tapes you did for Mr. Jackson, true?

19 A. Since my invoices were not paid in full, no.

20 MR. MESEREAU: Okay. No further questions.

21 THE COURT: Was that 851 that you were  
22 quoting from?

23 MR. AUCHINCLOSS: Yes.

24 THE COURT: All right. I'll admit it.

25 MR. AUCHINCLOSS: No further questions.

26 MR. SANGER: Your Honor, we do have a  
27 motion, and it probably ought to be heard before

28 this witness leaves the general vicinity. 7850

[www.mjfacts.info](http://www.mjfacts.info)

1 THE COURT: You have no other questions of  
2 this witness?

3 MR. MESEREAU: No, Your Honor.

4 THE COURT: And you have no other questions?

5 MR. AUCHINCLOSS: No.

6 MR. SANGER: Depending on the ruling on the  
7 motion.

8 THE COURT: Is it a motion that you already  
9 tried to make this morning?

10 MR. SANGER: No. No, Your Honor.

11 THE COURT: Why don't you approach and tell  
12 me what it is.

13 (Discussion held off the record at sidebar.)

14 THE COURT: What I'm going to do is require  
15 that the witness remain at the courthouse, and call  
16 your next witness.

17 I think the way we'll handle this, the  
18 motion that the defense wishes to make, is that  
19 we'll stop a few minutes early so the jury gets a  
20 longer lunch, and we'll listen to the motion.

21 Come forward, please. When you get to the  
22 witness stand, remain standing.

23 Face the clerk and raise your right hand.

24

25 TERRY PAULSEN

26 Having been sworn, testified as follows:

27

[www.mjfacts.info](http://www.mjfacts.info)

1 THE CLERK: Please be seated. State and  
2 spell your name for the record.

3 THE WITNESS: My name is Terry Paulsen.

4 T-e-r-r-y; P-a-u-l-s-e-n.

5 THE CLERK: Thank you.

6

7 DIRECT EXAMINATION

8 BY MR. NICOLA:

9 Q. Good morning.

10 A. Good morning.

11 Q. Would you mind scooting up by that

12 microphone, please?

13 A. Okay.

14 Q. And swivel that towards your mouth so that

15 everybody can hear you.

16 How are you this morning?

17 A. Fine.

18 Q. Ms. Paulsen, who are you employed with?

19 A. Huntel Systems.

20 Q. What is your position with Huntel Systems?

21 A. I'm a senior billing analyst.

22 Q. How long have you been working in that

23 capacity with Huntel?

24 A. 27 years.

25 Q. And are you here today as the custodian of

26 records for some documents from Huntel Systems?

27 A. Yes.

28 Q. What kind of documents? 7852

[www.mjfacts.info](http://www.mjfacts.info)



1 A. They're phone calls made from an aircraft,  
2 telephone calls.

3 Q. Air-to-ground telephone calls?

4 A. Yes.

5 Q. Pursuant to a search warrant, did you  
6 provide the documents that I'm going to hand you  
7 marked as Exhibit 850, previously shown to counsel?

8 A. Yes, these are ones I provided.

9 Q. Could you describe those documents briefly  
10 for the jury, please?

11 A. It's phone calls made from an aircraft on  
12 February 7th, 2003.

13 Q. And the company that bill was sent to?

14 A. It was sent to Xtra Jet out of Santa Monica,  
15 California.

16 Q. With respect to the contents of that  
17 exhibit, is that generally a phone bill?

18 A. Yes, it is.

19 Q. Okay. And is your company a company that  
20 bills for phone calls made from aircraft to the  
21 ground?

22 A. Yes.

23 Q. Does the document reflect information that's  
24 made in the regular course of the business of  
25 Huntel?

26 A. Yes, it is.

27 Q. And Huntel is a telecommunications provider?

28 A. Huntel is -- we're the billing vendor. 7853

[www.mjfacts.info](http://www.mjfacts.info)

1 Q. Okay. Is it part of your business to keep  
2 track of the kind of records that you're --

3 A. Yes, it is.

4 Q. Okay. Now, the entries in the phone record,  
5 do they begin on a particular page in that exhibit?

6 A. They begin on page four.

7 Q. Okay. Is there a page two or a page three  
8 in Exhibit 850?

9 A. No, there is not.

10 Q. Okay. Do you recall what is actually  
11 contained in the record of page two and three?

12 A. One of it is just information on paying your  
13 bill by a credit card. The other was phone calls  
14 that did not pertain to the date that we were  
15 requesting to provide.

16 Q. Is it customary to provide only what is  
17 reflected in the search warrant, as far as your  
18 company is concerned?

19 A. Yes.

20 Q. And their request was for February 7th,  
21 2003?

22 A. February 7th or 8th, but there weren't calls  
23 on the 8th.

24 Q. Is the information on that document relied  
25 upon by your company in the regular course of its  
26 business?

27 A. Yes, it is.

28 Q. Okay. And do you rely on it being accurate? 7854

[www.mjfacts.info](http://www.mjfacts.info)

1 A. Yes, I do.

2 Q. And briefly describe for the jury how the  
3 information in those phone records is generated.

4 A. When a customer makes -- or is flying in an  
5 airplane and they make a call, it goes from the  
6 airplane to a ground station, out a landline to the  
7 party that's being called. And when the call's  
8 completed, then the ground station records that in  
9 its memory.

10 And once a week, we go into the system,  
11 we -- through a modem telephone line, computer  
12 program, we get that information out. And once a  
13 month, we process that into a telephone bill so it  
14 puts it in a format that can print on a bill, reads  
15 the information that's taken from the ground  
16 station.

17 Q. Does the ground station have an identifying  
18 number that shows up on the bill?

19 A. Yes, it does.

20 MR. NICOLA: And, well, Your Honor, at this  
21 time I would offer 850 into evidence as a business  
22 record.

23 MR. SANGER: No objection.

24 THE COURT: It's admitted.

25 Q. BY MR. NICOLA: What I'm going to do, Miss  
26 Paulsen, is use the Elmo.

27 "Input 4," if you don't mind, Your Honor.

28 THE COURT: All right. 7855

[www.mjfacts.info](http://www.mjfacts.info)

1 Q. BY MR. NICOLA: If you would turn to line  
2 25, I would just like to show you a sample line from  
3 this. If you could just start with the number 25  
4 and explain to the jury what the items mean as you  
5 go from left to right as you look at the exhibit,  
6 please.

7 A. Okay. Each call has its own item number.

8 The date would be 2-07; would be it was made  
9 February 7th. They called El Monte, California.

10 The phone number, the 626 number, is the number that  
11 they called. 6:57 p.m. is the time that they hung  
12 up from the call. So the call was made one minute  
13 prior to that, and one minute tells you how long the  
14 call lasted.

15 "CCD" just means, years ago when these  
16 numbers were issued to companies, they were called  
17 calling cards. So it just -- "CCD" is calling card.

18 Then the -- there's two charges per phone  
19 call, or the call's broken out into two different  
20 sections. One is the land time, and that's from the  
21 time, if I called you, you picked up the phone.

22 From the time you pick up the phone till you hang it  
23 up, that's the land time.

24 The air time is what is actually charged,  
25 and that's the time from when I pick up the phone in  
26 the airplane and I hang up the phone. That's the  
27 air time. So there's two different times.

28 And you can tell by the time of day or by 7856

[www.mjfacts.info](http://www.mjfacts.info)



1 the number called which two calls go together. So  
2 in this case, Call 25 and 26 would go together. It  
3 was made over Troy, Alabama, and the phone number  
4 under that would be the phone number for Troy,  
5 Alabama.

6 Q. Is the number for the Troy, Alabama, place a  
7 ground station?

8 A. Pardon?

9 Q. Is that what you would call a ground  
10 station?

11 A. The ground station phone number.

12 Q. How does the wireless phone on the aircraft  
13 decide which ground station it's going to repeat at;  
14 do you know?

15 A. Okay. As you're flying, the transmitter in  
16 the phone will pick up the strongest signal on the  
17 ground station. The ground station sends up  
18 signals, and it picks up the strongest one. So you  
19 don't have a choice of what station you're going  
20 through. It just picks it up and places a call.

21 So if you're flying near Troy, it's going to  
22 pick up the Troy, Alabama, ground station.

23 Q. Now, with respect to the date stamp  
24 specifically on Item 25, it says 6:57 p.m. Is that  
25 6:57 p.m. in any particular time zone? Or can you  
26 explain that for the jury, please?

27 A. The time zone is the time zone that the

28 ground station is located in. So if you're flying 7857

[www.mjfacts.info](http://www.mjfacts.info)

1 over Troy, Alabama, that would be the time of day at  
2 Troy, Alabama. If you're flying over Los Angeles,  
3 California, it would be the Los Angeles time, so  
4 there could be a difference in the time zones.

5 Q. Okay. Miss Paulsen -- I wasn't done with  
6 the Elmo.

7 If I could direct your attention, please --  
8 and if I could have "Input 4" again, Your Honor --  
9 to Line No. 40.

10 A. Okay.

11 Q. And is that a call placed to Santa Ynez,  
12 California?

13 A. Yes.

14 Q. You can read the area code and the number,  
15 please.

16 A. The area code is (805) 688-9979.

17 Q. And the time of that call, please?

18 A. Is 8:39 p.m.

19 Q. And where is the aircraft now?

20 A. The aircraft is over Artesia, New Mexico.

21 Q. Okay. Could you please flip to the second  
22 page of the exhibit?

23 A. Page five?

24 Q. Yes. And just tell the jury what time the  
25 last call was recorded from that aircraft.

26 A. Line Item 71?

27 Q. Yes, please.

28 A. It was placed at 9:28 p.m. on February 7th 7858

[www.mjfacts.info](http://www.mjfacts.info)

1 over Grand Canyon, Arizona.

2 MR. NICOLA: Okay. Thank you, Miss Paulsen.

3 No further questions, Your Honor.

4 MR. SANGER: Could I have that?

5 MR. NICOLA: Certainly.

6 MR. SANGER: Just leave it up on the thing.

7 MR. NICOLA: Oh, on the --

8 MR. SANGER: Your Honor, I'm going to put

9 this back up on the Elmo and....

10

11 CROSS-EXAMINATION

12 BY MR. SANGER:

13 Q. Okay. It's your understanding that this

14 reflects telephone calls made from an airplane that

15 are eventually connected through to some landline

16 somewhere, correct?

17 A. Yes.

18 Q. And when I say "landline," it could be

19 connected to a cell phone ultimately; is that right?

20 A. It would still go through a landline to a

21 cell phone. I mean, it goes out the ground station,

22 however the ground station sends it out.

23 Q. When you're talking about Troy, Alabama,

24 there's some ground station there, and essentially

25 you're now hooked up with the phone system that we

26 would hook into if we pick up the kind of phone we

27 pick up in the courtroom, right?

28 A. Right. 7859

[www.mjfacts.info](http://www.mjfacts.info)

1 Q. And wherever that phone system then directs  
2 the call is the ultimate destination, right?

3 A. Right.

4 Q. All right. And so just so we're all clear,  
5 you got two lines per call, right?

6 A. Right.

7 Q. And the one line shows the number that's  
8 called -- actually both lines show the number that's  
9 called, correct?

10 A. Correct.

11 Q. And then the second line shows the charge to  
12 the airline; is that right?

13 A. Right.

14 Q. Now, first of all, the billing goes to a  
15 particular airplane or a particular company?

16 A. Particular company.

17 Q. And so the company that owns the airplane  
18 will get the bill?

19 A. Yes.

20 Q. All right. Can you tell which airplane that  
21 belongs to that company was the source of the  
22 telephone call?

23 A. No, I cannot.

24 Q. So if an airplane -- private charter  
25 airplane company might have several planes, and  
26 their phone bill will not distinguish between one  
27 airplane and another; is that correct?

www.mjfacts.info

28 A. It will distinguish between one phone number 7860

[www.mjfacts.info](http://www.mjfacts.info)



1 and another, but not one airplane and another.

2 Q. All right. And on the airplane, you have no  
3 idea how big these airplanes are; is that true?

4 A. They're private aircraft. I'm -- I would  
5 assume like a jet or something, but I do not know,  
6 no.

7 Q. Yeah. So you're making some assumptions,  
8 but you don't know how many people, for instance,  
9 would be on the airplane, right?

10 A. No.

11 Q. And you have no way of determining what  
12 person on the airplane made the call, correct?

13 A. No, I don't.

14 Q. So let's assume hypothetically that an  
15 airplane had two pilots, 11 passengers, and a crew  
16 member. Assume that as a hypothetical. Of those  
17 14 people, would you have any way to determine from  
18 your records who made these phone calls?

19 A. No.

20 Q. Now, I do note that there are some phone  
21 calls, a number of them that are -- if we look at  
22 the exhibit, and this is Exhibit 850, I believe; is  
23 that correct? You have the actual exhibit in front  
24 of you.

25 A. Yes.

26 Q. And what's on the board is a copy of the  
27 same exhibit?

28 A. Yes. 7861

[www.mjfacts.info](http://www.mjfacts.info)

1 Q. So if we look up at the top there where it  
2 says, "Minute," or "M-I-N" --

3 A. Uh-huh, yes.

4 Q. -- what is the minimum unit of time that  
5 will be recorded on your bill?

6 A. The minimum is -- you'll see there's a  
7 couple that are short-term charges that are 20 to 30  
8 seconds. But the minimum usually is 30 seconds.  
9 But 20 seconds on.

10 Q. Okay. So on this particular bill, the  
11 minimum that we see on that page -- and I'm taking  
12 this off so I can see it up close. The minimum  
13 charge -- or, I'm sorry, the minimum recorded in the  
14 columns on this exhibit is one minute; is that  
15 right?

16 A. Right. So it rounds up to a minute.

17 Q. All right. So if there's a shorter call,  
18 it's still going to show up as one minute on the --  
19 in that column there; is that correct?

20 A. Anything over 30 seconds will.

21 Q. And you also, from this bill, do not know if  
22 two people were actually able to talk to each  
23 another during these phone calls; is that correct?

24 A. It will connect. If it doesn't connect, it  
25 doesn't register.

26 Q. Okay. It connects to another phone, right?

27 A. Right.

28 Q. Now, this is basically a cell phone in the 7862

[www.mjfacts.info](http://www.mjfacts.info)

1 air, right?

2 A. Similar to a cell phone.

3 Q. And when you're flying and using one of  
4 these phones, you have to basically hit the repeater  
5 down on the ground in order to make a connection,  
6 correct?

7 Do you know what I mean, or am I using the  
8 wrong word?

9 A. If you can, yeah, rephrase that for me.

10 Q. Well, you said it's like a cell phone in the  
11 air.

12 A. Right.

13 Q. So while you're flying along, your signal  
14 from the cell phone in the air has to hit --

15 A. A ground station.

16 Q. -- the ground station.

17 And that's called a repeater, is it not, or  
18 do you know? Or a cell site?

19 A. I have no idea.

20 Q. Okay. Whatever it's called, you got to hit  
21 that thing, otherwise it doesn't work, right?

22 A. Right.

23 Q. And when you hit it, there are places where  
24 you will -- you'll hit it and you'll make a  
25 connection, but you will not have a clear enough  
26 connection to actually talk; is that correct?

27 A. There's that possibility, yes.

28 Q. So it's, in that sense, like a cell phone; 7863

[www.mjfacts.info](http://www.mjfacts.info)

1 that you can have bad reception, and you can be  
2 saying, "Can you hear me now?" And somebody on the  
3 other side is saying, "What?" Right?

4 A. True.

5 Q. Okay. So you do not know, from all these  
6 phone calls, how many actual conversations occurred  
7 between human beings where they could hear each  
8 other and communicate; is that correct?

9 A. No.

10 MR. SANGER: Okay. Thank you very much.

11 No further questions, Your Honor.

12

13 REDIRECT EXAMINATION

14 BY MR. NICOLA:

15 Q. You mentioned that sometimes the airline  
16 charges will be together and you need to look at the  
17 actual time of a call that goes out?

18 A. Uh-huh.

19 MR. NICOLA: If I could have the Elmo just  
20 one more time, Your Honor.

21 THE WITNESS: Excuse me.

22 MR. NICOLA: I think we have an example  
23 here, line --

24 THE COURT: I'm going to break now for the  
25 argument.

26 (To the jury) Go ahead and take your  
27 recess.

28 MR. NICOLA: Oh, the motion. 7864

[www.mjfacts.info](http://www.mjfacts.info)



1 THE COURT: You may step down.

2 MR. NICOLA: Step down.

3 THE COURT: (To the audience) All right.

4 Please remain seated. There's a motion that's going  
5 to be made.

6 All right, Counsel. Go ahead. Do you want  
7 to make your motion?

8 MR. SANGER: Yeah. (Indicating.)

9 THE COURT: Oh, I'm sorry.

10  
11 (The following proceedings were held in  
12 open court outside the presence and hearing of the  
13 jury:)

14

15 MR. AUCHINCLOSS: Your Honor, would you like  
16 the witness to leave the courtroom?

17 THE COURT: No. She may well want to.  
18 She's free to do so, but she doesn't -- she's not  
19 required.

20 MR. NICOLA: Are we back in session at  
21 11:45, Your Honor?

22 THE COURT: At the end of our break, yes.  
23 Go ahead.

24 MR. SANGER: On behalf of Mr. Jackson, we  
25 are making a motion for mistrial based on  
26 prosecutorial misconduct. And the grounds for that  
27 motion for mistrial are that the Court ruled, as

www.mjfacts.info

28 Your Honor reminded me, at a 402 motion that we 7865

[www.mjfacts.info](http://www.mjfacts.info)

1 would not be allowed to play this tape in its -- in  
2 the prosecution's case-in-chief.

3 THE COURT: Correct.

4 MR. SANGER: I made another motion  
5 contemporaneous in time, having felt that it was  
6 appropriate to do so. The Court summarily, and I  
7 think clearly, denied the motion.

8 THE COURT: And correctly. No, all right, go  
9 ahead.

10 (Laughter.)

11 THE COURT: You don't have to say that.

12 MR. SANGER: I'm going to assert my Fifth  
13 Amendment rights on that.

14 I said that humorously, for the record.

15 THE COURT: I took it humorously, for the  
16 record.

17 MR. SANGER: Thank you.

18 The serious part here, though, is that Mr.  
19 Auchincloss deliberately overreached. And the harm  
20 is, that having -- the Court having made such a  
21 clear ruling, he attempted to gain benefit from the  
22 Court's ruling that he wasn't entitled to.  
23 Your Honor said we couldn't go into it, so  
24 he got up and went into it, and that was clearly  
25 inappropriate to start with. And it seemed  
26 calculated and intentional. Now, I can't read his  
27 mind. But I can't figure out how he could have

28 missed that, after we just had a hearing on it. 7866

[www.mjfacts.info](http://www.mjfacts.info)

1 Your Honor made an admonition -- and  
2 unfortunately my Livenote is not hooked up today, so  
3 I can't quote verbatim, but Your Honor has it. You  
4 gave an admonition to Mr. Auchincloss not to do  
5 that, and you explained to him exactly why; that you  
6 had just ruled, and it's not appropriate for him to  
7 go into that same area. He persisted and asked at  
8 least two more direct questions that just flew right  
9 in the face of the Court's ruling.

10 And the questions were not innocent  
11 questions that were going around to try to get to  
12 something else. They were even more focused, to  
13 telegraph to the jury exactly what he wanted them to  
14 hear. And he wanted them to hear that, in his  
15 opinion, the issue with regard to, as I think he  
16 said, something like sleeping with boys was not one  
17 of those areas that this witness felt was unfairly  
18 portrayed.

19 And he knew that he could get away with that  
20 because the Court was, at the very least, going to  
21 sustain the objection. We already couldn't go into  
22 it. There's nothing we could do about it. The bell  
23 has been rung, and this jury heard it.

24 I think the harm is particularly  
25 significant, because it's been our position that  
26 clearly those statements were the statements that  
27 were grossly misrepresented by Mr. Bashir in the way

28 he edited the film. 7867

[www.mjfacts.info](http://www.mjfacts.info)

1 So as a result of that, a tremendous amount  
2 of prejudice has occurred. It was deliberate on the  
3 part of the prosecutor. I say that, and that's my  
4 interpretation of what I saw. I don't think there's  
5 another reasonable interpretation. It's -- there's  
6 no other remedy, other than to grant a mistrial and  
7 say this is prosecutorial misconduct. It shouldn't  
8 have been done. As a result of their willful  
9 misconduct, a mistrial has to be granted. And  
10 that's our motion.

11 If the Court denies that, then we would of  
12 course ask the Court to entertain some other remedy  
13 which I'd ask to be heard on later, but I'm making a  
14 motion for mistrial, and I think it should be  
15 granted.

16 Thank you.

17 THE COURT: Counsel?

18 MR. AUCHINCLOSS: To begin with, the  
19 questions that I was asking this witness about did  
20 not focus upon the material that was produced in the  
21 video, "The Footage You Were Never Meant To See."  
22 And those questions were not designed and obviously  
23 were not intended to ask him about what was on that  
24 final production.

25 My question went directly to an issue that  
26 defense counsel spent five pages questioning this  
27 witness about on cross-examination yesterday. And I

28 have a couple of those items highlighted, and if the 7868

[www.mjfacts.info](http://www.mjfacts.info)



1 Court would allow me, I'd like to project them from  
2 the official transcripts.

3 THE COURT: Just read them to me.

4 MR. AUCHINCLOSS: All right. First of all,  
5 Your Honor, counsel started by asking the question  
6 of this witness:

7 "And the reason you were being interviewed  
8 by Brad Lachman Productions was because the  
9 intention was to have some of those parts that  
10 you had filmed appear in the rebuttal video,  
11 right?"

12 And I objected. I say, "I'm going to  
13 object. Relevancy and beyond the scope.

14 "Mr. Mesereau: I believe that he opened the  
15 entire door, Your Honor.

16 "The Court: The objection is overruled.

17 "Mr. Mesereau: In fact, the title of that  
18 documentary on television was, "The Michael  
19 Jackson Interview: .The Footage You Were Never  
20 Meant To See,' right?"

21 We go on. He questions him extensively  
22 about "The Footage You Were Never Meant To See,"  
23 including charities and Mr. Bashir's remarks.

24 We get to an area here that's particularly  
25 interesting in which counsel says:

26 "And your belief at that time was that  
27 Mr. Bashir had presented a very distorted view of

www.mjfacts.info

28 that interview with Mr. Jackson, correct? 7869

[www.mjfacts.info](http://www.mjfacts.info)

1 "Mr. Auchincloss: Objection; calls for a  
2 conclusion.

3 "Mr. Mesereau: State of mind, Your Honor.

4 "Mr. Auchincloss: Relevance.

5 "The Court: Overruled."

6 Now, this is an area that was clearly gone  
7 into by the defense, and my questions went directly  
8 to that question that defense counsel asked of this  
9 witness, that the -- that Martin Bashir presented a  
10 very distorted view, and my questions went directly  
11 to those remarks.

12 THE COURT: You went from the general  
13 concept, which I allowed, to the specifics, which I  
14 was not allowing.

15 The motion for a mistrial is denied.

16 All right. We'll take our break.

17 MR. SANGER: Your Honor, just -- if I may --

18 THE COURT: I'll let you address the issue of  
19 alternative remedies. I thought you said you wanted  
20 to do that later.

21 MR. SANGER: Well, later. Whenever you  
22 want.

23 THE COURT: I will. I'll let you do that.

24 MR. SANGER: Okay.

25 (Recess taken.)

26 MR. MESEREAU: I don't think Mr. Sanger is  
27 here, Your Honor. I think he was intending to

28 present some potential remedies to the Court. 7870

[www.mjfacts.info](http://www.mjfacts.info)

1 THE COURT: Yes, that's what I thought he  
2 was going to do.  
3 They're waving at you.  
4 MR. MESEREAU: Oh, okay. No, I said Mr.  
5 Sanger doesn't appear to be here, and I think he  
6 wanted to present some alternative remedies to the  
7 Court. And unfortunately, I don't know where he is.  
8 (Laughter.)  
9 THE COURT: Perhaps we should just call the  
10 jury in and we could take up that issue later.  
11 Maybe he's doing some research on that.  
12 MR. MESEREAU: Yes, Your Honor. Thank you.  
13 MR. NICOLA: He may wish to recross after I  
14 redirect Miss Paulsen. He may wish to recross.  
15 THE COURT: This is his witness?  
16 MR. NICOLA: Yes.  
17 THE COURT: So we have to wait for him no  
18 matter what.  
19 MR. NICOLA: If you say I could be back on  
20 Friday, I'll go look for him right now, Judge.  
21 Maybe he's in the law library?  
22 MR. MESEREAU: I really don't know.  
23 A VOICE FROM THE AUDIENCE: There he is.  
24 THE BAILIFF: Yea.  
25 (Laughter.)  
26 THE COURT: I'm sorry. I came out; I didn't  
27 know you were not here yet.

28 MR. SANGER: I apologize. I had to go back 7871

[www.mjfacts.info](http://www.mjfacts.info)

1 to my office and get something here.

2 THE BAILIFF: I'm sorry, I thought he was  
3 here. Sorry.

4 MR. SANGER: Do you want to address the --

5 THE COURT: If you're prepared. I came on  
6 so that you could do that. I don't know if you  
7 wanted to do it now or later. I misinterpreted what  
8 you had said earlier, so....

9 MR. SANGER: That's fine, Your Honor.

10 The reason I wanted to bring it up sooner  
11 rather than later is that if the Court fashioned a  
12 remedy that involved Mr. Moslehi, he would be here;  
13 and if you didn't, he could leave. So let me just  
14 address it quickly.

15 The motion for mistrial having been denied,  
16 and without conceding anything in that regard, our  
17 alternative request would be to either have, number  
18 one, an admonition to the jury that it was  
19 inappropriate to continue to ask those questions and  
20 that you had precluded the defense from getting into  
21 it, and make it very clear that those -- the  
22 questions, as the jury's been instructed, are not to  
23 be considered unless there's an answer.

24 But in this particular case, because you had  
25 already made rulings very clearly, you want to make  
26 sure that there's no unfair inference drawn, even if  
27 it's a subconscious or subliminal one. So some

28 instruction to that effect, a curative instruction 7872

[www.mjfacts.info](http://www.mjfacts.info)



1 of some sort to try to get us back to square one and  
2 unring the bell.

3 Absent that --

4 THE COURT: "You're to disregard any  
5 subliminal messages you received during the last  
6 session?"

7 (Laughter.)

8 MR. SANGER: I'm sure we could word  
9 something more artfully than the concept that I just  
10 floated there, but I think there is something that  
11 could be done by way of a curative instruction to  
12 try to unring that bell. And I think it was  
13 unfairness and it was a matter of seizing on what  
14 the Court has just ruled on, and I think that's the  
15 big harm. It's not a matter that -- it's a matter  
16 that the prosecution had objected to our bringing  
17 that tape in and then sought to gain the benefit of  
18 the Court's continued ruling.

19 If the Court does not do that, then I would  
20 ask -- or in the alternative, either way, I'd ask  
21 the Court to allow us to now just play the outtakes,  
22 and that's --

23 THE COURT: That's where I thought you were  
24 going.

25 MR. SANGER: I didn't want to disappoint.

26 (Laughter.)

27 MR. SANGER: And it's a fair way to do it,

28 Your Honor. The outtakes are the outtakes. And if 7873

[www.mjfacts.info](http://www.mjfacts.info)

1 the jury sees that, they'll be able to form their  
2 own opinion and they won't be dealing with  
3 subliminal matters. They'll be dealing with liminal  
4 matters.

5 I'll submit it.

6 THE COURT: (To Mr. Auchincloss) You can sit  
7 down.

8 You know, I don't believe that Mr.

9 Auchincloss seized the moment to take advantage of  
10 you after objecting. You know, I think there was a  
11 disconnect from -- in his brain somewhere about --  
12 because he was worried about the earlier examination  
13 that had been done. And I just don't believe he was  
14 trying to do something to confront the Court or  
15 affront the Court.

16 And I think I, you know, saved the day by  
17 objecting myself, stopping it. So the jury has --  
18 knows that I did not think that was proper. They  
19 got the message loud and clear. I've never done  
20 that before in this trial, so it was a very loud  
21 message I sent. So I think that's sufficient in  
22 this case.

23 So, do you have your witness here if we  
24 bring in the jury?

25 MR. NICOLA: Yes, Your Honor.

26 THE COURT: All right. And, you know, the  
27 issue of the playing those tapes still remains for

28 your part of the case. That may well be. So if 7874

[www.mjfacts.info](http://www.mjfacts.info)

1 there's a foundational issue here, you had suggested  
2 that the prosecution might agree. I would like that  
3 out of the way, because I don't think -- if all we  
4 need is to have him come back, when all you want to  
5 do is play the tapes, we wouldn't want to have to do  
6 that.

7 You may want him back, too. I don't know.

8 But if that's something we could agree on, playing  
9 those outtakes without a further foundation from  
10 him, if either of the parties desire, I think that  
11 would be a good thing to do. But you can talk to  
12 each other about that.

13 MR. SANGER: Very well, Your Honor.

14 MR. AUCHINCLOSS: And is it permissible for  
15 Mr. Moslehi to leave? He's waiting for us.

16 THE COURT: Yes.

17 MR. AUCHINCLOSS: Thank you.

18 THE COURT: But you understand my issue on --

19 MR. AUCHINCLOSS: I do. And I think that's  
20 something --

21 THE COURT: -- whether you want to agree to a  
22 foundational issue that he took those tapes. We've  
23 all watched them.

24 MR. AUCHINCLOSS: I'm certain if it's merely  
25 authentication, we can come to some agreement.

26 THE COURT: Okay. I'll leave while you bring  
27 the jury in.

[www.mjfacts.info](http://www.mjfacts.info)

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

4

5 THE COURT: All right, Counsel. Proceed,  
6 please.

7 MR. NICOLA: Thank you, Your Honor.

8 May I have -- "Input 4" is already on.

9 Q. Miss Paulsen, if I could direct your

10 attention to Item 29 and 30. There appear to be two  
11 airlink charges right behind each other.

12 Is that an example of what you testified to  
13 on direct as having to look for the corresponding  
14 number to figure out which charges go together?

15 A. Yes, it is. Item 27 and 29 would go  
16 together. And Item 28 and 30 would go together.

17 Q. Okay. And Item 27 is registered in the bill  
18 as a two-minute call to the same telephone number as  
19 Item 25; is that correct?

20 A. Yes.

21 Q. Okay. Once a call gets past one minute,  
22 does it register automatically in your system as a  
23 two-minute call?

24 A. Anything over one minute, if it goes over a  
25 minute, it registers as two minutes.

26 MR. NICOLA: Thank you, Mrs. Paulsen. I  
27 have nothing further.

28 MR. SANGER: Nothing further, Your Honor. 7876

[www.mjfacts.info](http://www.mjfacts.info)



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

3 THE COURT: Call your next witness.

4 MR. NICOLA: The next witness will be Gabe  
5 Dominguez, Your Honor.

6 MR. SANGER: Which exhibit?

7 MR. NICOLA: With T-Mobile.

8 Stop that witness.

9 Oh, he got it. Never mind.

10 THE COURT: Raise your right hand, please.

11

12 GABRIEL DOMINGUEZ

13 Having been sworn, testified as follows:

14

15 THE WITNESS: I do.

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

18 THE WITNESS: Gabriel Dominguez.

19 G-a-b-r-i-e-l; last name D-o-m-i-n-g-u-e-z.

20 THE CLERK: Thank you.

21

22 DIRECT EXAMINATION

23 BY MR. NICOLA:

24 Q. Good morning, sir. How are you?

25 A. I'm fine.

26 Q. Are you here as a custodian of records for  
27 the telephone company T-Mobile?

28 A. Yes. 7877

[www.mjfacts.info](http://www.mjfacts.info)

1 Q. How long have you been employed with

2 T-Mobile, please?

3 A. For over four years.

4 Q. And have you testified before as a custodian

5 of records for T-Mobile?

6 A. Yes.

7 Q. Approximately how many occasions?

8 A. Over 60 or 70 times.

9 Q. Is that your primary role with T-Mobile?

10 A. It is one of them.

11 Q. You go to court and authenticate the records

12 that were asked for pursuant to subpoena and search

13 warrant?

14 A. Yes.

15 Q. Okay. With respect to this particular case,

16 did your company send records pursuant to search

17 warrant for phone records for the following

18 individuals: Christopher Carter; Franchesco Cascio;

19 Vincent Amen; Evelyn Tavasci; and Christian

20 Robinson?

21 A. Yes.

22 Q. In front of you is Exhibit 452. Do you

23 recognize that?

24 A. Yes.

25 Q. How do you recognize that?

26 A. I recognize this to be subscriber

27 information and billing records, or called detail

28 records, for the people you just mentioned. 7878

[www.mjfacts.info](http://www.mjfacts.info)

1 Q. Is there a table of contents in that  
2 exhibit?

3 A. Yes.

4 Q. Have you compared the contents of the  
5 exhibit with the table of contents?

6 A. Yes.

7 Q. Have you looked through the entire exhibit  
8 prior to your testimony today?

9 A. Yes.

10 Q. Generally, and I mean this with respect to  
11 all the documents in that exhibit, save the table of  
12 contents, are they records that are made in the  
13 regular course of T-Mobile business?

14 A. Yes.

15 Q. Now, with respect to the specific subscriber  
16 information within those exhibits, is the  
17 information recorded on the subscriber report made  
18 by persons under a duty to record the information  
19 accurately at or near the time that the information  
20 is relayed to them?

21 A. Yes.

22 Q. Would you explain to the jury what a  
23 subscriber record is?

24 A. A subscriber record is a customer's name,  
25 address, Social Security number, and any identifying  
26 information for that customer.

27 Q. Why do you need that information?

www.mjfacts.info

28 A. For billing purposes. 7879

[www.mjfacts.info](http://www.mjfacts.info)

1 Q. I'd like you to turn specifically to Tab  
2 No. 1, and is that the information for one  
3 Christopher Carter?

4 A. Yes.

5 Q. Okay. And Tab No. 2, please, is that the  
6 information for Franchesco Cascio?

7 A. Yes.

8 Q. Tab No. 3, please, is that the information  
9 for Vincent Amen?

10 A. Yes.

11 Q. Tab No. 4 and Tab No. 5 respectively, Evelyn  
12 Tavasci and Christian Robinson?

13 MR. SANGER: I'm going to object. That's  
14 compound.

15 THE COURT: Overruled.

16 THE WITNESS: Yes.

17 Q. BY MR. NICOLA: Okay. With respect to the  
18 contents of Tab 1, the records pertaining to  
19 Christopher Carter, are there also bills which  
20 include phone tolls?

21 A. Yes.

22 Q. Are those records also kept in the regular  
23 course of T-Mobile business?

24 A. Yes.

25 Q. Do you regularly rely upon those records in  
26 generating revenue?

27 A. Yes.

28 Q. Do you rely on their accuracy? 7880

[www.mjfacts.info](http://www.mjfacts.info)



1 A. Yes.

2 Q. Mr. Dominguez, with respect to Christopher  
3 Carter, is the phone number listed on the table of  
4 contents the same phone number that appears on the  
5 record within Tab No. 1 of Exhibit 452?

6 A. Yes.

7 Q. And with respect to Franchesco Cascio, is  
8 the phone number listed on the table of contents the  
9 same as the phone number listed on the pages of

10 Tab 2?

11 A. Yes.

12 Q. How about with Vincent Amen; same question  
13 with respect to Tab 3?

14 A. Yes.

15 Q. Okay. And I have the same question for  
16 Evelyn Tavasci, Tab 4.

17 A. Yes.

18 Q. And Christian Robinson, Tab 5?

19 A. Yes.

20 Q. Do the phone tolls for each of the  
21 individuals that we've just named extend from a  
22 period of January through March of 2003?

23 A. Yes.

24 Q. Okay. With respect to the Christian  
25 Robinson subscriber information in Tab 5, is there  
26 also another name in the subscriber report?

27 A. Yes.

www.mjfacts.info

28 Q. And what is that, please? 7881

[www.mjfacts.info](http://www.mjfacts.info)

1 A. Site LLC.

2 Q. Is there another document right behind that  
3 that has the name Christian Robinson on it?

4 A. Yes.

5 Q. And what is that document?

6 A. That is the front page of a bill.

7 Q. Okay. What does it say on the top left-hand  
8 corner?

9 A. The top line says, "Site LLC." Second line  
10 says, "Attention: Christian Robinson."

11 MR. NICOLA: With the Court's permission,  
12 we'd offer this into evidence so we can project it.

13 MR. SANGER: Your Honor, before you rule --

14 THE COURT: Yes.

15 MR. SANGER: -- my understanding is they're  
16 offering the entire book as an exhibit.

17 Is that correct?

18 MR. NICOLA: That is correct.

19 MR. SANGER: And I object, because the  
20 entire book -- there's material in at least the book  
21 that was given to me that has not been covered by  
22 the prosecution, and I would like an opportunity to  
23 approach the witness and see what is in that book.

24 THE COURT: You may.

25 MR. SANGER: Thank you.

26 Your Honor, can I have a moment to speak  
27 with counsel for just a --

[www.mjfacts.info](http://www.mjfacts.info)

1 (Off-the-record discussion held at counsel  
2 table.)

3 MR. NICOLA: We're having a -- trying to  
4 explain the different table of contents, Your Honor.

5 THE COURT: That's fine.

6 MR. SANGER: It's more than that. There are  
7 things that were removed from the book and we're  
8 just trying to figure out which book is right. And  
9 there we go.

10 Based on what I've now seen, I will  
11 withdraw -- if I objected, I'll withdraw it.

12 Otherwise, I'll submit it.

13 THE COURT: All right. I'll admit it.

14 MR. NICOLA: Thank you, Your Honor.

15 May we have "Input 4," please?

16 Q. If you could turn to the subscriber record  
17 for Christopher Carter located under Tab No. 1, and  
18 is this the account information that it contains for  
19 Mr. Carter for the phone number that appears at the  
20 very top of the exhibit, (702) 234-9059?

21 A. Yes.

22 Q. And is the work telephone number gathered at  
23 the time that the account is opened?

24 A. Yes.

25 Q. And for this exhibit, it is -- or for this  
26 account, it is (818) 910-5505?

27 THE COURT: I just cut the screen on this.

www.mjfacts.info

28 You're showing a person's Social Security number and 7883

[www.mjfacts.info](http://www.mjfacts.info)

1 address, and I don't think you should be doing that.

2 MR. NICOLA: A little brain dead right now.

3 I apologize.

4 Q. Can you turn to, in your book, the exhibit

5 that begins with -- I believe it's 29 of 32 for

6 Chris Carter's number.

7 Okay. It's the exhibit in Mr. Carter's bill

8 that begins with roaming charges, 29 of 32. Do you

9 have it in front of you?

10 A. Yes.

11 Q. Is the first entry on that dated 1-31-03,

12 Miami, Florida?

13 A. Yes.

14 MR. SANGER: Just one second before we do

15 this. Before we do this, let me just have a moment.

16 MR. NICOLA: Maybe we should kill that.

17 (Off-the-record discussion held at counsel

18 table.)

19 MR. SANGER: Now, having resolved that, I

20 guess I have a belated question. We had raised it

21 earlier with regards to Mr. Jackson's phone numbers.

22 I mean, we are putting everybody's phone numbers up

23 on the board.

24 MR. NICOLA: May we approach so we can --

25 I have a solution for that that will take two

26 seconds to discuss at sidebar.

27 THE COURT: All right.

www.mjfacts.info

[www.mjfacts.info](http://www.mjfacts.info)



1 (An off-the-record discussion was held at  
2 sidebar.)

3 MR. NICOLA: May I proceed with the Elmo,  
4 Your Honor?

5 THE COURT: Yes.

6 MR. NICOLA: Excuse me, the "Input 4."

7 Q. We were talking about the -- this document  
8 in the T-Mobile exhibit. If you could just explain  
9 generally the highlighted area and what they mean  
10 for the jury, please.

11 A. The first column shows the date that that  
12 call took place. The following column under "Call  
13 Destination," that shows the city called. And  
14 that's also an outgoing call. Column after that  
15 shows the time that that call took place. The  
16 "Number Called" is either the number called or  
17 received. And then the duration.

18 Q. Okay. How do we know if a call has been  
19 received?

20 A. If a call has been received, it would show  
21 "incoming." So if you look at where it says,  
22 January 31st, 2003, at 6:27 p.m., that's an incoming  
23 call, and that's how you can tell it's an incoming  
24 call, because it says so.

25 Q. Sometimes the incoming call will record in  
26 there and sometimes it will not?

27 A. Um -- explain.

www.mjfacts.info

28 Q. Well, if it's an incoming call, will the -- 7885

[www.mjfacts.info](http://www.mjfacts.info)

1 A. Where the number doesn't show up, it's  
2 because the person is blocking their number or our  
3 system did not catch a date and incoming number.

4 Q. Let me ask you about the code highlighted  
5 parentheses "A." What does that mean?

6 A. If you were to look at the bottom of the  
7 page, there's a legend that displays the call type  
8 and what the "A" would stand for. "A" stands for  
9 call waiting.

10 Q. Okay. Let me move that up.

11 MR. SANGER: Your Honor, I'm very sorry.

12 This is -- this is -- yeah, I understand. This is  
13 somewhat piecemeal here.

14 THE COURT: Did you want me to black out the  
15 screen while you --

16 MR. SANGER: Could you please, Your Honor?

17 This -- this -- I don't want to argue in  
18 front of the jury, but the availability -- this  
19 witness is not being called, as I understand it --  
20 I don't think there's relevance to these phone  
21 records. And I know I submitted it. And now that  
22 I'm hearing what is being presented from these  
23 records, I think I should object to this exhibit or  
24 move to strike this exhibit based on irrelevancy, at  
25 least this Tab No. 1, unless there's something  
26 that's going to connect it up at some point in this  
27 case.

28 THE COURT: I assume you are entering this 7886

[www.mjfacts.info](http://www.mjfacts.info)

1 information for a purpose.

2 MR. NICOLA: We are, Your Honor. And I  
3 don't want to argue this in front of the jury.

4 THE COURT: Okay. I'm going to allow --  
5 I'm going to deny the motion to strike and go  
6 forward.

7 MR. NICOLA: Thank you.

8 Q. Okay. The different call types are listed  
9 on the bottom of the billing page?

10 A. Yes.

11 Q. And "A" is for call waiting?

12 A. Yes.

13 Q. For those of you who don't know how call  
14 waiting works, can you explain that real quickly for  
15 us?

16 A. When someone receives an incoming call,  
17 they'll hear a tone telling them then there's a call  
18 on the other end. What they would do then is they  
19 would switch over to the other line, and they could  
20 speak to the other person. And when they're  
21 finished, they can terminate that call and continue  
22 with the phone call they -- they initially  
23 originated or whoever called them originally.

24 Q. So the subscriber is on the phone?

25 A. Right.

26 Q. Another call comes in; he hears a beep?

27 A. Right.

28 Q. Pushes a button; can talk to the other 7887

[www.mjfacts.info](http://www.mjfacts.info)

1 person on the phone without hanging up on the first  
2 one?

3 A. That's correct.

4 Q. Okay. What about call forwarding?

5 A. Call forwarding. Call forwarding works --  
6 if you wanted to receive a call, but you wanted to  
7 forward it to a different number, someone calls you,  
8 that number, then that call then goes to the number  
9 that you forwarded it to.

10 Q. Okay. Say, someone has their home phone  
11 number forwarded to their cell phone. Would that  
12 register as an incoming call on the cell phone?

13 A. It would -- on the record, it would show the  
14 incoming number from the person that's calling. It  
15 wouldn't show the number where it's being forwarded  
16 to.

17 Q. And if you forward your cell phone to a  
18 different number, will the number that called, that  
19 was forwarded, show up on the bill?

20 A. No.

21 Q. With respect to the "G" in parentheses, what  
22 is that code for?

23 A. Voice mail.

24 Q. So if somebody is checking their voice mail,  
25 it will show up on the bill as voice mail retrieval?

26 A. Yes.

27 Q. And then get charged for that?

28 A. Yes, if they go over their allotted minutes. 7888

[www.mjfacts.info](http://www.mjfacts.info)



1 Q. Are there different sections of this  
2 particular bill for Mr. Carter? For example, this  
3 one here has a header called "Roaming Charges."

4 A. Yes. There would be another bill, just the  
5 regular billed charges of calls that he made while  
6 he was in his home area.

7 Q. Okay. And with respect to the charges  
8 listed under this heading, "Roaming Charges," can  
9 you tell us where the phone that was being used to  
10 dial out, say, to this number here, the 305 number,  
11 where that phone was?

12 A. In the Miami/Dade area, or Southern Florida.

13 Q. And how can you tell that?

14 A. On the top left-hand corner above the date,  
15 it says, "Miami/Dade."

16 Q. Right there where I'm pointing?

17 A. Yes.

18 Q. Now, if it is not under a "Roaming Charges"  
19 section in the bill, where does "Call Destination"  
20 correspond to?

21 A. The "Call Destination" doesn't actually  
22 correspond to the physical location of the outgoing  
23 number that they're calling. A few years ago the  
24 area code and prefix used to correspond to a  
25 specific geographic area. Now, with cell phones,  
26 they can be pretty much anywhere.

27 Q. Okay. If you could turn to page 4 of 23 on

28 the March 5th bill. Are we looking at the same page 7889

[www.mjfacts.info](http://www.mjfacts.info)

1 here?

2 A. Yes.

3 Q. Okay. So where it says, "2-9-03, Santa  
4 Ynez, California," the time and the phone number, is  
5 that under one of the regular billing headers?

6 A. Yes.

7 Q. Okay. So the call was not placed from Santa  
8 Ynez, as far as the bill is concerned?

9 A. Right.

10 Q. Okay. And, now, is Santa Ynez a region that  
11 just shows up on the bill because of a --

12 A. Because of the area code and prefix.

13 Q. And that destination tied in with the phone  
14 number that was dialed?

15 A. No.

16 Q. How does that work?

17 A. The area code and prefix are the first six  
18 numbers. The area code, being 805 the prefix being  
19 688, that belongs to Santa Ynez.

20 Q. Okay.

21 If you can move on, please, to the documents  
22 in Tab 2 for Franchesco Cascio, do those records  
23 show a work telephone number for him of Area Code  
24 (818) 905-0386?

25 A. Yes.

26 Q. Okay. If you'd turn to page -- or Tab 3,  
27 please, for Vincent Amen. If you could turn to the

www.mjfacts.info

28 bill dated February 21st, 2003. 7890

[www.mjfacts.info](http://www.mjfacts.info)

1 (Off-the-record discussion held at counsel  
2 table.)

3 Q. BY MR. NICOLA: I'd like to show you an  
4 example of an incoming call with respect to the  
5 phone call which registered 2-11-03, 2:30 p.m,  
6 that's highlighted. Do you see that?

7 A. Yes.

8 Q. What does the "F" mean?

9 A. "F" means mobile-to-mobile. The number that  
10 is being dialed or received is another T-Mobile  
11 customer.

12 Q. Okay. Does that work outside of your  
13 calling network?

14 A. Yes.

15 Q. So if someone with AT&T Wireless on a mobile  
16 phone dials the owner of this cell phone, will their  
17 number show up here?

18 A. Yes, but it wouldn't have an "F" behind it.

19 Q. So this is within the same calling area?

20 A. No, it's within the same company. They're  
21 both T-Mobile customers.

22 Q. So there's no charge?

23 A. There's no charge, because they can either  
24 be within their allotted minutes, or if they have  
25 part of their price plan all T-Mobile to T-Mobile,  
26 calls can be free.

27 Q. Okay. I'd like you to turn to the next tab,

28 please, the records for Ms. Evelyn Tavasci. I'm 7891

[www.mjfacts.info](http://www.mjfacts.info)

1 going to take this down.

2 On the subscriber record, do you see the  
3 home telephone number of Miss Tavasci?

4 A. Yes.

5 Q. And is that the same number that is listed  
6 in Christopher Carter's subscriber information as  
7 being a work number?

8 A. Yes.

9 MR. NICOLA: Thank you, Mr. Dominguez.

10 Your witness, Mr. Sanger.

11

12 CROSS-EXAMINATION

13 BY MR. SANGER:

14 Q. Good afternoon.

15 A. Good afternoon.

16 Q. We always have to look at the clock when we  
17 say that, because we don't know when it's noon  
18 around here.

19 THE COURT: Some of us.

20 (Laughter.)

21 MR. SANGER: Oh. Some may be painfully  
22 aware, I suppose.

23 Q. All right. You have testified to some  
24 records that are in front of you there, and the fact  
25 that -- let me withdraw that.

26 These particular telephones are mobile  
27 telephones. They're cell phones, right?

28 A. Yes. 7892

[www.mjfacts.info](http://www.mjfacts.info)



1 Q. Okay. So these are not phones that are  
2 associated with a particular address. I mean, you  
3 have a billing address and that sort of thing, but  
4 they're not stuck someplace, right?

5 A. No.

6 Q. Secondly, you mentioned that the Tab No. 4,  
7 Evelyn Tavasci phone, and the Tab No. 1, Christopher  
8 Carter phone, have a similar -- or have the same  
9 number on the - what would you call it? - subscriber  
10 database; is that right?

11 A. Yeah, the one has the number for being the  
12 work, and the other has it for their home telephone  
13 number.

14 Q. Just to make this a little more clear, the  
15 actual telephone number for the records -- in other  
16 words, you have billing records behind each tab,  
17 right?

18 A. Right.

19 Q. Are the billing records for Tab No. 1 for  
20 the same telephone number as Tab No. 4?

21 A. No.

22 Q. Okay. And all that you show there is that  
23 in the subscriber database where you have other  
24 telephone numbers for people, this telephone number  
25 ending in 5005 shows up in both of those bases; is  
26 that correct?

27 A. One shows up in the work telephone slot,

28 because that was the number that they gave when they 7893

[www.mjfacts.info](http://www.mjfacts.info)

1 signed up for their account as to what their work  
2 telephone number was.

3 The other one shows that number as being  
4 their home telephone number, because that was the  
5 information they gave when they set up the account  
6 as that being their home telephone.

7 Q. And obviously you're here as custodian of  
8 records. You weren't there when these were signed  
9 up. You don't know who did it, right?

10 A. No.

11 Q. Is it common for a company or an  
12 organization to purchase a number of telephones from  
13 your company?

14 A. Yes.

15 Q. And they would have similar subscriber  
16 information for more than one telephone on occasion;  
17 is that correct?

18 A. Yes. For a large corporation, yes.

19 Q. All right. And finally, the fact that these  
20 phone records -- these billing records are billed to  
21 a particular person, it says, "Statement For" up in  
22 the right-hand corner; is that correct?

23 A. Yes.

24 Q. The fact that it says, "Statement For,"  
25 Christopher Carter or Franchesco Cascio or any of  
26 the others, does that mean that those particular  
27 individuals were using the telephone on that day?

28 A. No, it does not. 7894

[www.mjfacts.info](http://www.mjfacts.info)

1 MR. SANGER: Okay. Thank you. I have no  
2 further questions.

3 MR. NICOLA: Nor do I, Your Honor.

4 THE COURT: Thank you. You may step down.

5 MR. NICOLA: Pacific Bell, Anne Marie Sims,  
6 Your Honor.

7 THE COURT: On Exhibit 452, I'll order that  
8 the District Attorney provide redacted pages for  
9 those pages that have home addresses, Social  
10 Security numbers, and unrelated phone numbers on  
11 them.

12 MR. SANGER: Just to clarify while we're  
13 waiting, I take it that your ruling on the motion to  
14 strike is without prejudice to renewing it if it  
15 isn't connected up.

16 THE COURT: It is, correct.

17 MR. SANGER: Thank you.

18 THE COURT: Come forward, please. When you  
19 get to the witness stand, please remain standing.  
20 Face the clerk. Raise your right hand.

21

22 ANNE MARIE SIMS

23 Having been sworn, testified as follows:

24

25 THE WITNESS: I do.

26 THE CLERK: Please be seated. State and  
27 spell your name for the record.

www.mjfacts.info

[www.mjfacts.info](http://www.mjfacts.info)

1 M-a-r-i-e; S-i-m-s.

2

3 DIRECT EXAMINATION

4 BY MR. NICOLA:

5 Q. Good afternoon, ma'am.

6 A. Hello.

7 Q. What company do you work for?

8 A. SBC.

9 Q. You're here about telephone numbers.

10 A. Yes.

11 Q. Surprise.

12 How long have you been with SBC?

13 A. It will be 25 years in May.

14 Q. We placed in front of you Exhibit 451, I

15 believe; is that correct?

16 A. Yes.

17 Q. And are you familiar with the contents of

18 Exhibit 451?

19 A. Yes.

20 Q. Okay. Now, with respect to your role here

21 as custodian of records for Pacific Bell, how long

22 have you been working for them in that capacity?

23 A. Two years.

24 Q. And have you testified on a number of

25 occasions as a custodian of records?

26 A. Yes.

27 Q. Have you had an opportunity to look at the

www.mjfacts.info

28 records contained within Exhibit 451 prior to 7896

[www.mjfacts.info](http://www.mjfacts.info)



1 today's date?

2 A. Yes.

3 Q. And is there a table of contents in the

4 front portion?

5 A. Yes.

6 Q. Okay. Have you compared the information

7 under the subscriber name and the subscriber phone

8 number with the records which are contained within

9 that exhibit?

10 A. Yes.

11 Q. Did you find that they corresponded?

12 A. Yes.

13 Q. And is the table of contents accurate?

14 A. Yes.

15 Q. With respect to generally the entire

16 exhibit, are the records in there, save the table of

17 contents, records which are made in the ordinary

18 course and scope of the business of Pacific Bell?

19 A. Yes.

20 Q. And is the information contained within

21 Exhibit 451 recorded at or near the time of the

22 events that they purport to relate?

23 A. Yes.

24 Q. And is this exhibit -- excuse me, are the

25 contents of this exhibit records that you normally

26 rely upon in conducting the business of Pacific

27 Bell?

28 A. Yes. 7897

[www.mjfacts.info](http://www.mjfacts.info)

1 MR. NICOLA: We'd move this into evidence at  
2 this time, Your Honor.

3 THE COURT: It's admitted.

4 MR. SANGER: Excuse me, Your Honor.

5 I was going to ask counsel and he started  
6 too soon. May I just approach and --

7 THE COURT: I'll withdraw my ruling until  
8 you've had an opportunity to look at them.

9 MR. SANGER: Just take a quick look at them.

10 Thank you.

11 MR. NICOLA: Ahh.

12 MR. SANGER: May I borrow that for a second?

13 I'll submit it, but again, relevance has not  
14 been demonstrated as yet.

15 THE COURT: All right. They're admitted,  
16 subject to that same proviso.

17 MR. SANGER: Thank you.

18 MR. NICOLA: Thank you, Your Honor.

19 Q. In Tab No. 1, I believe there are the  
20 records of Ms. Evvy Tavasci.

21 A. Yes.

22 Q. Is that correct?

23 A. Yes.

24 Q. And the phone lines that you'll be referring  
25 to contained within Exhibit 451, are they cellular  
26 phones or are they hard lines that go into houses,  
27 business lines?

www.mjfacts.info

28 A. They're landlines, wire lines. 7898

[www.mjfacts.info](http://www.mjfacts.info)

1 Q. Do you have two phone numbers listed for Ms.  
2 Tavasci's home? You don't have to tell us what they  
3 are. Are they within the table of contents?

4 A. Yes.

5 Q. Okay. And is the one ending in 0088 the  
6 second line into that home?

7 A. Yes.

8 Q. And the one ending in 5005 the primary line?

9 A. Yes.

10 Q. Are there specific billing information  
11 records within the exhibit for Evvy Tavasci, Tab  
12 No. 1, for the period between approximately January  
13 and March of 2003?

14 A. Yes.

15 Q. If you could move to Tab No. 2. Are those  
16 the billing and subscriber information records for  
17 Ms. Aja Pryor?

18 A. Yes.

19 Q. And if you could move to Tab No. 3.  
20 Contained within that tab, do you find the billing  
21 and toll information for a business entitled,  
22 "Neverland Valley Entertainment"?

23 A. Yes.

24 Q. And are there five separate phone lines  
25 going into that business that you have record of?

26 A. Yes.

27 Q. And are all those phone numbers reflected in

www.mjfacts.info

28 the records within Tab No. 3? 7899

[www.mjfacts.info](http://www.mjfacts.info)

1 A. Yes.

2 Q. I have the same question about exhibit

3 number -- excuse me, Tab No. 4 in Exhibit No. 451.

4 Is that the subscriber and billing records of one

5 Miko Brando?

6 A. Yes.

7 Q. Okay. Moving on to Tab No. 5, please,

8 subscriber and billing records for David Ventura?

9 A. Yes.

10 Q. I would like to show you a page from that,

11 if I may.

12 If you could turn to the March 12th section

13 of the bill. It would be a long-distance call.

14 Okay. Do you have a call to Santa Ynez on

15 that date?

16 A. On what date?

17 Q. Did I say March 12th? March 14th.

18 A. March 14th, yes. On March 14th?

19 Q. Yes.

20 A. Oh, yes.

21 Q. You do?

22 A. Yes.

23 MR. NICOLA: If I may have the "Input," Your

24 Honor.

25 Q. Okay. Is that the page you're looking at in

26 the exhibit?

27 A. Yes.

28 Q. Perhaps we can just go over this one page. 7900

[www.mjfacts.info](http://www.mjfacts.info)



1 Is the phone number connected to David

2 Ventura (626) 575-6162, this one up here?

3 A. Yes.

4 Q. On this bill, can you explain these groups

5 of numbers up here? The 8-1 of 9, what does that

6 mean?

7 A. When we're looking at telephone accounts or

8 bills in the computer, the screen can only show a

9 third of the page, so -- or, you know, just a

10 portion of the page that prints out on the actual

11 customer's bill. So this would be like eight -- the

12 eighth page, the first part of the screen in the

13 computer.

14 Q. Okay. So --

15 A. And then there would be nine pages

16 altogether.

17 Q. So this is part of page nine of the bill; is

18 that right?

19 A. It would be, I believe, page eight. I don't

20 know.

21 Q. Page eight out of nine pages, I'm sorry.

22 A. Right.

23 Q. It's confusing. That's why I'm trying to --

24 A. You're confusing me.

25 Q. Okay. So this is the eighth page, first

26 computer screen --

27 A. Right.

28 Q. -- out of nine pages? 7901

[www.mjfacts.info](http://www.mjfacts.info)

1 A. Right.

2 Q. Now, the call you were referring to, is that

3 Item No. 10 listed down here?

4 A. Yes.

5 Q. So on "MR14," is that March 14?

6 A. Yes.

7 Q. This is the 2003 bill at 2:15 p.m. A call

8 was placed to that number down there?

9 A. Yes.

10 Q. That's (805) 688-9788?

11 A. Yes.

12 Q. Would you please turn to the page

13 immediately preceding that in the exhibit? Is that

14 page No. 7-4 of 9?

15 A. Yes.

16 Q. On the Ventura bill there appear to be calls

17 both on February 13th and February 14th to a number

18 in Morristown. And does that "NJ" stand for New

19 Jersey?

20 A. Yes.

21 Q. And the number dialed was (201) 213-0763?

22 A. Yes.

23 Q. Can you tell over here under the "Minutes"

24 column whether those are completed calls or not?

25 A. Yes.

26 Q. How can you tell that?

27 A. Because they were printed on the bill.

28 Q. Okay. So if I call this number but hang up 7902

[www.mjfacts.info](http://www.mjfacts.info)

1 before someone else picks up the phone, it's not  
2 going to show up on my bill?

3 A. Correct.

4 Q. Okay. And do you use the round up,  
5 take-whatever-you-can-get-from-the-consumer system  
6 of counting minutes?

7 A. Yes.

8 Q. So a two-second call -- excuse me. I  
9 couldn't resist.

10 A two-second telephone call with this  
11 company, completed, will cost a minute, correct?

12 A. Yes.

13 Q. Okay. So it's a little different than some  
14 other systems?

15 A. Yes.

16 Q. A three-minute one-second call will register  
17 as four minutes, correct?

18 A. Yes.

19 Q. The most you can say about any of these  
20 numbers over here under "Minutes" is that this call,  
21 Item No. 9, lasted between three and four minutes;  
22 is that accurate?

23 A. Yes.

24 Q. Okay. If we could go back to the table of  
25 contents, please. And Tab No. 6, are those the  
26 records for one Jay Jackson?

27 A. Yes.

www.mjfacts.info

28 Q. And is the telephone number for Jay Jackson 7903

[www.mjfacts.info](http://www.mjfacts.info)

1 (213) 739-9279?

2 A. Yes.

3 Q. Moving on to Tab 7, MJJ Productions, is the  
4 phone number for MJJ Productions listed as (310)  
5 278-3383?

6 A. Yes.

7 Q. Okay. And how about the information for one  
8 Chris Tucker in Tab No. 9? Without telling us the  
9 phone number, is his information within Tab No. 9,  
10 is that information accurate?

11 A. Yes.

12 Q. I'm going to ask you now about, in order,  
13 The Country Inn at Calabasas.

14 Oh, yes. I'm sorry.

15 Is their subscriber information under  
16 Tab 10?

17 A. Yes.

18 Q. How about the next tab, Number 11, the L.A.  
19 City Board of Education, specifically Burroughs  
20 Junior High School? Is the subscriber information  
21 and telephone number in there as well?

22 A. Yes.

23 Q. And finally, No. 12 and 13, Kaiser  
24 Foundation and Enterprise Rent-A-Car respectively.

25 A. Yes.

26 MR. NICOLA: Okay. I have no further  
27 questions, Your Honor.

www.mjfacts.info

[www.mjfacts.info](http://www.mjfacts.info)



1 CROSS-EXAMINATION

2 BY MR. SANGER:

3 Q. Good afternoon.

4 Let's start with Tab No. 9, and -- yeah, let  
5 me borrow that. And I'm going to ask you if you  
6 correlate a particular telephone number to Chris  
7 Tucker.

8 A. Yes.

9 Q. Yes? And does that number end in 1861?

10 A. Yes.

11 Q. All right. And in fact, it's (818)  
12 757-1861. That's Chris Tucker's number; is that  
13 right?

14 A. Yes.

15 Q. All right. And I'm going to ask you to turn  
16 now to Tab 9. And with the Court's permission, I'm  
17 going to put up on the board -- I'm sorry, wait a  
18 second.

19 Tab 6. Tab 6. With the Court's permission,  
20 I'm going to put up on the board a page from that  
21 exhibit, which appears to be February 8th at the top  
22 and then it says, "3-3 of 6."

23 Let's see if we have the same thing there.

24 Are you looking at that page in the book?

25 A. Yes.

26 Q. All right. So we're on the right page.

27 Okay. Just a second. Oop, there it goes.

www.mjfacts.info

28 All right. Sorry. This -- first of all, 7905

[www.mjfacts.info](http://www.mjfacts.info)

1 page six would be the phone number for Jay Jackson  
2 up in the upper left-hand corner; is that correct?

3 A. Yes.

4 Q. And that shows his phone number right up  
5 here, the upper left-hand corner above his name,  
6 correct?

7 A. Yes.

8 Q. The entry on line 16 is for February 4,  
9 2003, correct?

10 A. Yes.

11 Q. And at 6:11 p.m., it appears that a call --  
12 is this made to or was received from?

13 A. Made to.

14 Q. Okay. So the call was made to Reseda,  
15 California, to Chris Tucker's phone number, correct?

16 A. Yes.

17 Q. And it lasted -- is that the amount of time  
18 right there, four --

19 A. Yes.

20 Q. Four-minute call?

21 All right. And then it appears that at 6:14  
22 p.m., another call was made to Chris Tucker on  
23 February 4, that same number, that lasted about four  
24 minutes, correct?

25 A. Yes.

26 Q. Now, you could not tell from the billing  
27 records, from this billing record, whether or not

www.mjfacts.info

28 this particular billing record -- whether or not 7906

[www.mjfacts.info](http://www.mjfacts.info)

1 Chris Tucker called -- well, let me withdraw that.

2 On this record, we see the two calls are  
3 made to that Chris Tucker number, correct?

4 A. Yes.

5 Q. All right. I'm going to ask that -- if you  
6 leave it on for a second, Your Honor, I'm going to  
7 flip to another page.

8 I'm going to ask that you go back to Tab 5,  
9 and I'm going to go to the page -- it's actually the

10 first page that was shown to you by the prosecutor

11 and the two pages after that. So it will be the

12 March 26th, 2003, 8-1 of 9, 8-2 of 9. And then

13 we'll go to the next page in the exhibit, in the way

14 mine's organized anyway, which is the April 26th,

15 2003, 5-4 of 5.

16 Is that the next page in your exhibit?

17 A. I -- I have 2-1 of 5 and then 5-4 of 5.

18 Q. Okay. Well, I'm going to go to 5-4 of 5.

19 So we've got those three?

20 A. Yes.

21 Q. Let's start with the first one.

22 If I may, Your Honor.

23 THE COURT: Yes.

24 Q. BY MR. SANGER: I'm going to put up this  
25 page. And this shows us that this is the telephone  
26 of David Ventura, correct?

27 A. Yes.

28 Q. All right. And it appears that on March the 7907

[www.mjfacts.info](http://www.mjfacts.info)

1 12th -- and I'll just note that apparently there's  
2 some pen marks here that aren't on the actual  
3 exhibit, if I can be excused for that, but it's on  
4 my copy. Quite frankly, I must have done it, or  
5 somebody did.

6 Other than that, look -- just look at the  
7 printed page here. On March 12, somebody at David  
8 Ventura's number is calling a number in Buellton two  
9 different times, at 5:08 p.m. and 7:02 p.m., right?

10 A. Yes.

11 Q. And then there's a number on March the 12th  
12 at 11:25 p.m. That's 35 minutes before midnight,  
13 right?

14 A. Yes.

15 Q. And somebody, at half an hour or so before  
16 midnight, is calling Guadalupe, California, and  
17 calling a number there, correct?

18 A. Yes.

19 Q. And talking for 35 minutes, correct?

20 A. Yes.

21 Q. There are a couple more calls on the 13th to  
22 Santa Ynez. And then on the evening of the 13th at  
23 6:45 p.m., somebody at David Ventura's number is  
24 calling that same number in Guadalupe again. Do you  
25 see that?

26 A. Yes.

27 Q. And talking for 64 minutes. Right?

28 A. Yes. 7908

[www.mjfacts.info](http://www.mjfacts.info)



1 Q. And when it's 8:45, that's the start time of  
2 the call, correct?

3 A. Yes.

4 Q. So that call went on from 8:45 in the  
5 evening to 9:49, if I add it correctly, in the  
6 evening; is that right?

7 A. Yes. Yes.

8 Q. Thank you. You have to say "yes" or "no"  
9 for the court reporter there.

10 Okay. Now, I'm going to -- and then the  
11 District Attorney already asked you about the last  
12 one, a call to Santa Ynez at 2:15 p.m.

13 Let's go to the next page, if we may, with  
14 the Court's permission. And this is the next page  
15 of the phone bill, or the next computer screen of  
16 the phone bill; is that right?

17 A. Yes.

18 Q. And again, this is David Ventura's  
19 telephone. Somebody in David Ventura's house on  
20 March the 14th, at 8:12 p.m., calls that same number  
21 in Guadalupe, talks for -- or is billed for a  
22 minute. So it was connected and it lasted less than  
23 60 seconds, right?

24 A. Yes.

25 Q. All right. And then at -- on the 16th,  
26 which would be one minute after midnight on the  
27 early morning of March the 16th, there's a call to

28 the same number from David Ventura's phone to that 7909

[www.mjfacts.info](http://www.mjfacts.info)

1 Guadalupe phone number, same number, right?

2 A. Yes.

3 Q. Lasts 26 minutes, correct?

4 A. Yes.

5 Q. Okay. And then March the 16th, that was

6 just one minute after midnight, the first thing in

7 the morning. The next one is later that night at

8 10:14 p.m. on March the 16th. Somebody's calling

9 that same number in Guadalupe, California, right?

10 A. Yes.

11 Q. Six minutes.

12 A. Yes.

13 Q. Right?

14 A. Yes.

15 Q. And then on the 17th, there are three

16 telephone calls here that I'm pointing to, on lines

17 14, 15 and 16, and they are respectively at 6:28,

18 8:51 and 8:57 p.m.

19 So somebody's trying to call someone at that

20 same number in Guadalupe, and apparently concluding

21 the call within a minute?

22 A. Yes.

23 Q. All right. And then on March the 18th,

24 somebody from Mr. Ventura's phone calls Guadalupe at

25 3:26 p.m., talks to someone at that same number,

26 presumably, for 22 minutes, correct?

27 A. Yes.

28 Q. And then at 9 -- almost 9:30, 9:29 p.m. on 7910

[www.mjfacts.info](http://www.mjfacts.info)

1 the 18th, there's another call to that same  
2 Guadalupe number for 26 minutes; is that correct?

3 A. Yes.

4 Q. Okay. Now I'm going to go to the next page

5 I referred to. I'll put it up and I'll describe it.

6 It's the next page in my book, but wherever it is in

7 the official book it is. It's identified by the

8 number at the top, April 26th, 2003, correct?

9 A. Yes.

10 Q. And 5-4 of 5, correct?

11 A. Yes.

12 Q. And this is David Ventura?

13 A. Yes.

14 Q. Now, here it shows a series of calls on 3-19

15 and 3-20 and 3-21. So March 19th through March

16 21st, correct?

17 A. Yes.

18 Q. And this is still 2003, right?

19 A. Yes.

20 Q. And somebody is calling from the Venturas'

21 telephone, calling that very same number at

22 Guadalupe; is that right?

23 A. Yes.

24 Q. And without going too laboriously through

25 this, the calls are in the evening of 3-19 at 7:10

26 p.m. for 36 minutes?

27 A. Yes.

28 Q. And then that would have taken it from 7:10 7911

[www.mjfacts.info](http://www.mjfacts.info)

1 to 7:46. So about 15 minutes later, at 8:01 p.m.,  
2 there's another call to the same number for another  
3 17 minutes, correct?

4 A. Yes.

5 Q. And then at 10:50 p.m. is another call for  
6 three minutes --

7 A. Yes.

8 Q. -- correct?

9 And the next day, at 2:57 p.m., there's a  
10 three-minute call?

11 A. Yes.

12 Q. And later that evening, at 7:52, there's a  
13 three-minute call, correct?

14 A. Yes.

15 Q. And then on 3-20, at 7:55 p.m. So it -- if  
16 I'm right, it looks like that three-minute call,  
17 there was a hang-up and a call right back; is that  
18 right?

19 A. Yes.

20 Q. So -- and that call then lasts for 20  
21 minutes; is that right?

22 A. Yes.

23 Q. And then the next day, at 9:37 at night,  
24 there's a call to that same number in Guadalupe from  
25 the Ventura residence for one minute; is that right?

26 A. Yes.

27 Q. Thank you.

www.mjfacts.info

28 Oh, and before I leave, all -- I think the 7912

[www.mjfacts.info](http://www.mjfacts.info)



1 District Attorney asked you this, but just to be  
2 sure. All of these phones are landlines, so  
3 they're -- they're all connected by a wire to the  
4 wall?

5 A. Yes.

6 Q. So the location that's indicated for the  
7 telephone is the location where that telephone  
8 actually is?

9 A. Yes.

10 MR. SANGER: Okay. Thank you. No further  
11 questions.

12 THE COURT: Counsel?

13 MR. NICOLA: No redirect, Your Honor.

14 Oh, I'm sorry. I do have one question.

15

16 REDIRECT EXAMINATION

17 BY MR. NICOLA:

18 Q. With respect to a completed call on the  
19 phone bill, is there any way to -- any way to tell  
20 whether the call actually went to voice mail or  
21 whether it was live conversation?

22 A. No.

23 MR. NICOLA: Okay. Thank you.

24 THE COURT: You say "yes" better than any  
25 witness I've ever had.

26 (Laughter.)

27 THE WITNESS: Thank you.

www.mjfacts.info

[www.mjfacts.info](http://www.mjfacts.info)

1 THE WITNESS: Thank you.

2 MR. NICOLA: Thank you, Your Honor.

3 Joseph Shebroe.

4 THE COURT: When you get to the witness

5 stand, please remain standing.

6 Face the clerk over here, and raise your

7 right hand.

8

9 JOSEPH SHEBROE

10 Having been sworn, testified as follows:

11

12 THE WITNESS: I do.

13 THE CLERK: Please be seated. State and

14 spell your name for the record.

15 THE WITNESS: My name's Joseph Shebroe.

16 J-o-s-e-p-h; S-h-e-b-r-o-e.

17 THE CLERK: Thank you.

18

19 DIRECT EXAMINATION

20 BY MR. NICOLA:

21 Q. Any chance you're here to talk about phones?

22 A. I am.

23 Q. Which company, please?

24 A. Verizon Wireless.

25 Q. Are you here as the custodian of records for

26 Verizon Wireless?

27 A. I am.

28 Q. How long have you been with Verizon 7914

[www.mjfacts.info](http://www.mjfacts.info)

1 Wireless?

2 A. A little over seven years.

3 Q. What is your current position?

4 A. I currently supervise a specialty customer  
5 service group called the Executive Relations Team.

6 Q. Okay. With respect to this particular case,  
7 were you sent here by your agency to testify about  
8 search warrant information that you sent to the  
9 court in People vs. Jackson?

10 A. Yes, sir.

11 Q. Do you recognize the contents of Exhibit

12 No. 456?

13 A. Yes, I do.

14 Q. Go ahead and look through that, please.

15 Have you had an opportunity to see Exhibit  
16 456 prior to your testimony today?

17 A. I have.

18 Q. Okay. And is there a table of contents?

19 A. Yes, there is.

20 Q. Okay. And is that a two-page table of  
21 contents?

22 A. Yes, sir.

23 Q. Have you compared the information contained  
24 within each of the tabs with the corresponding  
25 information on the table of contents for each entry?

26 A. I have.

27 Q. And is the table of contents accurate with

www.mjfacts.info

28 respect to what is actually within Exhibit 456? 7915

[www.mjfacts.info](http://www.mjfacts.info)

1 A. It is.

2 Q. Does Exhibit 456 contain subscriber

3 information for the following individuals under Tab

4 No. 2: Deborah Rowe?

5 A. Yes.

6 Q. Jesus Salas?

7 A. Yes.

8 Q. Franchesco Cascio?

9 A. Yes.

10 Q. Paul Hugo?

11 A. Yes, sir.

12 Q. Okay. Does Exhibit No. 456, Tab 2,

13 accurately reflect the telephone numbers for each of

14 those subscribers?

15 A. It does.

16 Q. Okay. Moving to Tab No. 3, does Tab No. 3

17 include the billing -- excuse me, the account

18 summary for Mr. Cascio for the billing period of

19 February of 2003?

20 A. Yes, sir, it does.

21 Q. Okay. Is that a phone number, (201)

22 213-0763?

23 A. Yes.

24 Q. Tab No. 4, does that contain what is -- what

25 we put on the exhibit as an incoming/outgoing

26 February 2003 heading for the number 213-0763?

27 A. Yes.

28 Q. Is that actually a document that's a switch 7916

[www.mjfacts.info](http://www.mjfacts.info)



1 record?

2 A. Yes.

3 Q. Could you explain what a switch record is

4 for the jury?

5 A. Sure. A switch record is basically more --

6 it's not like a billing statement. It's the record

7 that -- that the cell towers produce when a call is

8 placed that we use kind of as a back end.

9 Q. I don't think they heard the last part of

10 that.

11 A. Kind of as a back end. It's not something

12 that's produced for the customer. It's the records

13 that we use internally that then feeds to the

14 billing system, which then generates a particular

15 bill.

16 Q. Do you keep those particular records for a

17 period of time?

18 A. Yes, although I'm not sure of the exact

19 amount of time we keep those for.

20 Q. Is it longer than a couple of weeks?

21 A. Absolutely.

22 Q. Okay. Tab No. 5 are the contents of Mr.

23 Cascio's March 2003 bill for the same phone number,

24 213-0763?

25 A. Yes.

26 Q. And the Tab No. 6 , does that contain the

27 switch records for the same period of time?

www.mjfacts.info

28 A. Yes, the same time. 7917

[www.mjfacts.info](http://www.mjfacts.info)

1 Q. And Tab No. 7, does that include Mr.

2 Cascio's account summary for April of 2003, the same  
3 phone number?

4 A. Yes, it does.

5 Q. Moving down to the next entries are Tab 10?

6 A. Uh-huh.

7 Q. Is there a Tab 11?

8 A. Not in the table of contents. There is in  
9 here.

10 Q. Are there two Tab 10s on the table of  
11 contents?

12 A. Yes, there are.

13 Q. Would you take a look at the second Tab 10  
14 and see if the contents should be marked as Tab 11,  
15 please?

16 A. Yes.

17 Q. Okay. Would you change that on the table of  
18 contents? Do you have a pen?

19 So we do go now Tab 10 and Tab 11?

20 A. That's correct.

21 Q. Okay. And is that the account information  
22 for one Ms. Deborah Rowe?

23 A. Yes, it is.

24 Q. For February and March respectively?

25 A. Yes.

26 Q. Are the contents of Exhibit 456 records  
27 which you keep in the ordinary course of Verizon

[www.mjfacts.info](http://www.mjfacts.info)

1 A. They are.

2 Q. Is the information contained within  
3 Exhibit 456 recorded at or near the time of the  
4 events purported to be --

5 A. Yes, they are.

6 Q. -- purported to be in the exhibits?

7 A. Yes, they are.

8 Q. All right. And does Verizon Wireless  
9 regularly rely upon the documents within 456 to  
10 conduct their business?

11 A. We do.

12 MR. NICOLA: We move that this exhibit be  
13 moved into evidence, Your Honor.

14 MR. SANGER: May I approach and take a look?

15 THE COURT: Yes.

16 MR. SANGER: Subject to a motion to strike  
17 if it's not connected, based on the prior ruling to  
18 the Court, I'll submit it.

19 THE COURT: I'll admit it with that proviso.

20 MR. NICOLA: Thank you, Your Honor.

21 Q. Would you please turn to Frank Cascio's  
22 February billing statement, please, under Tab 3?

23 A. Okay.

24 Q. And could you please turn to what is marked  
25 as page 23 of 35?

26 A. Okay.

27 Q. This blacked-out section up above, is that

28 something that your company does prior to sending 7919

[www.mjfacts.info](http://www.mjfacts.info)

1 the records in?

2 A. Yes.

3 Q. Makes it hard for us to do this.

4 Can you read what the fourth column header

5 is? Is that called "Origination"?

6 A. Yes, it is. Yes, it is.

7 Q. If I go back down to the fourth column --

8 A. Uh-huh.

9 Q. -- the number 926, is that a telephone call

10 item number?

11 A. It's actually 936.

12 Q. Okay.

13 A. But, yeah. Yes, it is.

14 Q. Could you just read for us what, going from

15 left to right, what these columns mean?

16 A. Sure. Item No. 936, the date the call was

17 placed was February 1st at 12:16 a.m. The "O" under

18 "Rate Period" is for off peak, meaning a night or a

19 weekend. "Call Origination" is Miami, Florida.

20 Then the phone number that was called.

21 Would you like me to read the number?

22 Q. No. We can see it.

23 A. Okay. The phone -- the location of that

24 phone number is Beverly Hills, California. The

25 duration was ten minutes. It was placed on a

26 weekend. The "Home Air Time Charges Included,"

27 that's basically in relation to the calling plan

28 that was chosen. And then the two charges on the 7920

[www.mjfacts.info](http://www.mjfacts.info)



1 right are both zero.

2 Q. Okay. So the first geographical location is  
3 where the call was placed from?

4 A. That's correct.

5 Q. And the second geographical location is  
6 where the phone number is registered to?

7 A. That's correct.

8 Q. Okay. Could you explain what the -- the  
9 codes beginning with "W," "RMW" and "CW" mean?

10 A. Sure. The "RMW" is a voice mail retrieval.

11 You can also tell that just to the left of that,  
12 where it says "Voice Mail." That's another way.

13 And the "C" -- the "W" under the "CW" is the  
14 weekend.

15 The "C" I'm not exactly 100 percent sure of.

16 Q. Is there a legend in the phone bill that  
17 would assist you?

18 A. Yeah. There should be.

19 There is. It's call waiting.

20 Q. Okay. Do you find that on page 34 of 35 on  
21 the February 7th, 2003, bill?

22 A. 34 of 35, yeah.

23 Q. Okay. Is that what you're looking at?

24 A. Yes, sir.

25 Q. Is there a three-way calling feature with  
26 Verizon Wireless?

27 A. Yes.

28 Q. Is that encoded somewhere on this legend, or 7921

[www.mjfacts.info](http://www.mjfacts.info)

1 does that have a separate --

2 A. It would have a separate, but it's not on  
3 the legend that you have up there, though.

4 Q. What is the code for three-way calling?

5 A. I'm not sure.

6 Q. Can you find that for us? I think we're  
7 going to probably take a break here in a couple of  
8 minutes.

9 A. Okay. Thank you.

10 Q. Go ahead, if you can look through the  
11 record. If you'd like, we'll move on to something  
12 else, and during the break you can find that code  
13 for us, okay?

14 A. Okay.

15 THE COURT: We'll take a break.

16 MR. NICOLA: Now?

17 THE COURT: We'll go ahead and take a break.

18 MR. NICOLA: Thank you, Judge.

19 (Recess taken.)

20 THE COURT: Go ahead, Counsel.

21 MR. NICOLA: Thank you, Your Honor.

22 Q. Mr. Shebroe, just prior to the break, I  
23 asked you if you knew what the code was for the  
24 three-way calling off the top of your head.  
25 Did you find your cheat sheet to help you?

26 A. Yeah.

27 Q. What is the code for three-way calling?

28 A. The code letter "O." 7922

[www.mjfacts.info](http://www.mjfacts.info)

1 Q. Is there a code for call forwarding?

2 A. For call forwarding? The letter "F."

3 MR. NICOLA: I believe that's all I have.

4 THE COURT: Mr. Sanger?

5

6 CROSS-EXAMINATION

7 BY MR. SANGER:

8 Q. Okay. Mr. Shebroe, how're you doing?

9 A. Good. How are you?

10 Q. I'm fine.

11 All of these phones are cell phones; is that

12 correct?

13 A. That's correct.

14 MR. SANGER: Okay. No further questions.

15 (Laughter.)

16 THE COURT: But you couldn't say, "No

17 questions," could you?

18 (Laughter.)

19 THE COURT: You came that close.

20 MR. NICOLA: May the witness be excused,

21 Your Honor?

22 THE COURT: You may. You may step down.

23 Just so the jury knows, the short delay, our

24 court reporter is still having problems with her

25 computer, so in case nobody told you that, that's

26 why we're having some lengthened recesses. It's not

27 because I care about your recesses.

28 Call your next witness. 7923

[www.mjfacts.info](http://www.mjfacts.info)

1 MR. NICOLA: Here she is. Jeanne Mulcahy.

2 THE COURT: Please remain standing. Face the  
3 clerk and raise your right hand.

4

5 JEANNE MULCAHY

6 Having been sworn, testified as follows:

7

8 THE WITNESS: I do.

9 THE CLERK: Please be seated. State and

10 spell your name for the record.

11 THE WITNESS: Jeanne Mulcahy. J-e-a-n-n-e,

12 M--u-l-c-a-h-y.

13 THE CLERK: Thank you.

14

15 DIRECT EXAMINATION

16 BY MR. NICOLA:

17 Q. Good afternoon, ma'am. And which phone

18 company are you here to testify about?

19 A. I'm with Cingular Wireless, and we also

20 acquired AT&T Wireless, so both companies.

21 Q. You purchased that with cash, right?

22 A. Yes.

23 Q. Because two seconds equals one minute?

24 A. Sure. Yes.

25 Q. I placed in front of you Exhibit No. 53 and

26 Exhibit No. -- excuse me, 453 and 454?

27 A. Uh-huh.

28 Q. Have you been through those two exhibits 7924

[www.mjfacts.info](http://www.mjfacts.info)



1 prior to coming to court today?

2 A. Yes, I have.

3 Q. Okay. And what is Exhibit 453, please?

4 A. They're the records that were requested from  
5 AT&T Wireless.

6 Q. Pursuant to search warrant?

7 A. Yes, sir.

8 Q. Have you been through the contents of  
9 Exhibit 453 to check it for accuracy?

10 A. Yes, sir.

11 Q. Within Exhibit 453, Tab No. 3, do we find  
12 the billing information, the bill, for one Paul  
13 Hugo?

14 A. Yes.

15 Q. And within Exhibit 453, Tab 4, do we find  
16 the billing information for MJJ Productions, Miko  
17 Brando?

18 A. Yes.

19 Q. And under Tab 5, is the account information  
20 there for Rudy Provencio?

21 A. Yes.

22 Q. Under Tab 6, is there subscriber information  
23 for MJJ Productions/Paul Hugo and Rudy Provencio?

24 A. Yes.

25 Q. And under Tab 7, those -- are those records  
26 for tolls of MJJ Productions/Miko Brando?

27 A. Yes.

www.mjfacts.info

28 Q. And under Tab 9, do we find some billing and 7925

[www.mjfacts.info](http://www.mjfacts.info)

1 financially labeled party information for the  
2 following people or entities: MJJ Productions/Miko  
3 Brando?

4 A. Yes.

5 Q. MJJ Productions with five telephone numbers  
6 associated?

7 A. Yes.

8 Q. And three entries for one Evvy Tavasci with  
9 telephone numbers ending in 8984, 4676 and 9111?

10 A. Yes.

11 Q. Okay. Are the records contained within  
12 Exhibit 453 kept in the normal course of business?

13 A. Yes, they are.

14 Q. Are the entries within Exhibit 453 made at  
15 or near the time of the events they purport to  
16 record?

17 A. Yes.

18 Q. And does AT&T Wireless rely on these  
19 documents in the performance of their business?

20 A. Yes.

21 Q. With respect to Exhibit 454, are the  
22 documents contained within 454 Cingular Wireless  
23 records?

24 A. Yes.

25 Q. And are they records for the following two  
26 individuals, Ann Kite under Tab No. 1?

27 A. Yes.

www.mjfacts.info

28 Q. Evvy Tavasci at Tab No. 2? 7926

[www.mjfacts.info](http://www.mjfacts.info)

1 A. Yes.

2 Q. Okay. Now, prior to the merger of AT&T and

3 Cingular -- well, excuse me, one bought the other,

4 right?

5 A. Yes.

6 Q. Which agency did you work with?

7 A. AT&T Wireless.

8 Q. AT&T Wireless, okay. Are you familiar with

9 the Cingular Wireless records?

10 A. Yes, I am.

11 Q. And their billing cycle?

12 A. Yes.

13 Q. And is it with respect to that knowledge

14 that you come here and testify as a custodian of the

15 records that have the Cingular label on them?

16 A. Yes, sir.

17 Q. Okay. Are these records also kept within

18 the normal course and scope of the business of AT&T

19 Wireless/Cingular?

20 A. Yes.

21 Q. And with respect to the documents in 454,

22 are they recorded at or near the time of the events?

23 A. Yes.

24 Q. And does Cingular/AT&T rely on these

25 documents in the regular course of their business?

26 A. Yes.

27 MR. NICOLA: Your Honor, at this time we

www.mjfacts.info

28 would offer 453 and 454 into evidence. 7927

[www.mjfacts.info](http://www.mjfacts.info)

1 MR. SANGER: Same request, Your Honor.

2 THE COURT: All right. They're admitted with  
3 the same provision.

4 Q. BY MR. NICOLA: If you could please turn to  
5 Exhibit 454, Tab No. 1, and what appears to be  
6 labeled "Field Usage" for one Ann Kite.

7 May I have the Elmo, please, Your Honor?

8 I'm just going to lay this on the projector.

9 MR. SANGER: I think you have to open it.

10 MR. NICOLA: I keep thinking it's a copy  
11 machine.

12 Q. Okay. Can you just give us an example of  
13 how you would read this bill across, from left to  
14 right, please, top line?

15 A. The first area is the number; and then the  
16 electronic serial number; rate plan; an abbreviation  
17 of the amount; called locations; description,  
18 whether it's incoming, or the number that was dialed  
19 if it was outbound; the date; the time; duration;  
20 and charges; and the roamer system that was being  
21 used to processed calls.

22 Q. Okay. Do you know what the codes are for  
23 three-way calling if they're available for these  
24 mobile phones?

25 A. I believe it's usually 3 -- 3W.

26 Q. 3W; three-way?

27 A. Yes.

28 Q. Makes more sense than an "O," right? 7928

[www.mjfacts.info](http://www.mjfacts.info)



1 A. Yes.

2 Q. I'd like you to turn to Exhibit 453, please.

3 I'd like to show you a different format bill. Why

4 don't you turn to page one of the Paul Hugo account

5 under Tab 3.

6 I'll lay this on the Elmo. And these

7 records appear to be in a different format, correct?

8 A. Correct.

9 Q. Could you explain to us, please, just

10 starting at Item No. 1, what the columns mean

11 across?

12 A. Sure. It's the date; the time of the call;

13 the number called; the general area that the call

14 was placed to; quantity of minutes; the rate that

15 was charged; and just the charge description.

16 Q. And the calling plan?

17 A. Uh-huh, yes.

18 Q. Is the code for a three-way call on this

19 bill also "3W," or is that different?

20 A. I believe so.

21 Q. Okay. Could you please turn to the next

22 page on the Paul Hugo exhibit?

23 A. Yes.

24 Q. Are there sections of your bills which

25 indicate where a party may be while they're placing

26 phone calls using these wireless phones?

27 A. I don't believe on this bill.

28 Q. Are you looking at what I'm looking at? 7929

[www.mjfacts.info](http://www.mjfacts.info)

1 A. Oh, I'm sorry. Under the "Roamer Usage,"  
2 yes, that's the detail of when you're roaming.

3 Sorry.

4 Q. Okay, I'm going to guess this means the  
5 phone was in Brazil.

6 A. Correct.

7 Q. And on Item No. 2, does that entry mean that  
8 while in Brazil, this number called, on March 2nd at  
9 6:05 p.m., the phone number (201) 233-0063?

10 A. Yes.

11 Q. Okay. If I could show you just one more  
12 format bill. Please turn to Tab 4. And is that the  
13 service information and toll record for MJJ  
14 Productions, Service User Miko Brando?

15 A. Yes.

16 Q. If you could turn to what is marked as page  
17 48. I believe it's the first page in that exhibit.

18 A. Yes.

19 Q. Okay. And yet another way to track phone  
20 calls. Is that in the same format, just spaced  
21 differently?

22 A. Yes, it's the same format.

23 Q. And is the first group of numbers the phone  
24 number of the user?

25 A. Yes.

26 Q. Okay. And then the fourth column in from  
27 the left, or, actually, the next phone number you

28 would see would be the number dialed, correct? 7930

[www.mjfacts.info](http://www.mjfacts.info)

1 A. Yes.

2 Q. And then the date and the time entry in the  
3 middle of this bill now, right?

4 A. Correct.

5 MR. NICOLA: Okay. Thank you, Miss Mulcahy.

6 Your Honor, I have no further questions.

7 THE COURT: Counsel?

8 MR. SANGER: No questions.

9 (Laughter.)

10 THE COURT: Doesn't get any better than that.

11 (Laughter.)

12 THE COURT: Call in your next witness.

13 Thank you. You're excused.

14 MR. ZONEN: Call Deborah Rowe to the stand.

15 THE COURT: Come to the witness stand,

16 please.

17 When you get to the witness stand, please

18 raise your right hand, face the clerk.

19 ///

20 DEBORAH ROWE JACKSON

21 Having been sworn, testified as follows:

22

23 THE WITNESS: Yes, I do.

24 THE CLERK: Please be seated. State and

25 spell your name for the record.

26 THE WITNESS: Deborah, D-e-b-o-r-a-h; Rowe,

27 R-o-w-e; Jackson, J-a-c-k-s-o-n.

www.mjfacts.info

28 THE CLERK: Thank you.

1 MR. ZONEN: May I proceed?

2 THE COURT: You may.

3

4 DIRECT EXAMINATION

5 BY MR. ZONEN:

6 Q. Do you refer to be called Miss Rowe?

7 A. Debbie, please.

8 Q. All right. But in court, we're a little

9 more formal.

10 A. Oh.

11 Q. In terms of surnames, do you go by Miss

12 Rowe?

13 A. Yes.

14 Q. Do you know the defendant, Michael Jackson,

15 seated to my right with the long, dark hair?

16 A. Yes, I do.

17 Q. How do you know Mr. Jackson?

18 A. We've been friends and we were married.

19 Q. When were you married to Mr. Jackson?

20 A. From 1997 to 1999.

21 Q. All right. We've --

22 A. Sorry.

23 Q. The acoustics are not quite what they could

24 be in this courtroom, so you have to stay close to

25 the microphone and keep your voice up. Is that all

www.mjfacts.info

26 right?

27 A. Okay.

28 Q. All right. You were married to Mr. Jackson

1 between which periods of time again, please?

2 A. I believe 1997 to 1999.

3 Q. For what period of time did you know Mr.

4 Jackson prior to that?

5 A. Probably 20 years or more.

6 Q. Were you friends with Mr. Jackson?

7 A. Yes.

8 Q. Are you the mother of his two children?

9 A. Yes, I am.

10 Q. The two oldest children?

11 A. Yes, I am.

12 Q. And their names are what?

13 A. Michael Joseph Jackson, Jr., and Paris

14 Michael Katherine Jackson.

15 Q. And when were you divorced from Mr. Jackson?

16 A. October -- I believe October 1999.

17 Q. Did you have -- did you ever live with Mr.

18 Jackson during the course of your marriage?

19 A. We never shared a home.

20 Q. Did you live with Mr. Jackson prior to that

21 marriage?

22 A. We never shared an apartment.

23 Q. At the time that the marriage was dissolved,

24 was there an understanding or an agreement as to  
25 child custody?

26 A. I'm sorry?

27 Q. Was there an understanding or agreement as  
28 to child custody?

1 A. Yes.

2 Q. And who had custody of the two children?

3 A. Michael did.

4 Q. Did you have visitation of the two children?

5 A. Yes, I did.

6 Q. And what was the extent of the visitation as  
7 determined by that divorce?

8 A. Every 45 days for eight hours.

9 Q. All right. Did you, in fact, see the two  
10 children every 45 days for eight hours?

11 A. I tried.

12 Q. All right. Were there difficulties in being  
13 able to do so?

14 A. Yes.

15 Q. What kinds of difficulties?

16 A. There were times that the children and  
17 Michael would be out of the country, and I was  
18 working at the time, and if they were in South  
19 Africa, I would not have enough time to fly to where  
20 they were and then return home in time to be at  
21 work.



22 Q. Were you able to make up that eight-hour  
23 period when they returned?

24 A. No. It was pushed off until the next 45  
25 days.

26 Q. For what period of time did that continue,  
27 that custody arrangement?

28 A. I believe a year and a half.

1 Q. At some point in time did you voluntarily  
2 agree to give up parental rights as to those two  
3 children?

4 A. Yes.

5 Q. And when was that, can you tell us?

6 A. I believe 2001.

7 Q. And why did you do that?

8 A. The visitations were not comfortable. We  
9 were hooked up at a hotel. I was -- when I would  
10 bring things to do, finger-painting, coloring or  
11 whatever, the nanny was always very concerned with  
12 the children getting dirty. I would bring T-shirts  
13 or something to put over their clothes, and the  
14 environment was very sterile. It wasn't a quality  
15 relationship.

16 Q. Did you ask to have more time with the kids?

17 A. Yes.

18 MR. MESEREAU: Objection; leading.

19 THE COURT: Overruled. The answer was,

20 "Yes."

21 THE WITNESS: I'm sorry.

22 THE COURT: Next question.

23 That's all right.

24 Q. BY MR. ZONEN: And was that request granted?

25 A. No.

26 Q. And tell me why you made the decision to  
27 give up parental rights as to the two children at  
28 that time.

1 A. I didn't believe that --

2 MR. MESEREAU: Objection. Relevance;  
3 opinion.

4 THE COURT: Sustained.

5 Q. BY MR. ZONEN: At some point in time -- when  
6 was the last time that you saw the two children?

7 A. Two and a half, three years ago. I'm not  
8 sure. I don't remember the dates.

9 Q. Did you receive a call from anybody in the  
10 early part of February of 2003 requesting your  
11 assistance on behalf of Michael Jackson?

12 A. Yes.

13 MR. MESEREAU: Objection; leading.

14 THE WITNESS: I'm sorry.

15 THE COURT: Overruled.

16 You may -- it's answered, "Yes." Next  
17 question.

18 Q. BY MR. ZONEN: From whom was that telephone  
19 call?

20 A. Originally --

21 MR. MESEREAU: Objection; hearsay.

22 MR. ZONEN: I asked who it was.

23 THE COURT: Overruled.

24 You may answer as to who it was.

25 THE WITNESS: Originally my former boss's

26 partner called me and said that I needed to call my

27 old boss; that he needed to speak with me; that

28 Michael needed my help with something.

1 Q. BY MR. ZONEN: Who was the old boss you're

2 referring to?

3 A. Arnold Klein.

4 Q. What kind of work was that that you were

5 doing for Mr. Klein?

6 A. He's a dermatologist. I was an assistant

7 for him.

8 Q. For what period of time were you his

9 assistant?

10 A. From 1979 to 2000 or 2001.

11 Q. What kind of work did you do for Mr. --

12 Dr. Klein?

13 A. I assisted him with surgeries and patients.

14 Q. Without getting into the content of that

15 telephone call, did you, in fact, call Dr. Klein?

16 A. Yes, I did.

17 Q. And did you have a conversation with him?

18 A. Very brief.

19 Q. Did that conversation lead to a conversation  
20 with yet another person?

21 A. Yes. He wanted me to speak with Marc

22 Schaffel.

23 MR. MESEREAU: Objection; hearsay.

24 THE COURT: Sustained.

25 MR. MESEREAU: Move to strike.

26 THE COURT: Stricken.

27 Q. BY MR. ZONEN: That conversation led to a  
28 conversation with yet another person; is that

1 correct?

2 A. Yes, it is.

3 Q. Who was that person with whom you then had a  
4 conversation?

5 A. Marc Schaffel.

6 Q. Do you know Marc Schaffel?

7 A. Not before this conversation.

8 Q. Was that the first time you had ever spoken  
9 with Mr. Schaffel?

10 A. Yes.

11 Q. Prior to that conversation, did you know who  
12 he was?

13 A. No.

14 Q. Had you -- had you ever heard his name prior  
15 to that day?

16 A. No.

17 Q. Did you, in fact, call Marc Schaffel?

18 A. The call was placed between Dr. Klein and  
19 myself.

20 Q. All right.

21 A. I don't hand out my phone number.

22 Q. Ultimately, Marc Schaffel contacted you, or

23 Dr. Klein arranged the conversation? How was that?

24 A. Correct. Dr. Klein arranged the

25 conversation. I did not feel comfortable with a

26 three-way, and told Mr. Schaffel that I would call

27 him if he gave me his number.

28 Q. All right. Did Mr. Schaffel, in fact, have

1 a conversation with you?

2 A. Yes, he did.

3 Q. Do you recall when that conversation took

4 place?

5 A. It was early in February, in the morning.

6 Q. And what was the nature of that

7 conversation?

8 MR. MESEREAU: Objection, hearsay.

9 THE COURT: Sustained.

10 Q. BY MR. ZONEN: Would you tell us if -- prior

11 to that conversation, were you aware of a

12 documentary that was titled, "Living with Michael  
13 Jackson"?

14 A. No.

15 Q. Were you aware of a person by the name of  
16 Martin Bashir?

17 A. No.

18 Q. As a consequence of this conversation with  
19 Marc Schaffel, did you then have a conversation with  
20 the defendant?

21 A. Yes.

22 Q. And how long after your conversation with  
23 Mr. Schaffel was your conversation with Michael  
24 Jackson?

25 A. Probably 30 minutes.

26 Q. Who called who?

27 A. They called me back, because they could not  
28 get ahold of Michael immediately.

1 MR. MESEREAU: Objection. Nonresponsive;

2 hearsay; move to strike.

3 THE COURT: Nonresponsive. Who called who is  
4 the question?

5 MR. ZONEN: Right.

6 THE COURT: I'll strike the answer.

7 Q. BY MR. ZONEN: Were you contacted by  
8 somebody with regards --

9 A. Marc Schaffel, yes.

www.mjfacts.info

10 Q. Marc Schaffel called you?

11 A. And Ronald Konitzer.

12 Q. You then had a conversation with Ronald

13 Konitzer as well?

14 A. For a brief moment. Michael was with him.

15 Q. Did Michael Jackson then get on the

16 telephone?

17 A. Yes, he did.

18 MR. MESEREAU: Objection; leading.

19 THE COURT: Overruled.

20 Q. BY MR. ZONEN: What did Mr. Jackson say to

21 you in the course of this conversation?

22 A. He told me there was a video coming out, and

23 it was full of lies, and would I help. And I said,

24 as always, yes. I asked him if he was okay. I was

25 very upset.

26 Q. When was the last time you had talked with

27 Michael Jackson?

28 A. The day of our divorce.

1 Q. And how long prior to that, to this

2 conversation you're now referring to, was that day

3 of your divorce?

4 A. October 12th.

5 Q. Of what year, please?

6 A. .99.

7 Q. All right. So we're now talking about

8 February of 2003; is that correct?

9 A. Yes.

10 Q. Now, he asked you for some kind of

11 assistance; is that correct?

12 A. Yes.

13 Q. What exactly did he ask you to do, if

14 anything?

15 A. He asked if I would work with Ronald and

16 Dieter to help him, and I said yes. And I asked him

17 how he was. I asked him how the children were. And

18 I asked if I could see them when everything settled

19 down.

20 Q. What did he tell you?

21 A. He said yes.

22 Q. All right. Had you had any communication

23 with Mr. Jackson in the preceding period of time

24 with regards to the children?

25 A. No.

26 Q. Had you sent any letters to him at all

27 requesting that you be able to see them at some

28 point in time?

1 A. No.

2 Q. Did you want to see the children?

3 A. Very much.

4 Q. All right. The conversation that you had

5 with Mr. Jackson over the telephone, did he tell you



6 from where he was calling?

7 A. No. I was told by Marc that they had to  
8 call Europe.

9 MR. MESEREAU: Objection. Hearsay;  
10 nonresponsive; move to strike.

11 THE COURT: It's nonresponsive. Stricken.

12 Q. BY MR. ZONEN: You had mentioned that Ronald  
13 Konitzer had called back; is that correct? Did I  
14 get that right?

15 A. Marc Schaffel called me back. Ronald had  
16 called Marc, or Marc had called Ronald. I don't  
17 know who placed that call.

18 Q. At some point in time you actually spoke  
19 with Ronald Konitzer?

20 A. Yes.

21 Q. Did you know Mr. Konitzer prior to that day?

22 A. I think I met him years ago when Michael was  
23 on tour. I don't -- he said that I had met him. I  
24 didn't remember. I didn't have a face and I didn't  
25 recognize the voice.

26 Q. All right. And did you carry on -- without  
27 getting into the content of the conversation, did  
28 you, in fact, have a conversation with Mr. Konitzer

1 before your conversation with Michael Jackson?

2 A. He just said, "Michael needs your help" --

3 MR. MESEREAU: Objection. Nonresponsive;

4 hearsay.

5 Q. BY MR. ZONEN: The question is "yes" or

6 "no."

7 A. Yes.

8 THE COURT: Sustained.

9 THE WITNESS: Sorry.

10 Q. BY MR. ZONEN: The conversation that you had  
11 with Michael Jackson was approximately how long in  
12 length?

13 A. Two and a half minutes, maybe.

14 Q. Were you at home at that time?

15 A. Yes, I was.

16 Q. You said that you had asked him how he was  
17 and how the children were?

18 A. Yes.

19 Q. What did he tell you specifically about  
20 the -- whatever it was, the performance that was  
21 coming on television or the documentary, how did he  
22 describe it to you?

23 MR. MESEREAU: Objection. Leading and  
24 assumes facts not in evidence.

25 THE COURT: Sustained as to assuming facts.

26 Q. BY MR. ZONEN: What did he tell you about  
27 what was going to happen?

28 A. That there was a bad video coming out. I

1 did not -- he didn't go into any more detail about

www.mjfacts.info

2 that.

3 Q. Did you ask him what it was about?

4 A. No.

5 Q. Did you ask him if it dealt with him

6 personally, Mr. Jackson?

7 A. I assumed it did.

8 Q. Okay. Now, he asked you for some

9 assistance; is that correct?

10 MR. MESEREAU: Objection; asked and

11 answered.

12 THE COURT: Overruled.

13 You may answer.

14 THE WITNESS: Yes.

15 Q. BY MR. ZONEN: And did he describe to you in

16 any detail or particularity what it was he wanted

17 you to do?

18 A. No, he did not.

19 Q. Okay. Did he tell you to follow anybody's

20 direction?

21 A. He asked me --

22 MR. MESEREAU: Objection; leading.

23 THE WITNESS: I'm sorry.

24 THE COURT: Sustained.

25 Q. BY MR. ZONEN: What did he tell you to do?

26 A. He asked me to work with Ronald, Dieter and

27 Marc.

28 Q. All right. You just told us about Ronald.

1 Is Dieter somebody you knew prior to that day?

2 A. I don't remember.

3 Q. Do you know Dieter's last name?

4 A. Weizner or Weizer.

5 Q. Okay. And you don't recall at this time

6 whether you had ever met him prior to that date, the

7 time of that phone call?

8 A. No.

9 Q. Now, did you ask any directions as to how

10 you were going to work with him or what you were

11 going to do?

12 A. I told them that I needed a release of

13 confidentiality, and that until that was done, I

14 wouldn't be able to do anything.

15 Q. You told Mr. Jackson that?

16 A. No, I'm sorry, I told Marc Schaffel, Dieter

17 and Ronald.

18 Q. All right. Let's go back to the

19 conversation again with Mr. Jackson --

20 A. Okay.

21 Q. -- before you hung up the phone or before

22 your telephone conversation ended.

23 You said specifically about the children.

24 Tell me what it was that he told you about the

25 children with regards to visitation.

26 MR. MESEREAU: Objection; asked and

27 answered.

28 THE COURT: Overruled.

1 You may answer.

2 Q. BY MR. ZONEN: Go ahead.

3 A. When -- when -- I said, "Are you" -- "Are  
4 you okay? Are the children okay?" And he said,  
5 "Yeah, we're okay." And I said, "Can I see you when  
6 everything -- and the children when everything is  
7 over with?" And he said, "Yes."

8 Q. Did you want to see Mr. Jackson and the  
9 children?

10 A. Absolutely.

11 Q. Did he give you any other direction as to  
12 when that might be?

13 MR. MESEREAU: Objection; leading.

14 THE COURT: Overruled.

15 You may answer.

16 THE WITNESS: No.

17 Q. BY MR. ZONEN: Did that conversation end at  
18 that time, or was there anything else that you  
19 discussed in the course of that conversation?

20 A. Michael and I?

21 Q. Yes.

22 A. No, we didn't discuss anything else. The  
23 phone was handed back to Ronald.

24 Q. All right. Your conversation then continued

25 with Ronald?

26 A. Correct.

27 Q. All right. What was asked of you at that

28 point by Ronald?

1 MR. MESEREAU: Objection; hearsay.

2 MR. ZONEN: As explaining her conduct

3 thereafter, not for the truth of the matter.

4 THE COURT: All right. I'll allow the

5 hearsay for that limited purpose.

6 Q. BY MR. ZONEN: What was explained by Ronald

7 thereafter?

8 A. That they were going to do a special - I

9 don't know if they used the word "rebuttal" - to

10 counter whatever this video was.

11 Q. And what was asked of you?

12 A. Would I help.

13 MR. MESEREAU: Objection; assumes facts not

14 in evidence.

15 THE COURT: Sustained.

16 MR. MESEREAU: And leading.

17 Q. BY MR. ZONEN: Was anything said by Mr.

18 Weizner as to your involvement?

19 A. What -- I don't understand. What do you

20 mean by that?

21 Q. Well, in the telephone call that

22 continued -- maybe I'm confused. Was it Konitzer or

23 was it Weizner?

24 A. Konitzer.

25 Q. It was Konitzer, all right. Ronald

26 Konitzer. What exactly was it that Mr. Konitzer

27 then said to you about what you were supposed to do?

28 MR. MESEREAU: Objection; hearsay.

1 THE WITNESS: To --

2 MR. MESEREAU: Assumes facts not in

3 evidence.

4 MR. ZONEN: Again, to explain --

5 THE COURT: Sustained.

6 Q. BY MR. ZONEN: Was there a conversation with

7 Mr. Konitzer at that point about anything that you

8 were then going to do?

9 MR. MESEREAU: Objection; leading.

10 THE COURT: Overruled.

11 MR. ZONEN: That was overruled?

12 THE COURT: Yes.

13 Q. BY MR. ZONEN: Go ahead and answer.

14 A. What was the question? I'm sorry.

15 THE COURT: I'll have the court reporter read

16 it back to you.

17 THE WITNESS: Thank you.

18 (Record read.)

19 THE WITNESS: I was supposed to work with

20 Marc Schaffel, and that was when I told them that we

www.mjfacts.info

21 had to have the paperwork done --

22 MR. MESEREAU: Objection; nonresponsive.

23 THE COURT: The second part of the answer

24 I'll strike. Leave the first part in.

25 Q. BY MR. ZONEN: All right. With regards to

26 working with Marc Schaffel, was there any other

27 statement that was given to you by Mr. Konitzer at

28 that time?

1 MR. MESEREAU: Objection; leading.

2 MR. ZONEN: Hardly suggests the answer.

3 THE COURT: Overruled.

4 You may answer.

5 THE WITNESS: That I would be working with

6 Marc on whatever project that had been decided.

7 Q. BY MR. ZONEN: All right. Did you, in fact,

8 then have a conversation with Marc?

9 A. Yes.

10 Q. When did that conversation take place? Marc

11 Schaffel.

12 A. After the connection was broken between

13 Michael and Ronald and myself.

14 Q. That same day?

15 A. It was the same conversation. Marc had us

16 on two lines. So when he hung up the one line, Marc

17 and I were still on another line.

18 Q. Was Marc Schaffel part of the conversation

www.mjfacts.info



19 that you had with -- in other words, was it a  
20 conference call between Marc and you and Ronald  
21 Konitzer?

22 A. Correct.

23 Q. So he was privy to the conversation that was  
24 taking place at that point?

25 A. He set it up.

26 Q. All right. Was he part of the conversation  
27 while you were talking with Mr. Konitzer? In other  
28 words, did he periodically say things as well?

1 A. I don't remember.

2 Q. What did Mr. Schaffel want you to do?

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

5 MR. ZONEN: Same exception.

6 THE COURT: Foundation, sustained.

7 Q. BY MR. ZONEN: In the course of this  
8 conversation, did Mr. Schaffel make requests of you?

9 MR. MESEREAU: Objection; leading.

10 THE COURT: Overruled.

11 You may answer.

12 THE WITNESS: Nothing specific. I couldn't  
13 discuss anything at that point.

14 Q. BY MR. ZONEN: Did you advise him that you  
15 needed to do something?

16 A. Yes.

17 Q. And what was that?

18 A. We needed to agree on a confidentiality  
19 release between Michael and myself.

20 Q. Was there such an agreement that you had  
21 between you and the defendant?

22 A. Eventually.

23 Q. Well, prior to this conversation, was there  
24 some kind of a confidentiality contract that you had  
25 with Mr. Jackson?

26 A. Yes.

27 Q. And when did you and Mr. Jackson enter into  
28 that agreement?

1 A. At the time of our divorce.

2 Q. And did that restrain you from having  
3 conversations with people about something or other?  
4 What did it restrain you from doing, this  
5 confidentiality agreement?

6 MR. MESEREAU: Objection. Foundation;  
7 leading; relevance.

8 THE COURT: Sustained.

9 Q. BY MR. ZONEN: Did you know what the  
10 confidentiality agreement was? Have you ever read  
11 it?

12 A. Yes.

13 Q. And you read it at or about the time that  
14 you entered into this divorce with Mr. Jackson?

15 A. Yes, I did.

16 Q. All right. Did that confidentiality  
17 agreement keep you from doing something?

18 A. Yes, it did.

19 Q. What did it keep you from doing?

20 MR. MESEREAU: Objection. Foundation;  
21 leading; relevance.

22 THE COURT: Overruled.

23 You may answer.

24 MR. MESEREAU: 352.

25 Q. BY MR. ZONEN: Go ahead and answer the  
26 question.

27 A. The confidentiality agreement said that I  
28 could not speak with the press, public, anyone,

1 regarding Michael or the children or our lives  
2 together.

3 Q. Were you able to get an exemption from that  
4 agreement?

5 A. Yes.

6 Q. Did you have an attorney working on that?

7 A. Yes.

8 Q. What is your attorney's name?

9 A. Iris Joan Finsilver, F, as in Frank,  
10 i-n-s-i-l-v-e-r.

11 Q. Has Miss Finsilver been your attorney for  
12 some time?

www.mjfacts.info

13 A. Yes.

14 Q. Did she represent you in your divorce with

15 Mr. Jackson?

16 A. Yes, she did.

17 Q. Ultimately when that exemption was executed,

18 were you then able to speak with Mr. Schaffel about

19 what you were expected to do?

20 A. Yes.

21 Q. And what was it that you were expected to

22 do?

23 MR. MESEREAU: Objection. Assumes facts not

24 in evidence; foundation.

25 THE COURT: Sustained.

26 Q. BY MR. ZONEN: All right. Did you have a

27 conversation with Mr. Schaffel after the execution

28 of this exemption?

1 A. Yes.

2 Q. All right. In the course of that

3 conversation, were you told things by Mr. Schaffel

4 with regards to doing something on behalf of Michael

5 Jackson?

6 MR. MESEREAU: Objection; leading.

7 THE COURT: Sustained.

8 Q. BY MR. ZONEN: What did Mr. Schaffel tell

9 you in this conversation?

10 MR. MESEREAU: Objection; hearsay.

www.mjfacts.info

11 MR. ZONEN: For the same exception.

12 THE COURT: All right. Overruled.

13 Q. BY MR. ZONEN: Go ahead.

14 A. That we would be doing an interview.

15 Q. Did he tell you where or when?

16 A. He said that it would probably be at his  
17 home in Calabasas and within two or three days of  
18 when everything was settled.

19 Q. All right. Now, when was it exactly that  
20 you had this conversation with Mr. Schaffel about  
21 doing the interview relative to this first phone  
22 call from Mr. Jackson?

23 A. Do you mean when we were going to do it? Or  
24 when we scheduled it?

25 Q. When you scheduled it.

26 A. We didn't schedule it till after the  
27 documents had been signed.

28 Q. Okay. And how long did that take before you

1 were able to create and sign documents?

2 A. I would like to say that it was probably  
3 only two days. It seemed a lot longer. There was a  
4 lot of faxing back and forth.

5 Q. Was there some urgency in doing it soon?

6 MR. MESEREAU: Objection; leading.

7 THE COURT: Sustained.

8 Q. BY MR. ZONEN: Did anybody ask you to do it

9 at a particular time?

10 A. Mr. Schaffel.

11 Q. What did he say with regards to that?

12 A. As soon as he could arrange --

13 MR. MESEREAU: Hearsay.

14 MR. ZONEN: Same exception.

15 THE COURT: Overruled.

16 You may answer.

17 THE WITNESS: As soon as he could arrange to

18 have whatever he needed, I believe, for the

19 interview.

20 Q. BY MR. ZONEN: And was there a date finally

21 set for the interview?

22 A. Yes.

23 Q. Do you know what that date was?

24 A. I don't know exactly. Beginning of

25 February, I believe.

26 Q. Are you aware as to when or if the screening

27 of "Living with Michael Jackson" ever actually aired

28 in the United States?

1 A. I know that it aired. I don't know when it

2 aired. I didn't watch it.

3 Q. Do you know when, relative to the airing of

4 that production, your interview took place?

5 A. I know in relation to when it took place in

6 Europe, but not here.

7 Q. When did it take place relative to the  
8 European airing?

9 A. The day before I gave my interview.

10 Q. Did that interview take place at Mr.  
11 Schaffel's residence?

12 A. My interview?

13 Q. Yes, your interview.

14 A. Yes, it did.

15 Q. Can you tell us who was present during that  
16 interview?

17 A. Hamid, who is Michael's photographer; Rudy;

18 Christian; Marc; Stuart Backerman, who I think was

19 Michael's PR person; and Iris came with me.

20 Q. Up until the time that you arrived at Mr.

21 Schaffel's home to do this, had Mr. Schaffel told

22 you that you would get any benefit from doing this

23 interview?

24 MR. MESEREAU: Objection. Leading and

25 hearsay.

26 MR. ZONEN: I'm sorry?

27 THE COURT: Sustained.

28 Q. BY MR. ZONEN: Were you going to be paid for

1 this interview?

2 A. No.

3 Q. Were any promises made at all?

4 A. Just that I --

5 MR. MESEREAU: Objection. Leading and  
6 hearsay.

7 THE COURT: Sustained.

8 MR. MESEREAU: And vague.

9 THE COURT: Hearsay, sustained. Hearsay.

10 MR. ZONEN: On hearsay. We would offer it  
11 again as to tending to explain her actions and her  
12 response, and not for the truth of the matter  
13 stated.

14 THE COURT: The objection's sustained.

15 Q. BY MR. ZONEN: Did anybody offer you  
16 anything in response to your doing this?

17 MR. MESEREAU: Objection; leading.

18 THE COURT: Overruled.

19 You may answer.

20 THE WITNESS: Do you mean quid pro quo?

21 Q. BY MR. ZONEN: Yes.

22 A. No, I was excited to see Michael and the  
23 children when all this was over.

24 Q. Why did you do this interview?

25 A. I promised him that I would always be there  
26 for him and the children.

27 Q. Did anybody mention your children in the  
28 course of either doing this interview or leading up

1 to the interview?

2 MR. MESEREAU: Objection. Asked and



3 answered and leading.

4 THE COURT: Overruled.

5 Q. BY MR. ZONEN: You can answer that question.

6 A. Can you explain what you mean?

7 Q. Did anybody mention anything about your

8 children with regards to -- relative to this

9 interview --

10 MR. MESEREAU: Objection.

11 Q. BY MR. ZONEN: -- leading up to the

12 interview or during the course of the interview?

13 MR. MESEREAU: Vague; compound; and leading

14 and foundation.

15 THE COURT: Rephrase. It's an extended

16 question now.

17 Q. BY MR. ZONEN: All right. Specifically,

18 you had conversations with Mr. Schaffel, did you

19 not --

20 A. Yes.

21 Q. -- prior to the interview?

22 A. Yes.

23 Q. Did you have a number of conversations prior

24 to the interview?

25 A. No.

26 Q. How many conversations did you have with him

27 prior to the interview?

28 A. One to set up the day and time, and one for

1 directions on how to get to his house.

2 Q. All right. Prior to actually arriving at  
3 his house, did he talk to you about your children at  
4 all?

5 A. He said the kids were fine; that Michael was  
6 going to be okay.

7 Q. All right. Did he make any representations  
8 to you about visitation?

9 MR. MESEREAU: Objection. Leading;

10 foundation; hearsay.

11 THE COURT: Overruled.

12 You may answer.

13 THE WITNESS: When I expressed excitement for  
14 seeing the children and for seeing Michael again and  
15 possibly reconnecting, he seemed to be very happy.

16 Q. BY MR. ZONEN: All right. During the course  
17 of your being at the house conducting this  
18 interview, did you talk with Mr. Schaffel any  
19 further about your children?

20 A. Yes.

21 Q. All right. What did he say with regards to  
22 your children while you were at his house?

23 MR. MESEREAU: Objection; hearsay.

24 MR. ZONEN: Same exception.

25 I will add also it's a statement in  
26 furtherance.

27 THE COURT: I reject that as a reason, but

28 let me look.

1 All right. I'll allow the question for the  
2 limited purpose of explaining her action after that.

3 Do you want the question read back?

4 THE WITNESS: I can't see that far, yes,  
5 please.

6 THE COURT: Okay.

7 (Record read.)

8 THE WITNESS: That they were fine; that  
9 Michael was going to be okay; that it was -- he was  
10 happy for me that we were all going to get to see  
11 each other again, and how big the kids have gotten,  
12 and how beautiful they were, and how strong-headed  
13 Paris is and -- about like me.

14 Q. BY MR. ZONEN: What was your expectation  
15 with regards to your children in terms of your  
16 completing this interview?

17 MR. MESEREAU: Objection. Leading;  
18 foundation.

19 THE COURT: Sustained.

20 Q. BY MR. ZONEN: Did you have any expectations  
21 with regard to your kids at all?

22 MR. MESEREAU: Objection; leading.

23 THE COURT: Overruled.

24 THE WITNESS: Yes.

25 Q. BY MR. ZONEN: What was that? What were

26 your expectations?

27 A. To be reintroduced to them and to be

28 reacquainted with their dad.

1 Q. You wanted to be reacquainted with Mr.

2 Jackson as well?

3 A. Yes.

4 Q. Why?

5 A. He's my friend.

6 Q. Let me ask you about the interview. For

7 what period of time were you at Mr. Schaffel's home?

8 A. I was at his house about ten and a half

9 hours, but the taping was about nine.

10 Q. Was your attorney with you?

11 A. Yes.

12 Q. The entire time?

13 A. She stayed downstairs when Ian Drew arrived.

14 And I was concerned about someone being able to say

15 that --

16 MR. MESEREAU: Objection. Nonresponsive and

17 hearsay.

18 THE COURT: Sustained.

19 Q. BY MR. ZONEN: The question was whether or

20 not she was there the entire time. Was there a

21 period of time --

22 A. She was in the house.

23 Q. Okay. She was in the house, but at some

www.mjfacts.info

24 times not with you?

25 A. Correct.

26 Q. All right. Now, prior to the start of this  
27 interview, had you talked with anybody about the  
28 content of this interview, in other words, what was

1 going to be asked of you?

2 A. No.

3 MR. MESEREAU: Objection. Assumes facts not  
4 in evidence, leading and foundation.

5 THE COURT: Overruled.

6 Do you want the question read back?

7 THE WITNESS: No. No, I did not want that.

8 Q. BY MR. ZONEN: Did you know what it was you  
9 were going to be saying?

10 A. No.

11 Q. Did you know what it was -- the questions,  
12 what questions would be asked of you?

13 A. No.

14 Q. Did you know whether or not it had anything  
15 to do with this video or this television show?

16 A. All I knew, it was whatever was being put  
17 out about Michael could be hurtful to him and the  
18 children, and I don't know if I was supposed to run  
19 interference. I don't know what the basis was for  
20 my interview.

21 Q. Did you ask him about the content of the

www.mjfacts.info

22 television show?

23 A. No.

24 Q. Did you ask anybody about the content of the  
25 questions that would be put to you?

26 A. Absolutely not.

27 Q. Did you know that it would be questions put  
28 to you? In other words, it would be in the format

1 of an interview?

2 A. Yes.

3 Q. Who had told you that?

4 A. Mr. Schaffel.

5 Q. Who was present at the time when this  
6 interview commenced?

7 A. Iris. Stuart. Rudy. Christian was in and  
8 out. It was either Christian or Rudy that was in  
9 and out. Marc. Myself. And Ian Drew.

10 Q. Iris is Iris Finsilver, your attorney?

11 A. Yes.

12 Q. Stuart is who?

13 A. Stuart Backerman, I was told, was a  
14 spokesperson for Michael.

15 Q. Had you ever seen Mr. Backerman prior to  
16 that day?

17 A. No.

18 Q. Had you ever heard his name prior to that  
19 day?

20 A. No.

21 Q. Were you introduced to him that day?

22 A. Yes.

23 Q. Did you actually have a conversation with  
24 him?

25 A. Nothing other than, "Nice to meet you," and  
26 very casual. Nothing important to say.

27 Q. You said Rudy. Who is Rudy?

28 A. He was Marc's go-fer boy.

1 MR. MESEREAU: Objection; foundation.

2 THE COURT: Overruled.

3 Q. BY MR. ZONEN: Marc's -- say that again?

4 A. Go-fer boy.

5 Q. Go-fer? Somebody who did things for Mr.  
6 Schaffel?

7 A. Yes.

8 Q. Do you know Rudy's last name?

9 A. No, I don't. I'm sorry.

10 Q. Do you recall if you were told his last name  
11 at any time?

12 A. No, I was -- I was introduced to everyone on  
13 a first-name basis. I knew Hamid from before.

14 Q. All right. Rudy was or was not somebody you  
15 knew prior to that day?

16 A. No.

17 Q. Christian, if I'm reading my handwriting

18 correctly --

19 A. Yes.

20 Q. -- was the name you mentioned?

21 A. Yes.

22 Q. Was Christian somebody you knew prior to

23 that day?

24 A. No.

25 Q. Was his name given to you at that time?

26 A. I don't remember if I was introduced to him

27 or if someone had said, "Christian will get it." I

28 knew it was his name, because -- I don't remember

1 being formally introduced to him.

2 Q. All right. You don't recall an acquaintance

3 with him prior to that day?

4 A. No.

5 Q. You mentioned Ian Drew.

6 A. Yes.

7 Q. Who is Ian Drew?

8 A. He was someone that was going to interview

9 me.

10 Q. And was he somebody you knew prior to that

11 day as well?

12 A. No.

13 Q. Did you have any preliminary conversation

14 with him prior to the commencement of this

15 interview?



16 A. Absolutely not.

17 Q. Was that by your choice?

18 A. Yes.

19 Q. And why is that? Why was that?

20 MR. MESEREAU: Objection. Foundation; 352;

21 leading.

22 THE COURT: Overruled.

23 You may answer.

24 Q. BY MR. ZONEN: Go ahead.

25 A. Because I didn't want anyone to be able to

26 come back to me and say that my interview was

27 rehearsed, that someone told me what to say.

28 Mr. Jackson knows no one can tell me what to

1 say. I tend to speak my own mind, and I didn't want

2 the interview to be construed as something other

3 than what it was, which was a cold interview.

4 Q. At some point in time, were you given any

5 kind of a list of questions?

6 MR. MESEREAU: Objection.

7 THE COURT: Overruled.

8 THE WITNESS: It was offered to me and I

9 declined it.

10 Q. BY MR. ZONEN: All right. Who offered you

11 the list?

12 A. Ian Drew.

13 Q. Why did you decline it?

14 A. Again, it was a cold interview, and I wanted  
15 to keep it that way.

16 Q. Was anyone else in the room during the  
17 course of the interview?

18 A. Everyone was. Rudy and Christian were in  
19 and out, but the main people who were there was  
20 Hamid, Iris, Stuart, Marc and myself.

21 Q. All right.

22 A. And Ian.

23 Q. Did you know Hamid prior to that?

24 A. Yeah, I did.

25 Q. Was that Hamid Moslehi?

26 A. Yes.

27 Q. And you recognized him when you got there?

28 A. Oh, yes.

1 Q. He had been Mr. Jackson's videographer for  
2 some time?

3 A. Yeah, for a long, long time.

4 Q. Was the location of this interview in  
5 Calabasas, California?

6 A. Yes.

7 Q. Do you happen to know the date?

8 A. It was the day before that documentary was  
9 to air. I don't know the date.

10 Q. Miss Rowe, in the course of the interview  
11 that took place, I think you said over about the

12 next nine hours --

13 A. Yes.

14 Q. -- were you truthful in the answers that you  
15 gave?

16 A. Can you rephrase that?

17 Q. Did you tell the truth? Did you answer all  
18 those questions truthfully and honestly?

19 A. No.

20 Q. All right. Why is that?

21 MR. MESEREAU: Objection. Foundation;

22 opinion; relevance.

23 THE COURT: Overruled.

24 You may answer.

25 Q. BY MR. ZONEN: Why is that?

26 A. Because my personal life is my personal life  
27 and no one's business. And it pretty much doesn't  
28 matter. I could call something black. In the

1 media, it will be called white.

2 Q. Do you remember the questions that you were  
3 asked?

4 A. Not all of them.

5 Q. Do you remember some of the questions that  
6 you were asked?

7 A. I would have to see the tape again.

8 Q. Did you have an opportunity to review the  
9 tape recently?

10 A. Yes.

11 Q. All right. How many hours of tape did you  
12 review?

13 A. To scan over? It was probably two and a  
14 half hours of it, but I wasn't really paying  
15 attention. I found myself very boring and dull.

16 Q. Do you mean as the subject matter of the  
17 tape?

18 A. Yeah.

19 Q. It went for, I think you said, about two and  
20 a half hours?

21 A. That I -- that I saw, I think it was a  
22 three-hour tape, but I didn't watch the entire  
23 video.

24 Q. Do you have a belief as to whether or not it  
25 was an edited version of what had taken place?

26 A. It had to be. It was a nine-hour interview.

27 And if there's only three hours, there's six hours  
28 someplace.

1 Q. Were you asked questions about Mr. Jackson?

2 A. Yes, I was.

3 MR. MESEREAU: Objection. Leading; hearsay.

4 THE COURT: Overruled.

5 Q. BY MR. ZONEN: What questions that were

6 asked of you about Mr. Jackson did you not give

7 honest answers to?

www.mjfacts.info

8 A. Can you be more specific?

9 Q. I can. Did he ask -- were you asked  
10 questions about Mr. Jackson and his parenting of  
11 your two children?

12 MR. MESEREAU: Objection. Leading; move to  
13 strike.

14 THE COURT: Overruled.

15 Q. BY MR. ZONEN: Did you understand the  
16 question? Would you like to hear it again?

17 A. Yes, I was asked the question.

18 MR. ZONEN: May the court reporter repeat  
19 the question, Your Honor?

20 THE COURT: I think she understood the --

21 THE WITNESS: I understood the question, and  
22 I said, "Yes."

23 MR. ZONEN: Oh, I'm sorry.

24 THE COURT: She answered your question.

25 MR. ZONEN: I'm sorry.

26 Q. Were those the questions, or among the  
27 questions, that you did not answer honestly?

28 MR. MESEREAU: Objection; leading.

1 THE COURT: Overruled.

2 You may answer.

3 THE WITNESS: Yes.

4 Q. BY MR. ZONEN: When was the last time you  
5 had actually seen Mr. Jackson related to your two

6 oldest children?

7 A. The day that we signed our divorce papers.

8 Q. Did you have any information at all about

9 his parenting skills with your children?

10 A. Just -- yes, I did. I -- when I was seeing

11 the children, I spoke with the nannies before we

12 divorced. I saw him with the children. I've seen

13 him with the kids the whole time I've known him.

14 THE COURT: Counsel, we'll take our afternoon

15 break.

16 Before we break, I just want to ask you a

17 question, Mr. Sanger.

18 MR. SANGER: Yes, sir.

19 THE COURT: Would you stipulate that the

20 phone records could be released so they can be

21 redacted as I ordered?

22 MR. MESEREAU: Yes, sir.

23 THE COURT: All right. I'll release the

24 phone records that went in evidence today to the

25 District Attorney so they can be redacted and

26 returned to the Court immediately.

27 MR. SANGER: I take it they'll give me the

28 copy of the redacted --

1 THE COURT: And you're ordered to give the

2 defense a copy of the redaction.

3 Thank you. We're in recess until tomorrow

4 morning. And I'll see you at 8:30.

5 MR. NICOLA: Mr. Sanger -- can we talk with  
6 him for a second?

7 MR. SANGER: If the Judge wants us.

8 (The proceedings adjourned at 2:30 p.m.)

9 --o0o--

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28 7970

1 REPORTER'S CERTIFICATE

2

3

4 THE PEOPLE OF THE STATE OF )

5 CALIFORNIA, )

6 Plaintiff, )

7 -vs- ) No. 1133603

8 MICHAEL JOE JACKSON, )

9 Defendant. )

10

11

12 I, MICHELE MATTSON McNEIL, RPR, CRR, CSR

13 #3304, Official Court Reporter, do hereby certify:

14 That the foregoing pages 7812 through 7970

15 contain a true and correct transcript of the

16 proceedings had in the within and above-entitled

17 matter as by me taken down in shorthand writing at

18 said proceedings on April 27, 2005, and thereafter

19 reduced to typewriting by computer-aided

20 transcription under my direction.

21 DATED: Santa Maria, California,

22 April 27, 2005.

23

24

25

26

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

28 OFFICIAL COURT REPORTER 7971

www.mjfacts.info



[www.mjfacts.info](http://www.mjfacts.info)