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1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 IN AND FOR THE COUNTY OF SANTA BARBARA

3 SANTA MARIA BRANCH; COOK STREET DIVISION

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

5

6

7 THE PEOPLE OF THE STATE OF)

8 CALIFORNIA,)

9 Plaintiff,)

10 -vs-) No. 1133603

11 MICHAEL JOE JACKSON,)

12 Defendant.)

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17 REPORTER'S TRANSCRIPT OF PROCEEDINGS

18

19 FRIDAY, MAY 20, 2005

20

21 8:30 A.M.

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23 (PAGES 11321 THROUGH 11492)

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

28 BY: Official Court Reporter 11321

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2

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1 I N D E X

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

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

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

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

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9 DEFENDANT'S

10 WITNESSES DIRECT CROSS REDIRECT RECROSS

11 NIMMER, Laurence 11324-SN 11332-SA 11335-SN

12 (Contd.)

13 GERAGOS, Mark

14 (Re-called) 11348-Z (Contd.)

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1 Santa Maria, California

2 Friday, May 20, 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 COURT: Where's the witness?

9 You may be seated. You're still under oath.

10 THE WITNESS: Okay.

11 THE COURT: Go ahead.

12 MR. SNEDDON: Thank you, Your Honor.

13 THE WITNESS: Good morning, Mr. Sneddon.

14

15 LAURENCE NIMMER

16 Having been previously sworn, resumed the

17 stand and testified further as follows:

18

19 CROSS-EXAMINATION (Continued)

20 BY MR. SNEDDON:

21 Q. Good morning, Mr. Nimmer. How are you this

22 morning?

23 A. Good, thank you.

24 Q. I just have a few more questions.

25 A. Okay, sure.

26 Q. I want to go back to what we talked about

27 yesterday just to try to get a point of

28 clarification. 11324

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1 Between yesterday and this morning, did you
2 get a chance to review the video again?

3 A. No, I didn't.

4 Q. Okay. Do you recall yesterday we were
5 talking about how, in Scene 2, the chimes went off
6 and was very faint at one point and then louder at
7 another point and -- in the scene?

8 A. Yes.

9 Q. And do you recall me asking you yesterday --
10 I think -- I believe -- and if I'm not saying this
11 correctly, you correct me. I believe your
12 explanation was you thought one was when they went
13 out the door and the other was when they came back
14 in?

15 A. I think -- yes, that was my guess.

16 Q. And then I asked you yesterday, in the
17 Scene 1, when the maid goes out the door, whether
18 the chimes went off or not. Do you recall that?

19 A. I believe so.

20 Q. And you said you believed the chimes did go
21 off?

22 A. That's correct.

23 Q. When this video was made, was Joe Marcus
24 present?

25 A. Yes, he was.

26 Q. Was a defense investigator by the name of
27 Scott Ross present?

1 Q. Or Mr. Castillo?

2 A. No.

3 Q. So the representative there was Mr. Marcus?

4 A. And one other person from Neverland Ranch

5 was a woman whose first name was Grace.

6 Q. Okay. And where was Mr. Marcus during the

7 time that you were doing the filming?

8 A. Standing behind me.

9 Q. So he was in your presence the entire time?

10 A. Correct.

11 Q. Okay. Now, one of the other questions I'm

12 going to ask you and then I'm going to show you the

13 video again, just a part of it.

14 A. Sure.

15 Q. In the first scene, when you're downstairs

16 and you ask the maid, Maria Gomez, to walk out, and

17 then you hear the chimes go off, okay?

18 A. Yes.

19 Q. When you're standing there, where are you

20 standing? Next to the throne chair?

21 A. No, I'm standing kind of right in the middle

22 of the room, more or less. Probably 10 or 15 feet

23 from the doorway into the center of the room.

24 And when you say "the throne chair," do you

25 mean the large chair that leads into the next room

26 where the stairway is to the upstairs bedroom?

27 Q. Yes, sir.

28 A. Yeah. So it wasn't that far away from me. 11326

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1 The room is not that large, but I was about in the
2 center of the room.

3 Q. Okay. And when you filmed the Scene 1
4 material, Scene 1, could you tell where the sound
5 was coming from? From your right or from your left?

6 A. I couldn't say.

7 MR. SNEDDON: Okay. I want to -- if we
8 could have -- I think it's already on the right one,
9 Your Honor.

10 THE COURT: All right.

11 MR. SNEDDON: If we could just have the
12 lights for just a second. And we're going to play
13 Exhibit 5096 and just the Scene 1.

14 THE COURT: Go ahead.

15 (Whereupon, a portion of a DVD, Defendant's
16 Exhibit 5096, was played for the Court and jury.)

17 MR. SNEDDON: Okay. Let's stop it right
18 there.

19 Q. Now, would it be a fair statement to say
20 that that chime did not go off when she went out the
21 door, did it?

22 A. Possibly it was triggered from her going out
23 the door and didn't ring immediately. But frankly,
24 I don't know one way or the other if it was
25 triggered by her going out or coming in.

26 Q. Do you know where the sensor is that's
27 closest to the door?

28 A. No, I don't. 11327

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1 MR. SANGER: Objection; asked and answered.

2 THE COURT: Overruled. It's answered. Next
3 question.

4 Q. BY MR. SNEDDON: In the segment on Scene 2
5 where there is a faint sound and then a louder
6 sound - okay? - there is probably a five- or
7 ten-second delay between the two sounds, correct?

8 A. Correct.

9 Q. And that's what led you to believe that the
10 first sound was when she exited the door and the
11 second sound was when she came back in, correct?

12 A. That's correct.

13 Q. And that did not occur on Scene 1, did it?

14 A. Well, you didn't let it continue playing.

15 Is there another set of rings after that
16 one?

17 Q. I don't think so. But we can play it.

18 Go ahead.

19 THE COURT: Do you want to play it again?

20 MR. SNEDDON: Yes, sir.

21 MR. AUCHINCLOSS: Let's start over.

22 MR. SNEDDON: Yeah, let's go back again.

23 THE WITNESS: You may need to hit "stop"
24 twice to reset it to the top.

25 (Whereupon, a portion of a DVD, Defendant's
26 Exhibit 5096, was played for the Court and jury.)

27 THE WITNESS: That's the second set.

28 Q. BY MR. SNEDDON: Okay. Right. And they 11328

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1 were almost back to back, were they not?

2 A. Correct. And on this take, I asked her to
3 go out and come back in, which she did. When I was
4 upstairs, I asked her to wait about ten seconds
5 after she went out before she came back in, so -- so
6 that it was more clear when she's coming in and when
7 she's going out.

8 Q. All right. So your explanation is that in
9 Scene 1, you didn't give her the instruction -- a
10 similar instruction to the one you gave her in
11 Scene 2 and Scene 3?

12 A. That's correct.

13 Q. All right. The individual you identified as
14 Grace, where was Grace during the filming?

15 A. Standing behind me as well.

16 Q. All right. Let's move on to the second
17 video.

18 A. Okay. Sure.

19 Q. I just have a few questions on that.

20 I believe you said you went out there on
21 multiple occasions?

22 A. That's correct.

23 Q. About four or five?

24 A. Correct.

25 Q. And on those occasions that you went out
26 there, the folks knew you were coming. I'm assuming
27 you made previous arrangements?

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1 Q. And prior to going out there, you told us
2 before that you had been advised by somebody to make
3 sure you take pictures of the clocks, correct?

4 A. Correct.

5 Q. Was that somebody connected with the
6 defense?

7 A. Yes.

8 Q. Were there any other things that they told
9 you that you should focus on in that film?

10 A. Well, let's see. Basically all of what I
11 saw while I was out there. I was asked to get shots
12 of the guesthouse, the guest rooms. I was asked to
13 get some shots of the -- some of the paintings by
14 the artist Nordahl, and -- as well as various other
15 places, including the arcade, the amusement park,
16 the zoo, et cetera.

17 Q. Okay. Now, when I was looking at the film,
18 it appeared to me - and you would be the best person
19 who would know this - that some of the library shots
20 about the books on the shelves were taken in a small
21 library located on the top floor of the arcade; is
22 that correct?

23 A. That's correct.

24 Q. Okay. Now, part of this video was to
25 show -- the objective view of it was to show a day
26 in the life of somebody who may be visiting the
27 ranch, correct?

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1 Q. Did you have an understanding that that was
2 a room up there that was open to the public?

3 A. I didn't really know one way or the other.

4 Anything that's personal of Mr. Jackson's I think
5 would be of interest to the public, so it was
6 interesting to see what his books -- a cross-section
7 of his books are.

8 Q. But you didn't know when you went up there
9 whether or not that room is actually locked most of
10 the time or not?

11 A. I don't know one way or the other.

12 Q. And whether the public was invited to use
13 that room?

14 A. I don't know one way or the other.

15 Q. Now, just a couple of more questions. Let
16 me ask you this: Were you asked to film the
17 employee break room?

18 A. Not that I recall.

19 Q. Were you asked to film the cellar?

20 A. No.

21 Q. Were you asked to film Mr. Jackson's office?

22 A. Yes, I was, actually.

23 Q. Did you do that?

24 A. No.

25 Q. Were you asked to film the bathroom area
26 in -- the bathroom that's adjacent to the arcade?

27 A. No.

28 Q. Were you asked to film -- I guess I asked 11331

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1 you that. And you did film the kitchen, correct?

2 A. Correct.

3 Q. Were you asked to film the location of the
4 refrigerator in the kitchen?

5 A. No.

6 Q. And you say that you were attempting to
7 portray this as an objective view of what somebody
8 would see at the ranch. But in reality, some of the
9 decisions that were made were subjective on your
10 part, correct?

11 A. Correct.

12 MR. SANGER: Objection; argumentative.

13 THE COURT: Overruled.

14 MR. SNEDDON: Nothing further, Your Honor.

15 THE COURT: Mr. Sanger?

16

17 REDIRECT EXAMINATION

18 BY MR. SANGER:

19 Q. All right. Mr. Nimmer, first of all, why
20 were Grace and Joe Marcus there?

21 A. Frankly, I'm not sure why. Perhaps so that
22 they could make sure I didn't tamper with anything
23 in the room. They led me to where the different
24 rooms are. They know their way around better than I
25 do.

26 Q. So when you make arrangements -- when you
27 made arrangements to go to the ranch, did somebody

28 accompany you so you could go in the different 11332

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1 locations?

2 A. Yes, at most all times somebody always

3 accompanied me.

4 Q. Did anybody prevent you from taking pictures

5 of anything in particular?

6 A. No.

7 Q. All right. Now, with regard to the last

8 questions about the tape of Neverland itself, you

9 were asked about filming certain areas like the

10 cellar and the break room and all that. Were there

11 other interior areas of buildings on that ranch that

12 you did not film?

13 A. Yes.

14 Q. And was this an effort to film every part of

15 every building on that ranch?

16 A. No.

17 Q. If you were to do that, even in the

18 abbreviated format you have here, how long would

19 your video end up being?

20 A. Well, possibly hours. Much longer.

21 Q. Okay. Let's talk about the doorbell test.

22 Were you asked to do any technical evaluation of the

23 alarm system?

24 A. No.

25 Q. Is that within your particular expertise?

26 A. That isn't my expertise.

27 Q. Do you have reason to believe that there are

28 other people who have such expertise? 11333

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1 A. Yes, I do.

2 Q. All right. Secondly, with regard to the
3 decibel level that was asked about last time, did
4 you have any decibel level, any known decibel level,
5 to compare decibel levels to had you determined the
6 decibel level? Do you know what I'm saying?

7 A. I did not.

8 Q. So if you -- if you do a decibel level test,
9 you generally need to have something else, some
10 other known level to compare it to, right?

11 A. Correct.

12 Q. All right. Were you asked to do decibel
13 levels at all?

14 A. No, I was not.

15 Q. What were you asked to do with regard to the
16 doorbell test?

17 A. To do a video- and audio-recording in those
18 two environments to get a general sound of what it
19 sounded like with the alarm going off.

20 Q. And were you asked also to listen to it
21 while you were doing it?

22 A. Yes.

23 Q. And did you compare what you heard to what
24 was seen on the tape?

25 A. Yes, I did.

26 Q. What was heard on the tape, more accurately.

27 A. Correct. What was heard.

28 MR. SANGER: Okay. Thank you very much. 11334

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1 THE WITNESS: Thank you.

2

3 RE-CROSS-EXAMINATION

4 BY MR. SNEDDON:

5 Q. Mr. Nimmer, you were trying to produce
6 something that would be useful to the jury in
7 reproducing the sound created by those chimes,
8 correct?

9 A. Correct.

10 Q. And to that extent, wouldn't the first thing
11 that you would want to do is to ask Mr. Marcus or
12 Grace whether or not the sound system that was in
13 there was the same -- the chime system that was in
14 there was the same one that was in there back at the
15 time of these events?

16 A. I did ask them if the room was set as close
17 as possible to how it was back in 2003, and they
18 said it was.

19 Q. Okay. But you didn't ask them about the
20 actual chime system itself, did you?

21 A. I didn't ask about anything specifically.

22 Q. And you were talking about -- I think you
23 told us yesterday you were talking about the
24 furniture, were you not?

25 A. I was talking about everything in general.

26 Q. In specific with regard to the chime system,
27 which was why you were really there, you never asked

28 them that question, did you? 11335

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1 MR. SANGER: Objection. Argumentative;

2 compound.

3 THE COURT: Asked and answered. Sustained.

4 Q. BY MR. SNEDDON: With regard to the

5 integrity of the product that the jury has just

6 seen, you would agree with me, would you not, if

7 there was differences with the way the actual chime

8 system was hooked up, or the equipment that was

9 there, if it was different from February or March of

10 1990 -- of 2003, that it would not be an accurate

11 reproduction of what you displayed to the jury,

12 would it?

13 MR. SANGER: Objection. Asked and answered;

14 beyond the scope. Sorry. Asked and answered and

15 beyond the scope of redirect.

16 THE COURT: It's argumentative. Sustained.

17 Q. BY MR. SNEDDON: Had you asked the specific

18 question of whether the system that you reproduced

19 on this video was the same as the one that was

20 there, let's say, on November 18th of 2003, then we

21 would know for certain that what you reproduced was

22 the same, correct?

23 MR. SANGER: Argumentative -- I thought the

24 question was over, I apologize.

25 MR. SNEDDON: It was.

26 MR. SANGER: Okay. I object. Argumentative.

27 THE COURT: Sustained.

28 MR. SNEDDON: I have no further questions. 11336

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1 MR. SANGER: No further questions, Your
2 Honor.

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

5 THE WITNESS: Thank you, Your Honor.

6 THE COURT: (To the jury) All right. We
7 only have one other witness, and before we can have
8 him come in, I have to make some rulings. So I'm
9 going to ask you to step out, and we'll do this as
10 quickly as we can.

11

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

15

16 THE COURT: You may be seated.
17 Do you want the witness in for this?

18 MR. SANGER: Yes.

19 THE COURT: Come forward to the witness
20 stand. You may be seated.

21 MR. GERAGOS: Thank you.

22 THE COURT: You're still under oath.

23 MR. GERAGOS: Thank you.

24

25 MARK GERAGOS

26 Having been previously sworn, resumed the
27 stand and testified further as follows:

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1 THE COURT: All right. I've received the
2 points and authorities that I requested. Thank you,
3 everybody. And reviewed them.
4 I've also received a revised or amended
5 waiver of attorney-client privilege/work product
6 that changes the written date -- or the date of the
7 written waiver to commence in November as opposed to
8 December, which the original one stated, so I accept
9 the new date for purposes of our discussions. I
10 don't think it's an issue that I'm going to -- I
11 accept that there was just a mistake on the dates,
12 so that's not an issue.

13 I have a sense of what I want to do, but
14 before I do that, Mr. Sneddon, does your side wish
15 to add anything or make any further arguments?

16 MR. ZONEN: Your Honor, I think the -- the
17 defense would be the moving party, I believe, to the
18 extent that they're asking that the Court observe a
19 conditional waiver at this point. Perhaps I'll
20 respond to what they have to say rather than give a
21 statement at this time.

22 THE COURT: All right. Is there anything
23 that you wish to add? Are you speaking?

24 MR. SANGER: Yes, I am, with the Court's
25 permission. Even though this is Mr. Mesereau's
26 witness, I started arguing the motions, and I'll
27 finish, if that's all right with the Court in this

28 one instance. 11338

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1 There's nothing else that we didn't say, but
2 there is at least a sentence or two in here that
3 might bear a little amplification. As I think is
4 pretty clear, our position should be that there is a
5 limited waiver; that that satisfies all the
6 requirements of this proceeding.

7 And the sentence, I think, needs a little
8 amplification. The sentence or two, is that if the
9 door were opened -- since we talked about opening
10 doors. If the door were opened and there was a
11 general waiver, it would lead to irrelevant
12 material. It would lead to material that's not
13 going to come into this case anyway. But it would
14 also be quite a disaster, I think, from the
15 standpoint of the attorney-client privilege for Mr.
16 Jackson, beyond the point of the adversarial
17 proceedings starting, which would include
18 communications that Mr. Geragos had with co-counsel
19 and investigators and even counsel, perhaps, after
20 he was no longer involved in the -- or he's no
21 longer attorney of record in the case.

22 And based on that, I think -- that alone, I
23 think, is the kind of prejudice that would be -- the
24 Court would want to avoid. And so I'd ask the Court
25 to just consider that in the context of the rest of
26 what we filed, including the need for a knowing and
27 intelligent waiver on the part of the defendant

28 himself and the relevance issues. 11339

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1 Thank you.

2 MR. ZONEN: Your Honor, here's our concern:

3 When we began direct examination of Mr. Geragos, we
4 were under the understanding, given the waiver that
5 was executed in open court in the defendant's
6 presence by Mr. Mesereau, that this was an
7 unconditional, unqualified waiver as to all aspects
8 of the attorney-client relationship.

9 All of cross -- all of direct examination
10 was concluded, and cross-examination commenced until
11 we discovered that, after a break, there had been a
12 qualified waiver executed in writing. There were
13 three attorneys in the room who knew that that
14 happened. Mr. Geragos knew it because he had been
15 furnished a copy of it. Mr. Mesereau knew it
16 because the signature on it by Miss Yu indicated
17 that he had reviewed the document for content and
18 approved it. And Miss Yu knew it because she
19 drafted the document.

20 None of the three attorneys, when they came
21 into court, either furnished the Court a copy of
22 that waiver or furnished the prosecution a copy of
23 that waiver. And none of those three lawyers told
24 either the Court or the prosecution that the waiver
25 had changed, unilaterally had changed from an
26 unconditional, unqualified waiver to a very
27 conditional, qualified waiver that would end at the

28 time of the defendant's arrest. 11340

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1 Now, we went through all of direct
2 examination and a good portion of cross-examination
3 with an understanding, at least from our standpoint,
4 and I believe from the Court's standpoint, that it
5 was an unqualified, unconditional waiver, and that
6 that's how we were going to conduct cross-examination.

7 As the Court pointed out, you can't give and
8 then take away at the same time without telling us.

9 And I believe the fact that we weren't told, either
10 the Court or the prosecution -- during the course of
11 that break, neither one of us were furnished copies
12 of the waiver and instructed that the terms and
13 conditions of the waiver had taken place.

14 And I believe that we should proceed with
15 cross-examination as if it were an unconditional,
16 unqualified waiver, and proceed with appropriate
17 objections for relevancy and appropriate objections
18 for any other evidentiary issues, but that the
19 waiver should be unqualified.

20 MR. SANGER: Just a factual issue, Your
21 Honor. I don't want to reargue what we've already
22 argued in writing. But on a factual issue, I
23 believe that Miss Yu did give the clerk -- give your
24 clerk a copy of the waiver before the break --
25 during the break at the same time it was given to
26 Mr. Geragos, and I believe that a copy was given to
27 the District Attorney at the same time.

28 MR. ZONEN: No, it wasn't. 11341

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1 MS. YU: Yes, it was. Yes, it was.

2 THE COURT: Wait, wait, wait. That's okay.

3 MR. SANGER: I'm reporting -- I did
4 personally see Miss Yu go up to Miss Frey, your
5 clerk, to give a copy. So I --

6 THE COURT: It's really insignificant, you
7 know, whether you revealed this at the break or ten
8 minutes after the break. I mean, the fact is that
9 there was a complete change in what the purported
10 waiver was.

11 MR. SANGER: There --

12 THE COURT: You can sit down. That's okay.

13 MR. SANGER: All right. Thank you, Your
14 Honor.

15 THE COURT: I did review the entire testimony
16 of Mr. Geragos last night before considering my
17 rulings in this matter, and there are two issues
18 that we're dealing with. One is questions beyond
19 the scope of the direct examination and the other
20 is the scope of the attorney-client privilege
21 waiver. And we do have Mr. Geragos's assertion that
22 I assume hasn't changed.

23 But you will claim the privilege based on
24 the waiver; is that -- regardless of my ruling?

25 THE WITNESS: Regardless of your ruling, I'm
26 going to claim the privilege. I've been furnished,
27 as I think -- I don't know if it was furnished to

28 the Court. I think you said it was. 11342

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1 THE COURT: It was, yeah.

2 THE WITNESS: The other. And regardless of

3 the ruling, I'm still going --

4 THE COURT: You will make --

5 THE WITNESS: I will stand on that.

6 THE COURT: -- make that claim?

7 THE WITNESS: Yes.

8 THE COURT: That was my understanding from

9 what you said last week, but I think I should --

10 thank you for affirming that.

11 That puts us in a difficult situation. You

12 know, there's things that I could do, and that would

13 be to strike his testimony. In looking at the

14 examination, I'm not sure who that would punish in

15 the end. I mean, there was some direct examination,

16 there was more lengthy cross-examination. Nobody's

17 moved that I strike his testimony, and if you do,

18 the jury has heard it.

19 We can -- we strike things all the time, but

20 we all know you can't -- you know, we don't really

21 know what the effect of trying to unring a bell is.

22 You give people instructions not to consider things,

23 but hope that they're capable of doing that. But it

24 doesn't appear to be a really good remedy at this

25 time, although I could consider it.

26 I feel deceived by Mr. Mesereau, and I am

27 considering -- although I've reached no conclusion

28 at this point, and I don't want to divert the 11343

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1 process of the trial with this type of thing, but
2 I'm considering sanctions of some sort against Mr.
3 Mesereau. Again, that doesn't really help or hurt
4 in the factual presentation.

5 So at this point I think what I'm going to
6 do is to recognize, according to the law, that there
7 is a qualified privilege and accept the waiver as it
8 stands only up until November 2003. But I am going
9 to -- and then I'm going to allow the prosecution to
10 continue their examination and I'm going to require
11 that any claim of privilege between attorney-client
12 be made in front of the jury so that the jury
13 understands what is actually happening in the
14 courtroom.

15 You know, we've had several other
16 situations. Some, I've said, privileges had to be
17 claimed in front of the jury. Some I've said they
18 are not to be claimed in front of the jury. And
19 it's a factual situation. You know, you get to that
20 conclusion based on all of the surrounding facts.
21 And in this case, I think it would be productive for
22 the jury to know that the privilege is being
23 claimed.

24 Mr. Geragos before, which is really the
25 proper thing, kind of what I wanted him to do, was
26 not -- you just said, "I can't answer that," which
27 clued me in it was a claim of privilege, but nobody

28 else really. 11344

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1 So that will change now. You'll have to
2 say, "I'm claiming the attorney-client privilege and
3 cannot answer that question."

4 THE WITNESS: I did not assert that before
5 because I didn't have the Court's ruling or
6 guidance.

7 THE COURT: I'm saying that you did the
8 right -- you did it the way I wanted you to then,
9 but now we're changing the rules.

10 THE WITNESS: That's fine.

11 THE COURT: Okay. So that's my ruling on the
12 issue.

13 And you can bring the jury back in.

14 MR. SANGER: Before you do that, just one
15 further point of clarification, if I could.

16 THE COURT: Yes.

17 MR. SANGER: I know this is Mr. Mesereau's
18 witness, but this will be my last remark with regard
19 to the motion.

20 THE COURT: I think it's --

21 MR. SANGER: Would the Court still entertain
22 objections that it's beyond the scope and relevance
23 with regard --

24 THE COURT: Yes. I said there's two issues.

25 MR. SANGER: Yes, sir.

26 THE COURT: I haven't abrogated the rule that
27 you called this witness for a specific purpose. And

28 in reviewing the rulings that I made last week, 11345

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1 which it's a luxury, you know, to be able to go back
2 and review, I think I was making the correct rulings
3 because of his assertion.

4 So where you thought that the District
5 Attorney was exceeding the scope and I ruled that
6 he was not, I still feel that way. You know, he's
7 made some assertions about what he knew at the time
8 that he was advising, and that area I had allowed
9 them to open up, so I would continue to allow that
10 area to be opened up. But there's -- of course,
11 there's the -- I don't want to say too much, but
12 that, I think, addresses something that should have
13 been addressed.

14 MR. SANGER: I appreciate that. Thank you,
15 Your Honor.

16 THE COURT: Do you have any questions, Mr.
17 Zonen?

18 MR. ZONEN: Your Honor, we -- we did, in
19 fact, request of the Court that the Court consider
20 the option of striking the testimony of this witness
21 in its entirety. I'm not going to renew that at
22 this time. But I'd like to see what happens in
23 terms of cross-examination at this point vis-a-vis
24 his assertion of that privilege. And I wouldn't
25 bring that up in front of the jury.

26 THE COURT: A better way for me to have said
27 what I was trying to say was that I won't grant a

28 motion to strike at this time, but I would 11346

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1 reconsider one at some other time if --

2 MR. ZONEN: And that's what I was asking.

3 THE COURT: -- if it's made.

4 And I'm not inviting it. I'm just saying at

5 this time, when I weighed the testimony that had

6 been given, I didn't think that was the way to go.

7 MR. ZONEN: That's fine.

8 THE COURT: All right. Let me --

9 MR. SANGER: Oh, before -- a different

10 matter, just real quick, Your Honor.

11 THE COURT: Yeah.

12 MR. SANGER: You still have the Amen

13 testimony issue.

14 THE COURT: Yes.

15 MR. SANGER: Amen. Joining in the bailiff's

16 spirit of coming together here.

17 THE COURT: They can't hear you.

18 MR. SANGER: Okay. We're hoping to have a

19 ruling on that in time that we could -- if we're

20 able to call him, we would be able to get that in

21 motion, so --

22 THE COURT: I'm prepared to make a ruling on

23 that. My suggestion is we have the jury in, we

24 finish this, and then we deal with that when we can

25 let them go, instead of taking more time now.

26 MR. SANGER: Perfect. Thank you.

27 THE COURT: I'm just going to step off the

28 bench so that you can bring the jury in. I'll be 11347

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1 right there, ready to come right back. Okay.

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

5

6 THE COURT: You may proceed.

7 MR. ZONEN: Thank you, Your Honor.

8

9 CROSS-EXAMINATION (Continued)

10 BY MR. ZONEN:

11 Q. Mr. Geragos, good morning.

12 A. Good morning, Mr. Zonen.

13 Q. Mr. Geragos, you were aware in advance of
14 the meeting with the Department of Social Services,
15 Child & Family Services, that there was going to be
16 a meeting involving Janet Arvizo; is that correct?

17 A. Yes.

18 Q. Who was it who notified you or advised you
19 of that fact?

20 A. Probably would have been Brad.

21 Q. Did you know at the time that there was
22 going to be somebody working for Brad Miller who
23 would be attending that meeting?

24 A. I don't think so.

25 Q. Did you instruct Brad Miller to be there?

26 A. No. No.

27 Q. Did you have a conversation with Brad Miller

28 before that meeting? 11348

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1 A. I think that would have been the
2 conversation where he told me about the meeting.

3 Q. All right. Did you express concern to Brad
4 Miller about comments that Janet Arvizo might make
5 to the workers, social workers?

6 A. I don't think so. I don't think I expressed
7 concern about comments she might make. I think I --
8 as I testified to last week, I think the question
9 was she wants somebody -- or wants to talk to a
10 lawyer or something, something to that effect, and
11 that's when I gave Mr. Nasatir's name.

12 Q. All right. Now, you did not know at the
13 time that there was going to be a representative of
14 Mr. Miller who would be there?

15 A. Like I say, as I sit here today, I don't
16 think that I knew that either he or Asaf were going
17 to be there. I don't know when I learned that.

18 Q. And Mr. Miller never consulted with you in
19 advance about the propriety of tape-recording that
20 conversation?

21 A. I had no idea up until the time that the
22 search warrant was issued or executed that there was
23 any kind of a tape that was done.

24 Q. Were you aware as of that day of Brad Miller
25 ever having tape-recorded illegally conversations
26 prior to that time?

27 A. Well, I don't know that that was -- if

28 you're suggesting that that was an illegal taping, I 11349

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1 don't believe that was an illegal taping. And the
2 previous taping that I was aware of, he told her,
3 Janet Arvizo, that he was working for me, that he
4 had a tape-recorder, and that he was taping it, and
5 something to the effect, if memory serves, that was
6 that okay?

7 Q. Mr. Geragos, do you believe that it's legal
8 to surreptitiously tape a Department of Child &
9 Family Services interview?

10 A. I don't believe that you can surreptitiously
11 tape their interview, no. I don't think that that
12 would be legal.

13 Q. Is it your opinion, as an attorney
14 specializing in criminal law, that the interviews
15 with the Department of Child & Family Services are
16 confidential?

17 A. Yes.

18 Q. And therefore, somebody tape-recording it
19 for purposes of being able to listen to that
20 conversation, that would be in violation of the
21 confidentiality laws; is that true?

22 A. I don't know if it would be in violation of
23 the confidentiality laws. I think it would probably
24 be a violation of a Penal Code section.

25 Q. In any event, it would be illegal?

26 A. I -- in my opinion, it probably would be.

27 Q. You are not aware of Mr. Miller ever having

28 done that in the past; is that correct? 11350

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1 A. Well, I'm aware --

2 MR. MESEREAU: Objection; relevance.

3 THE COURT: Overruled.

4 You may answer.

5 THE WITNESS: I'm aware of many private

6 investigators, and I would probably say Brad

7 included, who understand that the Penal Code has

8 exceptions. And one of the exceptions is if you

9 believe that there are certain enumerated crimes

10 that are going to be committed, you are allowed to,

11 under the code section, tape surreptitiously.

12 So I don't know. Your definition of whether

13 or not it's illegal or not and mine probably differ,

14 but I think that the Penal Code clearly states that

15 there are exceptions when you can tape.

16 Q. BY MR. ZONEN: Did you believe that there

17 was going to be a crime committed at the Department

18 of Child & Family Services interview with Janet

19 Arvizo?

20 A. As I told you, I don't know what was going

21 to happen there. But I think what you're asking me

22 is in reference to the other tape that was made.

23 Q. No, sir, I'm asking --

24 A. Which was with Mr. --

25 Q. -- about the Department of Child & Family

26 Services interview. Did you believe there was going

27 to be a crime committed during that interview?

28 A. No, I didn't believe that a crime was going 11351

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1 to be committed because I don't think that I had a
2 discussion as to what was going to take place, other
3 than to say, "Look, I can't represent her. Talk to
4 Nasatir."

5 Q. And you did not tell Brad Miller that you
6 thought there would be some kind of crime committed
7 during the course of the Department of Child &
8 Family Services interview?

9 A. Well, if she would lie to them, that would
10 be potentially a crime, I suppose. But I don't know
11 if I had --

12 Q. And did you tell Brad Miller that?

13 A. I don't know that I had that discussion with
14 Brad. In retrospect, who knows what she was going
15 to say.

16 Q. And Brad Miller did not tell you that he
17 planned on tape-recording that interview?

18 A. Did not.

19 Q. And if he had, you would have told him not
20 to?

21 A. Well, if he had told --

22 MR. MESEREAU: Objection; calls for
23 speculation.

24 THE COURT: Sustained.

25 Q. BY MR. ZONEN: When did you first get
26 possession of that tape?

27 MR. MESEREAU: Objection.

1 MR. MESEREAU: Relevance; beyond the scope.

2 THE COURT: Overruled.

3 THE WITNESS: And I'd have to -- Your Honor,
4 as the Court instructed, I'd have to assert
5 attorney-client privilege at this point.

6 THE COURT: You refuse to answer based on
7 the attorney-client privilege?

8 THE WITNESS: Could I?

9 THE COURT: Is that right?

10 THE WITNESS: Yes.

11 THE COURT: Next question.

12 Q. BY MR. ZONEN: From whom did you first learn
13 that that conversation had, in fact, been
14 tape-recorded?

15 A. I believe, as I sit here today, the only
16 conversation that was tape-recorded was something
17 between Asaf and Janet Arvizo. I don't -- I don't
18 know -- as I sit here today, I haven't listened to
19 that tape in quite a while. I don't know how
20 lengthy that tape was. I thought it was just
21 between Janet and Asaf.

22 Q. From whom did you first learn that there had
23 been a tape-recording that took place at Jay
24 Jackson's apartment while the Department of Child &
25 Family Services workers were there?

26 MR. MESEREAU: Objection. Beyond the scope;
27 relevance; assumes facts.

1 You may answer. Do you want the question

2 read back?

3 THE WITNESS: No, I remember the question.

4 I'm just trying to -- I couldn't tell you if

5 I learned it from -- it was either from Brad or when

6 I got copies of the documents that were seized, when

7 I had asked Mr. Sneddon for that. So I might have

8 gotten the items from Mr. Sneddon. And he had

9 represented to me that he had not listened to them

10 yet, so --

11 Q. BY MR. ZONEN: And Brad Miller, did he brief

12 you on the content of the interview with -- the

13 Department of Child & Family Services interview?

14 A. At what point?

15 Q. After it occurred.

16 MR. MESEREAU: Objection. Beyond the scope;

17 relevance.

18 THE COURT: Sustained.

19 Q. BY MR. ZONEN: When was the first time you

20 had a conversation with Brad Miller following the

21 Department of Child & Family Services interview?

22 MR. MESEREAU: Objection. Relevance; beyond

23 the scope.

24 THE COURT: Overruled.

25 THE WITNESS: I couldn't tell you as I sit

26 here. I'm sure it was sometime shortly thereafter,

27 but I just don't know.

28 Q. BY MR. ZONEN: Did you ask him about how he 11354

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1 knew about the content of that interview?

2 A. I'm sure he would have -- well, I would just
3 be speculating.

4 Q. Did he tell you that he had somebody there
5 at the time?

6 A. No. It was -- I can't -- if you're asking
7 me for, in February, what I knew then, I would only
8 be speculating. I think what he told me was that he
9 had Asaf there because Janet wanted somebody there,
10 and then Asaf left, is I think what I was told in
11 February.

12 Q. All right. Between the time that -- of this
13 interview with the Department of Child & Family
14 Services and the time your client was arrested in
15 November, did Brad Miller ever tell you that that
16 conversation was tape-recorded?

17 MR. MESEREAU: Objection. Relevance; beyond
18 the scope.

19 THE COURT: Sustained.

20 Q. BY MR. ZONEN: Did you receive a copy of the
21 tape-recording at any time between the interview on
22 the 20th of February, '03, and the time that your
23 client was arrested in November?

24 MR. MESEREAU: Objection. Relevance; beyond
25 the scope.

26 THE COURT: Sustained.

27 MR. ZONEN: I'm sorry?

28 THE COURT: Sustained. I think the relevant 11355

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1 period is through April. That's why I'm sustaining
2 the objections.

3 MR. ZONEN: Okay.

4 Q. If I were to ask those questions again
5 through the end of April, would your answer be
6 different? Let me change that question.

7 Between the time of the interview on the
8 20th of February through the end of April, did you
9 receive a copy of the tape of that interview?

10 A. I don't know. I couldn't tell you.

11 Q. You might have?

12 A. I don't think so. But I couldn't tell you.

13 I don't think that I did. I don't think that I was
14 aware of that or the other tape until after the
15 search warrant, but I'd just be guessing.

16 Q. Now, you commenced surveillance of the
17 Arvizo family; is that right?

18 A. Not me personally, but I asked Brad to find
19 out who they were meeting with, what they were
20 doing. So if he surveilled in response to that,
21 that would be what I would have expected.

22 Q. You didn't personally want to sit in a car
23 in East L.A. and watch them?

24 MR. MESEREAU: Objection; argumentative.

25 THE COURT: Sustained.

26 Q. BY MR. ZONEN: Did you have a conversation
27 with Mr. Miller as to who was going to participate

28 in the surveillance? 11356

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1 A. No.

2 Q. Did you give Mr. Miller any direction as to
3 what they were supposed to do?

4 A. I think the same thing I testified to
5 before: "Find out where they are, who they're
6 meeting with, and what they're doing."

7 Q. Did you tell them to surveil the children?

8 A. Well, I assumed that the children would be
9 in the company of adults, and that one of the adults
10 would be Janet Arvizo.

11 Q. Did you --

12 A. That would be the assumption.

13 Q. Did you tell them to conduct surveillance of
14 the children when they're not in the presence of the
15 adults?

16 A. I don't think we had that discussion, no.

17 Q. Did you tell Brad Miller to have people
18 conducting surveillance of the children while they
19 were coming and going from their junior high school?

20 A. No, I didn't give him specific instructions
21 as to what to do. I think I just gave a broad
22 directive that said, "I want to know who they're
23 meeting with, what they're doing."

24 Q. Did you tell Brad Miller that the
25 surveillance operatives should be obvious so that
26 the children know they're being followed and taped?

27 MR. MESEREAU: Objection. Argumentative;

28 assumes facts. 11357

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1 THE COURT: Overruled.

2 You may answer.

3 THE WITNESS: No. As I indicated before, I
4 told -- I gave the same directive. I didn't tell
5 him, "This is what I want you to do on this day.
6 This is what I want you to do on that day." I said,
7 "I just want to know who they're meeting with and
8 what they're doing."

9 Q. BY MR. ZONEN: Did you get a report from
10 Brad Miller as to the scope and extent of the
11 surveillance that he conducted?

12 MR. MESEREAU: Objection. Relevance; beyond
13 the scope; and vague as to time.

14 MR. ZONEN: There were questions about
15 surveillance by the defense.

16 THE COURT: That's true. Vague as to time is
17 sustained.

18 Q. BY MR. ZONEN: Well, the period of time that
19 the surveillance was conducted was what, 60 days?

20 A. No, I think it was less than that. I think
21 it was about 30 or 35 days, something like that.

22 Q. And it commenced when?

23 A. Sometime after February 7th.

24 Q. Sometime after February 7th?

25 A. Yeah.

26 Q. Were they actually being --

27 A. Yes.

28 Q. -- surveilled while they were at Neverland? 11358

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1 A. I don't know that they -- I don't think Brad
2 was ever at Neverland, if I had -- if I had to -- if
3 that's what you're asking me.

4 Q. Well, if you've directed Brad Miller to
5 conduct a surveillance of the Arvizo family as early
6 as the 7th of February, then you would have been
7 informed as to exactly when they were at Neverland;
8 no?

9 MR. MESEREAU: Objection. Argumentative;
10 assumes facts.

11 THE COURT: Overruled.

12 You may answer.

13 THE WITNESS: Mr. Zonen, what I directed him
14 to do was find out who they were meeting with, what
15 they were doing, and then give me a report back.

16 And he would have given me a report back
17 saying, "They're either here or they're there. We
18 either found this out; we didn't find this out."

19 I did not ask him to tell me exactly who he
20 was using. I didn't get into that. It didn't occur
21 to me at that point.

22 Q. BY MR. ZONEN: Did Brad Miller tell you that
23 the children were meeting with Michael Jackson
24 during that period of time?

25 MR. MESEREAU: Objection. Hearsay;
26 relevance; beyond the scope.

27 THE COURT: Overruled.

28 MR. ZONEN: That was overruled. 11359

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1 THE WITNESS: That means I can answer?

2 Q. BY MR. ZONEN: I think it does, yes.

3 A. Thank you.

4 I don't believe so. I didn't have the
5 impression, at least, that when he was finding out
6 what they were up to, that that included any time
7 that they may or may not have been at Neverland.

8 Q. Did you have an opportunity to review the
9 surveillance tapes?

10 A. Not prior to November.

11 Q. You directed a surveillance be done as early
12 as the 7th of February?

13 A. I directed that they find out who they were
14 meeting with and what they were doing.

15 Q. All right.

16 A. I know you keep saying "surveillance." I
17 didn't tell them to go sit in a car outside. I
18 didn't give them directives as to how to do it. All
19 I said is, "Find out who they're meeting with and
20 what they're up to."

21 As I explained last week when you asked me
22 this, the concern was, is that they were either
23 going to go meet with a lawyer of some kind to make
24 some accusation, or they were going to sell the
25 story to the tabloids.

26 I -- the extent of what he did I learned
27 sometime later, but did not know at the time. And

28 what I knew at the time was that they were either 11360

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1 here or there at particular points.

2 Q. Do you know where those surveillance tapes
3 are today?

4 MR. MESEREAU: Objection. Relevance; beyond
5 the scope.

6 THE COURT: Overruled.

7 THE WITNESS: I assume in Steve -- the
8 sheriff's possession.

9 Q. BY MR. ZONEN: Are you saying that all the
10 surveillance tapes were kept at Brad Miller's
11 office?

12 A. I -- the surveillance tapes, as you call
13 them, all I'm aware of in terms of surveillance
14 tapes were the things that were seized during the
15 search warrant.

16 Q. You never asked Mr. Miller if, in fact,
17 there were additional tapes other than the ones
18 seized during the course of the search of his
19 office?

20 MR. MESEREAU: Objection. Vague as to time;
21 relevance; beyond the scope.

22 THE COURT: Overruled.

23 You may answer.

24 THE WITNESS: I would have to assert the
25 attorney-client privilege, because I think built
26 into the question is asking me what my discussion --

27 THE COURT: All you have to say is you

28 refuse to answer because you're claiming the 11361

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1 privilege, that's all.

2 Next question.

3 Q. BY MR. ZONEN: Up until the time of your
4 client's arrest, did you ever view any surveillance
5 tapes?

6 MR. MESEREAU: Objection. Relevance; beyond
7 the scope.

8 MR. ZONEN: I'm trying to establish if the
9 ones in evidence are accurate.

10 THE COURT: The objection is overruled.

11 You may answer.

12 THE WITNESS: No, I don't believe that I did.

13 Q. BY MR. ZONEN: All right. Were you ever
14 briefed as to the content of those surveillances?

15 MR. MESEREAU: Objection. Vague as to time;
16 relevance; beyond the scope.

17 THE COURT: Sustained as to time.

18 Q. BY MR. ZONEN: Were you ever briefed before
19 the conclusion of the month of April 2003 as to the
20 content of the surveillance tapes?

21 A. I think I was, yes.

22 Q. All right. Did they tell you that they --
23 who was it who briefed you?

24 A. It would have been Brad.

25 Q. Did Brad tell you that they conducted a
26 surveillance of Janet Arvizo's parents at their home
27 in El Monte?

28 A. I think that he did. 11362

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1 Q. Did you direct that they do a surveillance
2 of her parents?

3 A. No. As I explained before, I told him,
4 "Find out who they're meeting with and what they're
5 doing." I didn't -- I didn't --

6 MR. MESEREAU: Objection. Objection. He
7 cut off the witness.

8 THE COURT: Sustained.

9 MR. MESEREAU: Could the witness please
10 answer, Your Honor?

11 THE COURT: If you haven't completed your
12 answer, you may do so.

13 THE WITNESS: Thank you.

14 I said I didn't specify the exact locations
15 or what they should do.

16 MR. ZONEN: Just one second, Your Honor.

17 Q. Are you aware of any other surveillance
18 tapes other than the ones that we seized from Brad
19 Miller's office?

20 A. No.

21 MR. MESEREAU: Objection. Relevance; beyond
22 the scope.

23 THE COURT: Overruled.

24 You may answer.

25 THE WITNESS: No.

26 Q. BY MR. ZONEN: Are you aware if the Brad
27 Miller tapes seized from Brad Miller's office have

28 been altered in any way by Brad Miller? 11363

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1 MR. MESEREAU: Objection. Relevance; beyond
2 the scope.

3 THE COURT: Overruled.

4 You may answer.

5 THE WITNESS: No.

6 Q. BY MR. ZONEN: Were are you aware of whether
7 or not there's additional footage to those tapes
8 that have been excised or deleted from the tapes?

9 MR. MESEREAU: Same objection.

10 THE COURT: Overruled.

11 THE WITNESS: No.

12 Q. BY MR. ZONEN: Now, at some point in time
13 you became aware of the fact that there was a
14 tape-recording of the telephone call between Janet
15 Arvizo and Frank Cascio; is that correct?

16 MR. MESEREAU: Objection. Vague as to time;
17 relevance; beyond the scope.

18 THE COURT: Overruled.

19 You may answer.

20 THE WITNESS: I can't answer that because of
21 attorney-client privilege.

22 Q. BY MR. ZONEN: Did you ever listen to the
23 tape-recording of the conversation between Janet
24 Arvizo and Frank Cascio?

25 MR. MESEREAU: Objection. Relevance; vague
26 as to time; beyond the scope.

27 THE COURT: Vague as to time.

28 Q. BY MR. ZONEN: Did you ever listen to that 11364

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1 conversation up until the time that your client was
2 arrested?

3 A. No.

4 Q. Did you know that it existed, that
5 tape-recording?

6 A. Up until the time of the arrest?

7 Q. Yes.

8 A. No.

9 Q. Did you have a conversation with Brad Miller
10 about conducting or monitoring conversations between
11 Janet Arvizo and any of the other employees or
12 people who work for Michael Jackson?

13 A. No.

14 MR. MESEREAU: Objection. Relevance; vague
15 as to time; beyond the scope.

16 THE COURT: Vague as to time.

17 Q. BY MR. ZONEN: That last question that I
18 asked, if I were to say up until the time of your
19 client's arrest, what would your answer be?

20 MR. MESEREAU: Same objection.

21 THE COURT: Counsel, I'm going to tell you
22 again. The area that I think is relevant on some of
23 these questions is the time period that he testified
24 to on direct where he was doing certain things. And
25 your questions are relevant -- you know, it's not
26 the cutoff date that's relevant. So I'm just trying
27 to give you some guidance.

28 MR. ZONEN: Thank you. Perhaps that 11365

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1 question could be modified, then, through the end of
2 April.

3 Q. Do you remember the question?

4 A. I do. And the answer is no.

5 Q. Pursuant to the surveillance investigation
6 that you had directed Mr. Miller to conduct, were
7 you kept advised as to the movement of Janet Arvizo
8 between Neverland and her home or Major Jackson's
9 home?

10 MR. MESEREAU: Objection. Vague as to time;
11 relevance.

12 Q. BY MR. ZONEN: During the period of time of
13 the surveillance, which is roughly 30 days from the
14 7th.

15 A. When you say kept apprised, I'm sure that I
16 would have had conversations with Brad, and he would
17 have told me in general terms what was happening.

18 Q. Did Brad Miller then tell you the number of
19 times that Janet Arvizo left Neverland and then
20 returned?

21 A. You know, as I sit here, I don't remember
22 him telling me. I know your focus on the question
23 is Neverland and returning, and I don't think that
24 was really the focus of what he was doing. As I
25 indicated before --

26 MR. ZONEN: Your Honor, I'll object as
27 nonresponsive.

1 THE WITNESS: I do not believe that he was --
2 if he did, I wasn't paying attention to it. I was
3 concerned with other things.

4 Q. BY MR. ZONEN: Did he tell you that Janet
5 Arvizo left Neverland on the 12th of February at
6 about one o'clock in the morning?

7 MR. MESEREAU: Objection. Vague as to time;
8 relevance; beyond the scope.

9 Q. BY MR. ZONEN: At the time, concurrent with
10 those events. In other words, within a few days of
11 the 12th, did he tell you that?

12 THE COURT: All right. He's changed the --
13 I'll accept that change.

14 THE WITNESS: Probably did.

15 Q. BY MR. ZONEN: Did he tell you within a few
16 days of the event, in other words, contemporaneous
17 of the event, that the family returned to Neverland
18 within a few days thereafter?

19 A. As I sit here, I don't remember. I do have
20 a memory of being told that she had left, but I
21 don't know about her returning.

22 Q. All right. Would you have been concerned
23 about the prospect of the Arvizo family returning to
24 Neverland --

25 MR. MESEREAU: Objection; calls for
26 speculation.

27 Q. BY MR. ZONEN: -- as not being in your

28 client's best interest? 11367

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1 MR. MESEREAU: Objection; calls for

2 speculation.

3 THE COURT: Just a moment. I don't want you

4 to add to your question after there's an objection.

5 It's okay on that timing, but it causes me

6 difficulty when you're --

7 MR. ZONEN: I actually intended that to be

8 one question.

9 THE COURT: All right. Why don't you just

10 rephrase the question.

11 MR. ZONEN: Give me a moment.

12 Q. All right. Did you have concerns about the

13 Arvizo family returning to Neverland after they left

14 on the 12th?

15 A. I had concerns about the Arvizo family.

16 Q. But particularly in the context of them

17 being in the presence of Michael Jackson?

18 A. Yes. I always had concerns about the Arvizo

19 family from early February, meaning sometime after

20 the 7th or the 9th, something like that.

21 Q. Did your concerns include a concern that

22 Gavin Arvizo would end up back in Michael Jackson's

23 room?

24 A. Well, when you say back in his room, no,

25 that wasn't my concern. My concern was that there

26 was going to be some kind of an accusation made;

27 that there was going to be some kind of a false

28 story concocted. That was my concern. 11368

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1 Q. Did you at any time contact Michael Jackson

2 after the 12th, after the 12th --

3 MR. MESEREAU: Objection; vague as to time.

4 MR. ZONEN: It's in the midst of the

5 question. I'm just putting the time parameters on

6 it.

7 MR. MESEREAU: My apology. I withdraw the

8 objection.

9 Q. BY MR. ZONEN: After the 12th of February,

10 at any time after the 12th of February, within the

11 next week or so, did you have a conversation with

12 Michael Jackson about not allowing the Arvizos back

13 on the property?

14 A. No, I don't think that I had a conversation

15 about anything to do with them coming back and forth

16 to the property. I wanted to know what they were up

17 to. I didn't -- I don't think I had a conversation

18 as to them coming onto the property.

19 Q. All right. Mr. Geragos, you knew that there

20 was going to be an interview that would take place

21 in the late evening hours of the 19th into the early

22 morning hours of the 20th that was going to be part

23 of "Take 2"; in other words, a filming of the Arvizo

24 family that was designed or intended to be a part of

25 this commercial production; is that right?

26 A. I knew that they were filming what they

27 called -- it wasn't -- as I remember it, they kept

28 referring to it as the rebuttal. 11369

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1 Q. Were you aware that there was a substantial
2 amount of money that had been paid to Michael
3 Jackson by FOX Studios in advance of the filming of
4 that production, an advance towards that production?

5 MR. MESEREAU: Objection. Assumes facts not
6 in evidence; no foundation; beyond the scope.

7 MR. ZONEN: Your Honor, it is in evidence,
8 and the exhibit specifically is 898.

9 THE COURT: The objection is sustained.

10 Q. BY MR. ZONEN: Were you paid out of an
11 account that was funded by FOX Studios?

12 A. Not that I'm aware of.

13 Q. Did you know from what source came your
14 income?

15 MR. MESEREAU: Objection. Relevance; beyond
16 the scope.

17 THE COURT: Sustained.

18 MR. ZONEN: Could I be heard, Your Honor?

19 THE COURT: Yes.

20 MR. ZONEN: Could we do it at sidebar?

21 THE COURT: All right.

22 (Discussion held off the record at sidebar.)

23 Q. BY MR. ZONEN: Based on your briefing with
24 either Brad Miller or any employee of Brad Miller,
25 did you learn that Janet Arvizo had been entirely
26 complimentary of the defendant during the course of
27 the interview that was tape-recorded in person at

28 Major Jackson's home on the 16th? 11370

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1 MR. MESEREAU: Objection; hearsay.

2 THE COURT: Overruled.

3 THE WITNESS: Yes.

4 Q. BY MR. ZONEN: She had nothing bad to say
5 about Michael Jackson at all?

6 A. That was my understanding.

7 Q. Based on your briefing with Brad Miller
8 about the content of her interview with the
9 Department of Child & Family Services, is it your
10 understanding that Janet Arvizo had nothing bad to
11 say about Michael Jackson in that interview as well?

12 A. Yes.

13 Q. Okay. Did you understand that she was going
14 into that interview concerned that her children
15 would be removed from her custody?

16 A. I don't know that I knew that prior, but
17 that would not surprise me. I mean, it's a
18 Department of Children's Services interview. I
19 think anybody would be concerned.

20 Q. Would it be your expectation that the more
21 complimentary she was of Michael Jackson the greater
22 the likelihood that they would not take her
23 children?

24 MR. MESEREAU: Objection. Foundation; calls
25 for speculation; relevance.

26 THE COURT: Overruled.

27 You may answer.

28 THE WITNESS: I don't know that that was the 11371

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1 thought process. I believe I was told that she had
2 previously had close encounters with the DCFS and
3 that was her concern.

4 Q. BY MR. ZONEN: Did you direct Brad Miller to
5 work with anybody from Michael Jackson -- anyone
6 among Michael Jackson's employees in terms of
7 conducting his investigation?

8 A. I don't know that I directed him to talk to
9 anybody in particular. I told him to go -- I told
10 him to contact people and investigate, do what an
11 investigator does.

12 Q. Do you know who paid the balance of Janet
13 Arvizo's rent at her Soto Street apartment?

14 A. I think at the time -- are you talking about
15 in April of 2003, roughly that time period?

16 Q. Try March.

17 A. In March -- I think I knew in April that
18 Brad had paid it.

19 Q. All right. Did Brad Miller have money to be
20 able to pay that?

21 A. Probably not.

22 Q. All right. So do you know how he paid that?

23 A. I would have told him to get reimbursed from
24 the accountant.

25 Q. Did you advance any money?

26 A. I did not.

27 Q. Did you advance any money toward emptying

28 out the apartment? 11372

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1 A. I did not.

2 Q. Did you tell Brad Miller that he should go
3 ahead and pay off the balance of the rent on that
4 apartment?

5 A. I don't know that I told him. I know that
6 he told me he was going to do it. I don't know that
7 I told him to do it. I mean, I know that he told me
8 he was going to do it or he had done it. I just
9 don't remember the context of the conversation.

10 Q. Did you ask Brad Miller where the Arvizo
11 family would be moving once that apartment was moved
12 out?

13 A. He had told me that they were moving in with
14 her boyfriend.

15 Q. Did you tell Brad Miller, "This is not a
16 problem for Michael Jackson to be paying for
17 cleaning her out of her apartment"?

18 A. What do you mean, "cleaning her out of her
19 apartment"?

20 Q. Moving them from the apartment and putting
21 their things in storage. "This is something that
22 Michael Jackson ought not be involved in." Did you
23 tell him that?

24 A. He was talking to Janet. Janet wanted that
25 done. Janet was trying, according to him at least,
26 to get these things done. And I told him if he was
27 going to do that, that he better videotape the

28 contents so that there later is not an accusation 11373

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1 that something was tampered with.

2 Q. Why did you tell Brad Miller that he should
3 move Janet Arvizo out of her apartment on Soto
4 Street?

5 A. Did I? I didn't say I told him that.

6 Q. Why did you approve it? He works for you,
7 right?

8 A. He works for me.

9 He said that she wanted that done. He was
10 going to assist her. He was trying to be on her
11 good side, I guess is -- for lack of a better term.

12 Q. Did you know at the time that she was moved
13 out of that apartment where her possessions went?

14 A. I don't think at the time, no. I've learned
15 later on.

16 Q. All right. Now, did you instruct Brad
17 Miller that he should place them in a locker
18 someplace under his name?

19 A. No, I don't think that I did.

20 Q. Do you know under whose name her possessions
21 were, in fact, deposited?

22 A. I learned that later, yes, that it was under
23 his name.

24 Q. All right. Now, did you -- as soon as you
25 learned that, did you immediately instruct him to
26 change that?

27 A. Well, no. When I learned that was when I

28 got those letters from Mr. Dickerman. And he and I 11374

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1 went back and forth as to where he wanted the stuff.

2 And I think at one point I told him that he could
3 take over the lockers. I offered to have him switch
4 it to whatever name he wanted, and I think we went
5 back and forth on that.

6 MR. ZONEN: May I approach the witness?

7 THE COURT: Yes.

8 Q. BY MR. ZONEN: Mr. Geragos, I'm going to
9 show you exhibit number -- Exhibit No. 630. I'd
10 like you to take a moment and strum through those
11 collection of documents in that exhibit, if you
12 would.

13 A. I've strummed through it.

14 Q. Strumming through documents is something
15 lawyers do well, right?

16 A. I don't know if we do it well. We do it a
17 lot.

18 Q. Mr. Geragos, do you recognize those
19 documents as being a compilation of letters sent to
20 you by Mr. Dickerman and a few letters sent by you
21 back to Mr. Dickerman in response?

22 A. No, I do not.

23 Q. You don't recognize any of those letters at
24 all?

25 A. I think you have probably given me the wrong
26 exhibit.

27 (Laughter.)

28 You haven't been strumming documents enough. 11375

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1 This is the --

2 MR. ZONEN: It's the wrong exhibit.

3 (Laughter.)

4 MR. ZONEN: Could we have 629?

5 MR. SNEDDON: My fault. Not his.

6 MR. ZONEN: You could have told us at the
7 early stages of the strumming.

8 THE WITNESS: I couldn't figure out why you
9 were having me look at it.

10 You were close. It was the right lawyer.

11 Just the wrong series of correspondence.

12 THE COURT: Maybe we ought to just start our
13 break early, huh? Okay.

14 (Recess taken.)

15 MR. SANGER: Your Honor, may we approach,
16 please?

17 THE COURT: All right. Yes.

18 MR. SANGER: Thank you.

19 (Discussion held off the record at sidebar.)

20 MR. ZONEN: Your Honor, could we approach
21 the bench again?

22 (Discussion held off the record at sidebar.)

23 THE COURT: (To the jury) Do you want in on
24 any of this?

25 No, you don't. Oh, I'm sorry, this is just
26 a complicated area. I'm trying to make it work.

27 In my other courtroom where -- you know,

28 this is not my normal courtroom. I'm really across 11376

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1 the hall there. And when attorneys approach, the
2 jury sits right there, sort of like if Mr. Geragos
3 is sort of like me and you're the jury. And when
4 the attorneys want a sidebar, I make them come over
5 and kneel there, so -- so we have a lot less
6 sidebars over in that court.

7 (Laughter.)

8 MR. ZONEN: I'm prepared to proceed.

9 THE COURT: Yes.

10 Q. BY MR. ZONEN: Mr. Geragos, I think you now
11 have Exhibit 625. That was the exhibit we intended
12 to hand you before the break.

13 Did you have an opportunity to look at 625?

14 A. Yes.

15 Q. Is 625 a compilation of letters and
16 communications between you and Attorney Bill
17 Dickerman?

18 A. Well, there's -- some of these letters are
19 mine. I don't believe -- for instance, this top
20 letter, which doesn't have a letterhead and which is
21 not signed, I don't believe that's the letter that
22 was sent to me.

23 Q. You don't believe you've ever received that
24 letter?

25 A. I don't believe that this is the letter he
26 sent to me. And I don't believe that this letter --
27 it has no letterhead and no signature on it. I

28 don't think he sent that to me either. 11377

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1 Q. All right. Now, I'm not asking you if he

2 sent you an unsigned --

3 A. No.

4 Q. -- unletterheaded letter.

5 A. Right. I'm telling you I don't believe that

6 this is the letter that he sent me, April 11th. And

7 I'm almost positive that the March 26th letter

8 that's on here is not the letter he sent me.

9 Q. All right. You've never seen that letter

10 before?

11 A. I have never seen --

12 Q. Let me clarify my question.

13 A. Right.

14 Q. Not that -- hold on.

15 MR. MESEREAU: Objection. He's cutting off

16 the witness.

17 MR. ZONEN: Let me --

18 THE COURT: All right. Ask another

19 question.

20 Q. BY MR. ZONEN: Let me clarify my question.

21 The front letter on there that's dated in

22 March -- what is that, March 24th?

23 A. March 26th.

24 Q. March 26th. All right. The content of that

25 letter you're not familiar with?

26 A. Well, let me just tell you what -- why I

27 don't -- there's several things that --

28 Q. Mr. Geragos, are you familiar with the 11378

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1 content of that letter?

2 MR. MESEREAU: Objection; cutting off the
3 witness.

4 MR. ZONEN: Well, I'm going to object to
5 nonresponsive answers.

6 THE WITNESS: I hadn't answered.

7 THE COURT: The question is, are you familiar
8 with the content of the letter?

9 THE WITNESS: I don't know how to answer
10 that. I don't --

11 THE COURT: All right. Ask another question.

12 Q. BY MR. ZONEN: All right. Did you receive a
13 communication from Mr. Dickerman at any time during
14 the latter part of March of 2003 where he asked for
15 Janet Arvizo's passport and the passports of her
16 children?

17 A. I received and responded to -- and my
18 response is here, and this is my letter where I
19 respond to his April 3rd letter where he wanted
20 things retrieved from storage is what my memory is.
21 So this letter that I sent on April 6th is
22 in response to some earlier letter, and I reference
23 an April 3rd letter.

24 Q. Did you receive a letter at any time in the
25 month of March from Mr. Dickerman asking
26 specifically that passports belonging to the Arvizo
27 family be returned to him?

28 A. Well, I see where he's -- as I sit here, I 11379

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1 don't remember a letter in March. I remember a
2 letter that I responded to in April.

3 Q. All right. And that letter that you're
4 responding to, did that, in part, inquire about the
5 existence of passports belonging to the Arvizo
6 family?

7 A. No. His April 3rd letter says, "I wrote you
8 and asked you to locate certain items." And that's
9 what I did. I think I testified to Mr. Mesereau, I
10 faxed that letter to Brad and told him, "Let's deal
11 with it."

12 Q. Mr. Geragos, at any time during the month of
13 March of 2003, did you have a conversation with Mr.
14 Dickerman wherein Mr. Dickerman asked you to return
15 his clients' passports?

16 A. I don't believe that I had a conversation
17 with Mr. Dickerman in March.

18 Q. At any time in the early part of April, say
19 up till April 15th, did you have a conversation with
20 Mr. Dickerman wherein the subject of the Arvizos'
21 passports was raised?

22 A. No, I believe the conversation we had was in
23 reference to the contents of the storage unit.

24 Q. Did you have any conversation with Mr.
25 Dickerman about passports at any time in the month
26 of April?

27 A. He might have mentioned it.

28 Q. He might have mentioned it? 11380

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1 A. He might have mentioned it --

2 MR. MESEREAU: Objection.

3 THE WITNESS: -- in April, but I'd just be
4 guessing.

5 MR. MESEREAU: Cutting off the witness.

6 THE COURT: Next question.

7 Q. BY MR. ZONEN: Do you have a recollection of
8 any specific conversation at any time from the 24th
9 of March through the end of April where the subject
10 matter of that conversation was passports belonging
11 to the Arvizos?

12 A. As I sit here, my memory is contents of the
13 storage unit is what we kept talking about, he and
14 I.

15 Q. Did you ask anybody in your office to locate
16 passports belonging to the Arvizos at any time in
17 April?

18 A. Absolutely not.

19 Q. At any time in May, did you ask anybody in
20 your office to locate passports?

21 A. No.

22 Q. Did you have any conversation with Mr.
23 Dickerman about passports at any time in April or
24 May of 2003?

25 A. I just don't remember. I remember -- all I
26 remember about the conversations was the contents of
27 the storage units.

28 Q. Did you know from Brad Miller that the 11381

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1 Arvizo family was going to go to Brazil?

2 MR. MESEREAU: Objection. Assumes facts not
3 in evidence; foundation.

4 THE COURT: Overruled.

5 You may answer.

6 THE WITNESS: In what time period?

7 Q. BY MR. ZONEN: In 2003.

8 A. I don't believe that I did.

9 MR. MESEREAU: Objection; vague as to time.

10 THE COURT: Sustained.

11 Q. BY MR. ZONEN: At the time you began

12 communications with Attorney Dickerman, did you know

13 that the Arvizo family had intended to take a trip

14 to Brazil, a trip that would have been sponsored by

15 the -- Michael Jackson?

16 MR. MESEREAU: Objection. Foundation;

17 assumes facts not in evidence; vague.

18 THE COURT: Compound question. Sustained.

19 Q. BY MR. ZONEN: Did you know at any time

20 during the month of March or April of 2003 that the

21 Arvizo family was going to go to Brazil?

22 A. I just don't remember. I can't tell you.

23 Q. You have no recollection whatsoever of the

24 subject of a Brazil vacation for the Arvizo family

25 coming up?

26 A. Well, with anybody?

27 Q. Yes. Anybody.

28 MR. MESEREAU: Objection; vague as to time. 11382

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1 THE COURT: Sustained.

2 Q. BY MR. ZONEN: During the month of March or
3 April, did you have a conversation with anybody
4 wherein the subject matter of that conversation was
5 whether or not the Arvizo family would be going to
6 Brazil?

7 A. I would just be guessing. I can't answer
8 that as I sit here. If you want me to guess, I
9 would say that the one person who would have -- if I
10 had had that discussion, it might have been
11 Dickerman or it might have been Brad.

12 Q. Were you aware at any time during March or
13 April of 2003 that employees of Michael Jackson were
14 assisting the Arvizos in getting visas, birth
15 certificates and passports?

16 A. I think I -- I think I became aware of that.
17 I just don't know if it was from Brad or from --
18 Dickerman made the accusation. I just don't
19 remember at the time. And what I subsequently
20 learned is other material.

21 Q. During the period of time that you
22 instructed your employee, Brad Miller, to learn
23 about who the Arvizos were associating with and
24 talking to, did you learn that they were being
25 escorted to places like federal buildings to get
26 visas and passports?

27 A. I don't believe he ever told me that he

28 followed them to a visa application office or a 11383

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1 passport office or the federal building.

2 Q. Did Brad Miller ever tell you that he was
3 aware of that there had been an application to get
4 visas from the Brazilian embassy on behalf of the
5 Arvizos?

6 MR. MESEREAU: Objection. Vague as to time;
7 relevance; and beyond the scope.

8 MR. ZONEN: During the month of March and
9 April.

10 THE WITNESS: I don't think so.

11 THE COURT: Just a minute.

12 THE WITNESS: Sorry.

13 THE COURT: Overruled. The objection is
14 overruled. The answer is in.

15 Q. BY MR. ZONEN: At any time between the time
16 you became involved with Mr. Jackson on the 7th of
17 February until the end of April of 2003, did anybody
18 tell you that the Jackson -- that Jackson's
19 employees were assisting the Arvizos in getting
20 visas to go to Brazil?

21 MR. MESEREAU: Objection. Hearsay;
22 foundation.

23 THE COURT: Overruled.

24 You may answer.

25 THE WITNESS: I think I -- it would be the
26 same answer I gave you before. If it happened, it
27 would have been either Dickerman or Brad.

28 Q. BY MR. ZONEN: Did you associate the request 11384

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1 by Mr. Dickerman for passports belonging to the
2 Arvizos, did you associate that with a trip to
3 Brazil?

4 MR. MESEREAU: Objection; vague as to time.

5 THE COURT: Sustained.

6 Q. BY MR. ZONEN: During the time you were
7 receiving communications from Mr. Dickerman.

8 MR. MESEREAU: Still vague as to time.

9 THE COURT: Overruled.

10 THE WITNESS: No.

11 Q. BY MR. ZONEN: Are you telling us to the
12 best of your recollection right now, in all of the
13 telephone conversations you had with Mr. Dickerman,
14 you do not recall him ever asking you specifically
15 to have the Arvizos' passports returned to him; that
16 that simply didn't come up?

17 A. No, I think what I testified to is that if
18 passports came up, it would have been either through
19 a conversation with Mr. Dickerman or with Mr.
20 Miller, Brad.

21 Q. All right. Do you have a specific
22 recollection of a conversation with Mr. Dickerman
23 wherein he asked you to return his clients'
24 passports?

25 MR. MESEREAU: Objection; vague as to time.

26 THE COURT: Sustained.

27 Q. BY MR. ZONEN: Do you have a recollection

28 today of any conversation that you had with Mr. 11385

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1 Dickerman in March or April or May or June of 2003
2 wherein the subject matter of that conversation was
3 his clients' passports?

4 MR. MESEREAU: Objection; vague as to time.

5 THE COURT: Overruled.

6 THE WITNESS: I think if you take it into
7 June, yes, I think we talked about that.

8 Q. BY MR. ZONEN: All right. You think that
9 the first time that the conversation about passports
10 came up in June?

11 A. No. But I think, as I indicated before, if
12 I had the conversation -- the first question was
13 March or April, and I do have a vague recollection
14 of either Dickerman or Brad bringing that subject
15 up. In my mind, the two are associated because I
16 would fax his letters over to Brad and tell Brad to
17 get the item.

18 Q. Between March and the end of June of 2003,
19 did you tell Bill Dickerman that you would locate
20 the passports that belonged to their clients?

21 A. The conversations with Dickerman were always
22 not specific to items, at least when I was talking
23 to him. It was as to the storage locker and the --
24 or the storage units.

25 Q. Did you have a conversation with Bill
26 Dickerman at any time before the end of June 2003
27 about the return of passports?

28 A. Once again, the return of "items" in the 11386

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1 storage locker.

2 Q. Mr. Geragos, passports. Did you talk about
3 passports?

4 A. I do not believe -- yes, as I testified, I
5 think in March or April we talked about passports,
6 and it was either Dickerman or with Brad. And I
7 think sometime before June, we had at least two
8 phone calls where I talked about getting his items,
9 or the items for his client, over to his office.

10 Q. Let's focus on passports right now, okay?

11 We don't need to talk about anything beyond
12 passports at this moment, all right?

13 Did you ever tell Mr. Dickerman that you
14 would try to locate his clients' passports?

15 A. No, I told Mr. Dickerman I would try to
16 locate "the items."

17 Q. Did you ever tell Mr. Dickerman that you
18 have located the passports?

19 A. I said, "We've got" -- "I know where the
20 items are."

21 Q. Did you ever have a conversation about where
22 the passports were?

23 A. I do not believe I ever had a conversation
24 as to where the passports were.

25 Q. Did he specifically ask you to return
26 passports?

27 A. When?

28 Q. At any time during your phone conversations 11387

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1 with him.

2 A. During the phone conversations I believe
3 that he mentioned passports, that's what I said, in
4 March or April.

5 Q. When he mentioned passports to you, did you
6 immediately understand those to be passports to get
7 the Arvizo family to Brazil?

8 A. No. I did not understand that that was --
9 there was any connection.

10 Q. Did you understand that passports were in
11 reference to the Arvizo family leaving this country,
12 the United States?

13 A. I know what a passport is. I don't know
14 what -- I wasn't trying to read his mind.

15 Q. Did you understand the passports to be in
16 reference to the Arvizo family leaving this country?

17 A. That they wanted to leave? No, I didn't
18 have that understanding.

19 Q. Did you understand the passports to have
20 something to do with Michael Jackson or his
21 employees?

22 A. I understood that the items he wanted he
23 felt were, or I felt, based on my conversations with
24 Brad, were in storage.

25 Q. How many telephone conversations did you
26 have with Mr. Dickerman between the 24th of March
27 and the end of June of 2003?

28 A. I couldn't tell you. 11388

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1 Q. Ten?

2 A. No.

3 Q. More?

4 A. Less.

5 Q. Five?

6 A. Maybe.

7 Q. And you're telling us now that you have no

8 recollection of a specific conversation where he

9 specifically asked you to get the passports?

10 A. I'm telling you that when I talked to Mr.

11 Dickerman, we always talked about getting the items

12 from storage or him taking over the storage units.

13 That's what the subject of the conversations were.

14 And I'm telling you that he -- because you

15 seem to be concentrating on the passports, that I

16 think sometime in March or April, he either wrote it

17 in the letter or he mentioned the passports as being

18 among the items.

19 Q. All right. Now, when he said "passports,"

20 did you make an effort to determine if your client

21 or any of his representatives were in possession of

22 Mrs. Arvizo's passports?

23 MR. MESEREAU: Objection. Vague as to time;

24 relevance; beyond the scope.

25 THE COURT: Overruled.

26 You may answer.

27 THE WITNESS: I took the letter and I faxed

28 it to Brad and asked Brad to follow up on it. 11389

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1 Q. BY MR. ZONEN: All right. Now, did Brad
2 Miller then contact you and tell you, yes, he knew
3 where the passports were?

4 A. No.

5 Q. Did he tell you that the passports were in
6 their storage locker?

7 MR. MESEREAU: Objection. Assumes facts not
8 in evidence; foundation.

9 THE COURT: Overruled.

10 You may answer.

11 THE WITNESS: I don't believe that he did.

12 Q. BY MR. ZONEN: Did you learn whether or not
13 the passports were in the storage locker?

14 A. Firsthand knowledge or through hearsay?

15 Q. Any source.

16 A. Well, I was told later that the passports
17 were in the possession of Vinnie; that Asaf had
18 picked them up and Asaf had delivered them to my
19 office.

20 Q. All right. Now, the passports were in the
21 possession of Vinnie?

22 A. I'm told that Asaf picked them up from
23 Vinnie.

24 Q. And took them to your office?

25 A. And delivered them to my office.

26 Q. Now, Asaf is Brad Miller's employee?

27 A. Yes.

1 A. That was my understanding.

2 Q. All right. He's not your employee?

3 A. Well, I hired Brad. Asaf, my understanding,
4 was working for Brad at the time.

5 Q. All right. Now, Asaf was working for Brad
6 on behalf of Michael Jackson at that time?

7 MR. MESEREAU: Objection. Assumes facts not
8 in evidence; misstates the testimony.

9 THE COURT: Overruled.

10 You may answer.

11 THE WITNESS: Asaf was working for Brad, and
12 I assumed that Brad was working for me.

13 Q. BY MR. ZONEN: All right. When exactly was
14 it that Asaf picked up the passports from Vinnie?

15 A. I don't have any idea.

16 Q. When did Asaf deliver the passports to
17 Geragos & Geragos?

18 A. I don't have any idea.

19 Q. Did he give them to you?

20 A. No.

21 Q. Did he book them into some safe in your
22 office?

23 A. They were put into an evidence locker style
24 that has a locking device on it.

25 Q. Does Asaf have a key to that evidence
26 locker?

27 A. No.

28 Q. So it had to go through somebody in your 11391

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1 office?

2 A. Yes.

3 Q. Was that you?

4 A. No.

5 Q. All right. Who was it?

6 A. I don't know.

7 Q. Did you make an effort to determine who that

8 was?

9 A. I did.

10 Q. And who was it?

11 A. I still don't know. It was either the

12 receptionist or one of the assistants.

13 Q. The receptionist has a key to your evidence

14 locker?

15 A. The receptionist has access to that locker

16 to put items into it, yes.

17 Q. When did you find out that Mrs. Arvizo's

18 passports were in your evidence locker?

19 A. When I got a substitution of attorney from

20 Mr. Mesereau, and I itemized all of the items that

21 were in there, I located the passports.

22 I determined at that point that -- did a

23 little legal research, realized that they would

24 possibly be evidence in this case, did not want to

25 give them to Mr. Mesereau because I thought that

26 would make him a witness, and I filed them with the

27 court.

28 Q. Mr. Geragos, you represented Michael Jackson 11392

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1 for what, 16 months?

2 A. Yes.

3 Q. And you didn't know during that entire time
4 that you had possession of Mrs. Arvizo's passports?

5 A. That's correct.

6 Q. And you made no effort to determine whether
7 you had those passports during the time of your
8 conversations with Mr. Dickerman?

9 A. Mr. Zonen, I don't believe that I had them
10 at the time of my conversations with Mr. Dickerman,
11 because Mr. Dickerman would write me letters, I
12 would fax the letters over, and I was relying on the
13 items getting from the storage unit over to Mr.
14 Dickerman's office.

15 MR. ZONEN: May I take possession of Exhibit
16 625?

17 THE COURT: Yes.

18 Q. BY MR. ZONEN: Now, at the time that you
19 discovered the passports in your storage facility,
20 were you surprised to see them?

21 MR. MESEREAU: Objection. Relevance;
22 argumentative.

23 THE COURT: Sustained.

24 Q. BY MR. ZONEN: Do you have a system in your
25 law office where you're supposed to be told what
26 exhibits are being booked into your exhibit room?

27 MR. MESEREAU: Objection. Relevance;

1 THE COURT: Overruled.

2 You may answer.

3 THE WITNESS: There's a log that is supposed
4 to be kept.

5 Q. BY MR. ZONEN: Did you check with the log to
6 find out when the passports came in?

7 A. I did, and there was no notation for them.

8 They apparently were in a manila envelope, and it
9 may be the same manila envelope that I filed with
10 the Court.

11 Q. Did you make an inquiry of the employees of
12 your law office to find out who it was who received
13 it?

14 A. I did. I couldn't find anybody who had
15 checked it in, and I made an inquiry with Brad, who
16 told me about Asaf having picked them up and then
17 delivered them.

18 Q. Did Brad Miller find out who Asaf gave the
19 passports to?

20 MR. MESEREAU: Objection. Calls for
21 speculation; relevance.

22 THE COURT: Sustained.

23 Q. BY MR. ZONEN: Based on any conversation you
24 had with Brad Miller about the movement of those
25 passports, did you then consult with anybody in your
26 office about whether or not they had, in fact,
27 received those passports?

28 MR. MESEREAU: Objection. Asked and 11394

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1 answered; relevance.

2 THE COURT: Overruled.

3 You may answer.

4 THE WITNESS: Yes, I asked virtually
5 everybody who was there, if not everybody who was
6 there, who had received them. Nobody had knowledge
7 of them. And I couldn't get to the bottom of how
8 they got in there. I assumed that because they were
9 in the manila envelope, somebody had placed them in
10 there because they were told that it related to Mr.
11 Jackson's case.

12 Q. BY MR. ZONEN: When you found those
13 passports, did you look at them?

14 A. Yes.

15 Q. Now, you recognized those passports as being
16 passports that did not belong to you; is that right?

17 A. I recognized them as passports that were not
18 mine, absolutely.

19 Q. And your understanding is that passports are
20 the possession of the person to whom they're issued?

21 A. Well, rather than give them to --

22 Q. Was that a "yes" or "no"?

23 A. I don't know how to answer that. I
24 recognized that the court would want them, or that
25 they should be in possession of the court, and I
26 delivered them to the court.

27 Q. It did not occur to you that those passports

28 belonged to Janet Arvizo and her children? 11395

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1 A. I was not in this case, as the lawyer for
2 this case, going to take items which I thought had
3 evidentiary value and send them back to the Arvizos.
4 My ethical obligation was to file them with the
5 court.

6 Q. Did you immediately file them with the
7 court, that day?

8 A. No. I believe I researched it, and I
9 consulted with several other lawyers, and did it
10 within a relatively short period of time.

11 Q. How long is "a relatively short period of
12 time"?

13 A. I couldn't tell you. I know that I did it --
14 it was a -- it was a concern.

15 Q. Did you have Attorney Benjamin Brafman write
16 a letter to the Court?

17 A. I talked to Benjamin Brafman about it. He's
18 one of the lawyers I consulted with.

19 Q. Did you ask him to write a letter to the
20 Court?

21 A. I don't know. I know that I had a lawyer --
22 what I did do is I directed a lawyer from my office
23 to file them with the court.

24 Q. Did you contact Bill Dickerman and tell him
25 you've located the passports?

26 A. No.

27 Q. Why not?

28 A. Well, Bill Dickerman, as I understand it, 11396

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1 was on the witness list at that point, and I didn't
2 feel that that was appropriate.

3 Q. So you gave consideration to contacting Bill
4 Dickerman?

5 A. I had given consideration to a number of
6 alternatives, in discussions with lawyers about it.

7 Q. Do you know where all of the communications
8 are between you and Bill Dickerman?

9 A. No.

10 MR. ZONEN: If I could approach, Your Honor.

11 THE COURT: Yes.

12 Q. BY MR. ZONEN: Showing you again Exhibit
13 No. 625, and this time a letter on April 8th of
14 2003, do you recognize this letter?

15 A. This may be one of the letters that he sent
16 me.

17 Q. If you could go to Paragraph 3, please.

18 Read that out loud, if you would, please.

19 A. "Regardless of when the apartment items are
20 returned, please deliver to my office the passports,
21 visas, birth certificates and all other documents
22 belonging to my clients immediately. They were
23 last, to my client's knowledge, in Vinnie's
24 possession."

25 Q. "Immediately" is underlined; is that right?

26 A. That's correct.

27 Q. Do you understand underlining to mean --

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1 Q. Emphasis. All right.

2 Now, when you received this presumably on or
3 about the 8th of April, did you then make an effort
4 to look for those passports?

5 A. I don't believe that the passports were in
6 my possession on the 8th of April.

7 Q. Did you contact Vinnie to find out if, in
8 fact, Vinnie had those passports?

9 A. No. I -- what I said before is, I took the
10 letter, I faxed it to Mr. Miller, and I asked Mr.
11 Miller to take action.

12 Q. All right. Did you follow up with Mr.
13 Miller soon after the 8th of April to find out if,
14 in fact, he had located the passports?

15 A. I just asked him about the items. I wanted
16 all items delivered to Mr. Dickerman's office.

17 Q. You acknowledge now receipt of the April 8
18 letter; is that correct?

19 A. I -- when you say "acknowledge receipt," it
20 looks like one of the letters he sent me. I
21 don't -- frankly, as I sit here, I don't know if all
22 of those letters are the same letters that Mr.
23 Dickerman sent me, because there's a number of them
24 that don't have letterhead, nor are they signed.

25 Q. Now, this particular letter does actually
26 have a letterhead, "Law Offices of Dickerman &
27 Associates," April 8th, the one you acknowledge

28 receiving? 11398

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1 A. No, I didn't acknowledge receiving it. I
2 said it looks like a letter he would have sent me.
3 But I can tell you as I sit here, the more I
4 think about it, that I don't believe he sent me this
5 March 26th letter. I think he may have sent me a
6 letter in March, but it wasn't this letter. And I
7 think that's why there's no letterhead on it, and I
8 think that's why there's no signature on it. I
9 wouldn't trust anything Mr. Dickerman tells me.

10 Q. Let's move on to the letter that you've said
11 looks more familiar, all right? The April 8th one.
12 And I believe you said that it does look familiar.
13 You think you've read that; is that correct?

14 A. No. I'm telling you it looks familiar
15 because it's got a letterhead, it's addressed to me,
16 it's purportedly signed by him. I am not going to
17 sit here, unless you want me to go back and review
18 it, but I wouldn't -- I wouldn't -- I wouldn't
19 attest to anything that Bill Dickerman has produced
20 is the accurate item.

21 Q. April 9th, take a look at this letter,
22 please. That has a letterhead and a signature; is
23 that correct?

24 A. It does.

25 Q. All right. The content of that letter
26 refers to passports, doesn't it?

27 A. Yes, it does.

28 Q. Visas and birth certificates? 11399

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1 A. Yes.

2 Q. Do you have a recollection of reading this
3 letter?

4 A. I don't have a recollection of reading that
5 letter.

6 Q. Do you know where your communications are
7 between you and Mr. Dickerman?

8 A. I do not as I sit here. I don't know if I
9 still have them in the office or not.

10 Q. You could very well have these in your
11 office?

12 A. I don't know if I do.

13 Q. Did you turn over your file to the current
14 defense team, Mr. Mesereau and Mr. Sanger and Miss
15 Yu?

16 A. I believe that I've turned over my entire
17 file.

18 Q. Would that have included the letters from
19 Mr. Dickerman?

20 A. Should have.

21 Q. You acknowledge that the one dated April 9th
22 also contains a reference to birth certificates,
23 visas and passports?

24 A. The one that he's provided you does.

25 I would also tell you that the April 11th
26 letter, which has no letterhead, no signature on it,
27 I don't believe I ever received, the following one.

28 I will tell you that if I have a letter, 11400

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1 that I generally referenced in my letter the one
2 that he would send me. And I would do it there. I
3 would say, "Thank you for your letter dated May
4 12th." Or I would say, "Thank you for your letter
5 --

6 Q. Let's turn to the --

7 MR. MESEREAU: Objection. He's cutting off
8 the witness.

9 THE COURT: Sustained.

10 MR. MESEREAU: Could I ask the Court to
11 allow the witness to complete his answer?

12 Q. BY MR. ZONEN: You do have a letter here --

13 THE COURT: Just a moment, Counsel. We're
14 having a conversation over here.

15 MR. ZONEN: Did you want me to be part of
16 that?

17 THE COURT: It would help.

18 Mr. Mesereau requested the witness be
19 allowed to finish the answer. I agree. He probably
20 doesn't remember where he was at this point.

21 Do you have anything to add to your answer?

22 THE WITNESS: All I was going to say is
23 that if I reference a letter, I would assume that I
24 got -- that would normally be how I would start it.
25 I would start my letter back to him referencing or
26 thanking him for his letter of that particular date.
27 That does not, however, mean that the letter

28 that he's produced that I necessarily think is the 11401

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1 one that I got. And I would just show you the --
2 here's the March 26th letter. This is the one that
3 has no letterhead and is not signed.

4 The first letter that he apparently has put
5 in this package, I say, "Thank you for your letter
6 of April 3rd. Please give me a call."

7 I don't mention the March letter, which
8 leads me to believe I didn't get it. I do the same
9 thing with the others. And I don't believe he sent
10 this letter to me.

11 Q. MR. ZONEN: A letter from you to Mr.

12 Dickerman, a one-sentence letter.

13 A. Yes.

14 Q. It says, "We have retrieved various items
15 from storage and would appreciate your advising us
16 as to where they should be delivered."

17 A. Yes.

18 Q. The date is the 15th of April.

19 A. Right.

20 Q. Does that reference any letters from Mr.

21 Dickerman?

22 A. I believe that was when we started to talk
23 about, in the phone conversations with him, of
24 having them delivered to a location. And at some
25 subsequent point we actually tried to deliver the
26 items to his office directly.

27 Q. Did you arrange to have all of the

28 possessions that were placed in storage that 11402

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1 belonged to the Arvizo family delivered to Mr.

2 Dickerman's office?

3 A. I told Brad to deliver them to the office

4 and give him everything that they had.

5 Q. Did you tell him to do that knowing that he

6 had no way of accommodating an apartment full of

7 possessions at his office?

8 A. Did I do it knowing that he couldn't

9 accommodate them?

10 Q. Yes.

11 A. I thought he could accommodate it, and I

12 thought it was a law office, and I thought if he

13 wanted them immediately, I was going to give him

14 them immediately, because he would not go and take

15 the storage locker or deal with the storage locker.

16 Q. Did you get Mr. Dickerman's position -- Mr.

17 Dickerman's permission to deliver the entire content

18 of the Arvizo familys apartment to his office in

19 advance of your doing so?

20 A. No. What happened was, is when they took --

21 Q. That's a "yes" or "no," Mr. Geragos. Did

22 you or did you not get his permission?

23 A. No.

24 Q. All right. Did you arrange to have it

25 delivered to his office on a day that you knew he

26 would not be there because it was a religious

27 holiday for him?

28 A. No, I have no idea what religion he is. 11403

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1 Q. Did you know that there was a message on his
2 voice mail indicating that he would not be in his
3 office because of a religious holiday on the date
4 that those possessions were delivered to him?

5 A. No. I did not know that there was a message
6 on his voice mail. And in any event, the landlord
7 apparently would not accept the items, so they
8 didn't get delivered.

9 Q. Did you instruct Mr. Miller to deliver all
10 of the items to Mr. Dickerman?

11 A. Yes.

12 Q. Did you tell Mr. Dickerman where the items
13 were being stored, the location?

14 A. Either I did or Brad would have.

15 Q. When?

16 A. I don't know.

17 Q. Do you know why that they were stored under
18 Brad Miller's name?

19 A. As opposed to whose?

20 Q. Janet Arvizo. They're her possessions,
21 weren't they?

22 A. She would have had to have paid for it, and
23 she claimed she had no money, is what my
24 understanding was from Brad.

25 Q. And why exactly was Brad Miller willing to
26 assume the cost of paying for the storage of her
27 possessions for months? Why was he willing to do

28 that? 11404

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1 A. I don't know. You'd have to ask him that.

2 I don't think he wanted to.

3 Q. Why were you willing to do that? You were
4 paying that bill, weren't you?

5 A. I don't believe I was paying that bill, and
6 I don't believe that he wanted to do that. I think
7 he wanted them -- and I told Mr. Dickerman that I
8 wanted him to take that over so Brad did not have to
9 continue doing that.

10 Q. Mr. Geragos, were you responsible for
11 vouchers being submitted to you by Brad Miller for
12 expenses that he incurred in this investigation?

13 A. Vouchers?

14 Q. How did you bill -- how did he bill you?

15 How did you pay him?

16 MR. MESEREAU: Objection; relevance.

17 THE COURT: Overruled.

18 You may answer.

19 THE WITNESS: He would send me a bill and I
20 would pay it.

21 Q. BY MR. ZONEN: Did you keep copies of those
22 bills?

23 A. Probably not.

24 Q. Did you review them to see what he was
25 doing?

26 A. Well, I would have looked at it for the
27 amount, and then would have authorized payment, if

28 we paid it directly. I don't know, as I sit here, 11405

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1 whether I paid all of his bills or whether he
2 submitted them to Mr. Jackson's accountant. I
3 couldn't tell you as I sit here.

4 Q. When did Mr. Jackson stop being responsible
5 for the storage of Miss Arvizo's property?

6 MR. MESEREAU: Objection. Assumes facts not
7 in evidence; foundation.

8 THE COURT: Sustained.

9 Q. BY MR. ZONEN: When did you stop being
10 responsible for the storage fees of Mrs. Arvizo's
11 property?

12 MR. MESEREAU: Objection; assumes facts not
13 in evidence.

14 THE COURT: Overruled.

15 THE WITNESS: All right. I don't know that
16 I -- I guess ultimately I'm responsible because Brad
17 was working for me, but I don't think that I was
18 trying to keep those items. In fact, I was trying
19 to get those items to Dickerman.

20 Q. BY MR. ZONEN: During the four or five
21 months that Miss Arvizo's possessions were in a
22 locker under the name of Brad Miller, who was paying
23 that bill, the storage fees?

24 A. I assume Brad was.

25 Q. Would he then bill you?

26 A. He would either bill me or he would have
27 billed Mr. Jackson's accountant.

28 Q. Would there be a specific designation for 11406

1 that bill as "Arvizo family storage"?

2 A. I don't know if there would or not, or
3 whether it would have just been some kind of a
4 listing of expenses.

5 Q. Do you know where those bills are today?

6 A. I do not.

7 Q. Did you order a surveillance be conducted
8 upon Hamid Moslehi?

9 A. I think that I did tell Brad to find out
10 what he was doing with the videotape when he
11 wouldn't return it.

12 Q. Did you specifically tell Brad Miller to
13 follow Hamid Moslehi?

14 A. I wanted to know what he was doing with the
15 videotape.

16 Q. Did you ask him to film Hamid Moslehi?

17 A. Probably not.

18 Q. Did you believe that Hamid Moslehi was also
19 going to shake down Michael Jackson?

20 A. I wanted to know why -- when I was promised
21 that we were going to get a copy of the videotape,
22 why we didn't get it.

23 Q. Did you know a man by the name of Johnny?

24 MR. SNEDDON: It's not there.

25 MR. ZONEN: I've got it up here? Where is
26 it? The one that's in evidence.

27 MR. SNEDDON: It's in there.

28 MR. ZONEN: I'm like that on Fridays. 11407

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1 THE WITNESS: I understand.

2 Q. BY MR. ZONEN: Did you know a person named

3 Johnny Mejietich?

4 A. When?

5 Q. Easy for me to say, huh?

6 M-e-j-i-e-t-i-c-h, Mejietich.

7 A. Not in 2003.

8 Q. All right. You later learned who that was;

9 is that right?

10 A. That's right.

11 Q. And when you learned who that was, you

12 learned that he was some kind of an investigator

13 working for Brad Miller?

14 A. I learned that later.

15 Q. You learned that he was not a licensed

16 investigator; is that right?

17 A. I will accept your representation, but, no,

18 I didn't know that.

19 Q. Did you ever meet Johnny personally?

20 A. I don't believe I have.

21 Q. Did you know at the time that he was working

22 for Brad Miller? And when I say "at the time," I

23 mean on the assignment to follow and investigate the

24 Arvizo family.

25 A. No. Not him specifically.

26 Q. Did you know that he contacted the Arvizo

27 family at the home of Janet Arvizo's parents in El

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1 A. No.

2 Q. Did you know that he was throwing stones at
3 their house?

4 MR. MESEREAU: Objection. Misstates the
5 evidence; assumes facts not in evidence; foundation.

6 MR. ZONEN: That's Maria Ventura's
7 testimony, Your Honor.

8 MR. MESEREAU: That's not what she said.

9 MR. ZONEN: And Davellin Arvizo's testimony.

10 THE COURT: The objection is overruled.

11 You may answer.

12 THE WITNESS: No. I don't know, and I would
13 find that hard to believe.

14 Q. BY MR. ZONEN: You would not have approved
15 of such behavior on behalf of an agent working on
16 your behalf; is that right?

17 A. Right. I don't send people out to throw
18 stones at people's houses.

19 Q. Did you ever meet Mr. Mejietich personally?

20 A. I think I said I don't believe that I have.

21 Q. Did you ever see him?

22 A. I don't believe that I've ever met him, so I
23 don't believe I've ever seen him.

24 BAILIFF CORTEZ: Can't hear you, sir.

25 THE WITNESS: I don't believe I've either
26 met or seen him.

27 Q. BY MR. ZONEN: When the hands go flying out

28 there, it means they can't hear. 11409

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1 A. I thought it was bathroom break.

2 (Laughter.)

3 Q. Exhibit No. 277, would you take a look at
4 that note, both front and back?

5 THE COURT: Mr. Zonen, you've been taking a
6 lot of liberty at the witness stand.

7 MR. ZONEN: "Liberty" what, sir?

8 THE COURT: At the witness stand.

9 MR. ZONEN: I will move away immediately.

10 Q. Do you recognize that exhibit?

11 A. No.

12 Q. Is that, in fact, what appears to be a note?

13 A. Yes. It's a -- it looks like a piece of
14 paper that's torn out of a spiral notebook of some
15 kind.

16 MR. MESEREAU: Excuse me. Can I see what
17 the exhibit looks like?

18 THE COURT: Yes.

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

20 THE COURT: Yes.

21 MR. MESEREAU: Thank you.

22 MR. ZONEN: We learn never to open those
23 binders. They go everywhere once we do that.

24 Q. You said you don't recognize that note; is
25 that right?

26 A. I do not.

27 Q. During the course of your representation of

28 Mr. Jackson you never saw that exhibit? 11410

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1 MR. MESEREAU: Objection; vague as to time.

2 Q. BY MR. ZONEN: At any time.

3 MR. MESEREAU: Beyond the scope.

4 THE COURT: Sustained.

5 Q. BY MR. ZONEN: Did anybody tell you that Mr.

6 Mejietich, on behalf of Brad Miller, went to the

7 home of Janet Arvizo's parents in El Monte?

8 A. I think I read a report, one of the

9 sheriff's reports that mentioned that.

10 Q. If you were to learn that that note was left

11 by Mr. Mejietich at the Ventura family residence in

12 El Monte, would that be consistent with your

13 instructions to Brad Miller?

14 MR. MESEREAU: Objection. Calls for

15 speculation; foundation.

16 THE COURT: Overruled.

17 You may answer.

18 THE WITNESS: I don't know what -- I don't

19 know how to answer that, because I don't know why it

20 would have been left.

21 Q. BY MR. ZONEN: Do you know why an employee

22 of yours was requesting Gavin or Star contact Vinnie

23 or Frank?

24 A. I don't know. It doesn't say Gavin or Star

25 on it.

26 Q. Turn it over.

27 A. Is that what it says? It looks like "To

28 Stat" or -- I guess that could be "Gavin." I don't 11411

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1 know.

2 Q. Do you know why an employee of yours would
3 be directing a 13-year-old boy and a 12-year-old boy
4 to call Vinnie or Frank?

5 A. I don't know why the note was left. Like I
6 said, I've never seen the note.

7 Q. All right. Now, after the 13th of March,
8 would you have --

9 A. Of 2003?

10 Q. -- would you have any reason --

11 A. Of 2003?

12 Q. Of 2003. Would you have any reason to
13 direct an employee of yours to have these children
14 contact employees of Michael Jackson?

15 MR. MESEREAU: Objection. Calls for
16 speculation; foundation; relevance; beyond the
17 scope.

18 THE COURT: Overruled.

19 You may answer.

20 THE WITNESS: I don't know why the note was
21 left.

22 Q. BY MR. ZONEN: Do you know if Brad Miller
23 was working with Frank or Vinnie during the early to
24 middle part of March?

25 A. When you say "working with," I believe he
26 was talking to them.

27 Q. All right. Was he receiving instructions

28 from them? 11412

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1 A. I don't think he was receiving instruction
2 from them.

3 Q. Did you give any direction to Brad Miller to
4 take instruction from either Frank or Vinnie?

5 A. No. I don't think that he was taking -- I
6 don't know, but I don't think he was taking
7 instruction from them.

8 Q. Did you know that in the early part of March
9 of 2003, there was an effort by some employees of
10 Michael Jackson to have the Arvizo family go to
11 Brazil?

12 MR. MESEREAU: Objection. Assumes facts not
13 in evidence; foundation.

14 THE COURT: Overruled.

15 You may answer.

16 THE WITNESS: In March or February of 2003,
17 I don't believe so. I think that was -- is that a
18 different question than what you had asked me
19 before?

20 Q. BY MR. ZONEN: No.

21 A. Before the break?

22 I don't believe so. I think, as I indicated
23 before, if I had that conversation, it would have
24 been with either Dickerman or Brad.

25 Q. During February or March of 2003, did you
26 have a conversation with Marc Schaffel about the
27 Arvizo family going to Brazil?

28 A. I don't believe so. 11413

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1 Q. Were you aware, during the month of March of
2 2003, whether or not employees of Michael Jackson
3 checked the Arvizos' sons out of John Burroughs
4 Middle School?

5 A. No, I'm not aware that that happened.

6 Q. When did you learn that happened?

7 MR. MESEREAU: Objection. Foundation;

8 assumes facts not in evidence; relevance; beyond the
9 scope; vague as to time.

10 MR. ZONEN: Leading, too?

11 MR. MESEREAU: Leading, too.

12 THE COURT: The objections are overruled.

13 MR. ZONEN: Mine too?

14 THE WITNESS: I don't know that I've ever
15 learned that.

16 Q. BY MR. ZONEN: Was there ever a conversation
17 with Brad Miller about the children going to John
18 Burroughs Middle School?

19 MR. MESEREAU: Objection. Vague as to time;
20 relevance; beyond the scope.

21 THE COURT: Overruled.

22 You may answer.

23 THE WITNESS: I don't remember. I mean,
24 they may have attended there. Maybe. I don't know.

25 Q. BY MR. ZONEN: Were you aware that Johnny
26 Mejetich was seen filming the Arvizo children at
27 John Burroughs Middle School?

1 MR. MESEREAU: Objection; vague as to time.

2 THE COURT: Overruled. The answer was "No."

3 Next question.

4 Q. BY MR. ZONEN: Did Brad Miller ever talk to
5 you about conducting a surveillance of the children
6 at John Burroughs Middle School?

7 A. No, not that I'm aware of. I don't know
8 that I talked specific locations. Like I said, I
9 told him to find out where they were, what they were
10 doing, who they were meeting with.

11 And the middle school doesn't ring a bell.

12 It's not to say he might not have said they're
13 attending school or might not have told me at some
14 point that they were attending school or he saw them
15 attending school. I just don't remember John
16 Burroughs Middle School.

17 Q. Do you know why the children were checked
18 out of John Burroughs Middle School by Vinnie?

19 A. I don't know that that happened.

20 Q. Well, let's assume, hypothetically, in early
21 March 2003, Vinnie Amen, then an employee of Michael
22 Jackson, checked out these two boys from John
23 Burroughs Middle School.

24 A. I don't know why he would have done that.

25 Q. Did anybody have any conversation with you
26 about Michael Jackson's employees being involved
27 with these two boys being taken out of that school?

28 MR. MESEREAU: Objection. Vague as to time; 11415

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1 assumes facts not in evidence; relevance; beyond the
2 scope.

3 THE COURT: Overruled.

4 You may answer.

5 THE WITNESS: Discussions with Vinnie? Is
6 that what you're asking? Or with anybody?

7 MR. ZONEN: Could the question be read back?

8 THE COURT: Yes.

9 (Record read.)

10 THE WITNESS: I don't believe so, no.

11 Q. BY MR. ZONEN: Now, during this period of
12 time, of February and March of 2003, you were
13 representing Michael Jackson?

14 A. Yes.

15 Q. And your concern, of course, dealt with the
16 Arvizo family?

17 MR. MESEREAU: Objection. Vague;
18 argumentative; foundation.

19 THE COURT: Overruled.

20 Q. BY MR. ZONEN: Is that correct?

21 A. That was one of my concerns, yes.

22 Q. All right. I assume one of the other
23 concerns you had is whether or not the statements
24 Michael Jackson made in the "Living with Michael
25 Jackson" documentary were true?

26 MR. MESEREAU: Objection. Vague as to time;
27 relevance.

1 You may answer.

2 THE WITNESS: Which statements?

3 Q. BY MR. ZONEN: About sleeping with boys.

4 A. Whether they were true?

5 Q. Yes.

6 A. We went through this before. I told you

7 before. The suggestion that the sleeping with boys

8 was sexual, if that's what you're suggesting, no, I

9 did not believe that that was true.

10 Q. Mr. Geragos, the question was whether or not

11 any boys occupied the same bed with Michael Jackson

12 at the same time.

13 A. That wasn't the question.

14 Q. All right.

15 A. You asked me about sleeping with them and

16 now you're asking me whether they're sleeping in the

17 same bed.

18 Q. All right.

19 A. Okay. So I don't know what statements

20 you're talking about. Be specific.

21 Q. Did you make any inquiry with Michael

22 Jackson during the months of February and March

23 about whether or not he shared a bed with a child

24 other than his own?

25 MR. MESEREAU: Objection. Relevance;

26 foundation.

27 THE COURT: Overruled.

28 You may answer. 11417

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1 THE WITNESS: Michael Jackson, in the
2 discussion I had with him and my observation of him
3 with the kids, I did not --

4 MR. ZONEN: I'll object as exceeding the
5 scope of the question.

6 MR. MESEREAU: Objection; he's cutting off
7 the witness.

8 MR. ZONEN: We're going to have to resolve
9 that, too.

10 THE COURT: The objection is sustained. He's
11 not cutting off the witness. He's not answering the
12 question.

13 Read the question back.

14 (Record read.)

15 THE WITNESS: Yes.

16 Q. BY MR. ZONEN: Did you ask him if it was
17 true that he shared a bed with a child other than
18 his own?

19 A. No, I did not ask that question.

20 Q. During February and March of 2003, during
21 the period of time that you had directed Brad Miller
22 to take account of who the Arvizo family were
23 associating with, did you consult with any employees
24 of Michael Jackson to determine what they were doing
25 with the Arvizo family?

26 A. Yes, I think that I talked to a number of
27 people.

28 Q. Did you talk with Marc Schaffel? 11418

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1 A. I believe that I talked a number of times
2 with Marc Schaffel. I talked with, I believe, Joe
3 Marcus. And I had other lawyers in the office talk
4 with people at the ranch as well.

5 Q. Did you have conversations with Marc
6 Schaffel specifically about the Arvizo family?

7 A. I think that I've talked with Schaffel about
8 the Arvizo family.

9 Q. Did Marc Schaffel tell you that they were
10 making arrangements to move the Arvizo family to
11 Brazil?

12 A. I just don't remember if he told me -- if he
13 ever told me that. I think that normally when I
14 talked to Schaffel about the Arvizos, my memory of
15 it is in regards to the video and this rebuttal
16 tape, as they called it.

17 Q. Mr. Geragos, with regards to conversations
18 with Marc Schaffel, are you telling us it's possible
19 you had a conversation with him about moving the
20 Arvizo family to Brazil?

21 A. That if -- no. I don't think that he ever
22 told me that he was moving the Arvizo family to
23 Brazil. I just don't have any recollection of that.

24 Q. Do you have a recollection of any
25 conversation with Marc Schaffel wherein the subject
26 of Brazil came up?

27 A. You know, I think that Schaffel, during that

28 period of time, told me that he had gone to Brazil. 11419

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1 Q. All right. Did you have a conversation with
2 Marc Schaffel at any time in February, March of
3 2003, where Marc Schaffel mentioned Brazil in the
4 context of the Arvizo family?

5 A. I don't believe so. I believe that when he
6 talked about Brazil, it was because he had gone to
7 Brazil or was going to Brazil or something to that
8 effect.

9 Q. Did you have any conversations with Frank
10 Cascio during the month of February and March?

11 A. Yes.

12 Q. Did you have numerous conversations with
13 Frank Cascio during the months of February and March
14 of 2003?

15 A. I would say more than five.

16 Q. Could it have been more than 25?

17 A. It could -- well, I wouldn't say 25. But I
18 would say more than five.

19 Q. Do you have a recollection as to whether any
20 of those conversations included a discussion of
21 Brazil?

22 A. I don't know if the conversations took place
23 after I would have talked to Brad or Dickerman. I
24 just don't know. I can't put it in context. But I
25 don't -- as I sit here, I don't remember, but that
26 doesn't mean I didn't.

27 Q. Do you have a recollection of any specific

28 conversation you had with Frank Cascio regarding the 11420

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1 Arvizos and Brazil?

2 A. I don't have any specific recollection as I
3 sit here.

4 Q. Do you have a recollection of anything Frank
5 Cascio may have said to you about the Arvizo family
6 going to Brazil?

7 A. No, I still think that probably would have
8 been with Brad or with Dickerman.

9 Q. Did you have any conversations with either
10 Dieter Weizner or Ronald Konitzer during March or
11 February of 2003?

12 A. I think, as I testified last week, that in
13 February and March of 2003, I had very limited
14 contact with Dieter.

15 And I talked with Ronald. And I don't think
16 I talked to Ronald about any of -- any of those
17 things. Ronald's discussions with me generally
18 wouldn't have been about things like that.

19 Q. Do you have a recollection at all during the
20 months of February and March of 2003 of thinking to
21 yourself that Michael Jackson or his employees ought
22 not be involved in moving the Arvizo family to
23 Brazil?

24 MR. MESEREAU: Objection. Argumentative;
25 foundation.

26 THE COURT: The objection is overruled.

27 THE WITNESS: Of thinking to myself?

28 Q. BY MR. ZONEN: Yes. 11421

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1 A. I don't know.

2 Q. Did you have a conversation with anybody at
3 all during the months of February or March of 2003
4 where the subject of that conversation was the fact
5 that Michael Jackson's employees ought not be
6 involved in moving Janet Arvizo and her children to
7 Brazil?

8 A. If I would have had that conversation, like
9 I said, it would have been with Dickerman and/or
10 Brad.

11 Q. All right. And you're saying you would
12 have, but you have no independent recollection of
13 it?

14 A. I don't remember what the conversation was
15 or who brought up Brazil. I know that there was
16 discussions, and I just don't remember if it was
17 Dickerman or Brad.

18 Q. Were any bills paid for passports or visas,
19 passports or visas or birth certificates that were
20 paid for by you?

21 A. No.

22 Q. Were there any bills paid for by you that
23 involved moving the Arvizo family from their
24 apartment or their rents?

25 A. Not that I'm aware of.

26 Q. Only the storage unit, then, was paid by
27 your office?

28 A. If he submitted it with an expense bill, but 11422

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1 I don't believe that he did. I would have to take a
2 look at the bills.

3 Q. Mr. Geragos, I asked you a question early on
4 about the DCFS taped interview, the tape of that
5 interview. And you answered that you thought it may
6 have come from Mr. Sneddon.

7 A. The tape would have been turned over as a
8 copy after the search warrant was executed.

9 Q. All right. Mr. Geragos, you know that that
10 tape was not in our possession until just prior to
11 the trial?

12 A. I didn't --

13 MR. MESEREAU: Objection. Argumentative;
14 assumes facts not in evidence

15 THE COURT: Sustained.

16 Q. BY MR. ZONEN: Mr. Geragos, when you say the
17 tape was received, do you mean in discovery?

18 A. I believe that, yes, in discovery, the tape
19 was received.

20 Q. All right. You think that that tape was
21 then seized from Michael Jackson's residence?

22 A. No.

23 MR. MESEREAU: Objection.

24 THE WITNESS: I think --

25 MR. MESEREAU: Objection; foundation.

26 MR. ZONEN: Well, then we need to resume
27 this at sidebar, based on the earlier conversation

28 as to how to resolve this. 11423

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1 THE COURT: Do you have any other questions
2 you want to ask?

3 MR. ZONEN: Perhaps, if I could have just a
4 moment, yeah.

5 May I have just a moment, please?

6 (Discussion held off the record at counsel
7 table.)

8 Q. BY MR. ZONEN: Mr. Geragos, did you at any
9 time have a conversation with your client, Michael
10 Jackson, during the months of February or March
11 where the subject of Brazil came up?

12 A. No.

13 Q. He never told you he was going to go to
14 Brazil?

15 A. No.

16 Q. Did he ever talk to you about the Arvizo
17 family?

18 A. Going to Brazil? Absolutely not.

19 Q. Were you aware that employees of yours were
20 standing guard outside the Country Suites in
21 Calabasas?

22 MR. MESEREAU: Objection. Argumentative;
23 assumes facts not in evidence.

24 THE COURT: Overruled.

25 You may answer.

26 THE WITNESS: I don't believe any employees
27 of mine were standing guard outside of the Country

28 Suites. I don't buy that for a second. 11424

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1 Q. BY MR. ZONEN: Are you aware that Johnny was
2 there at the Country Suites at the time that the
3 Arvizo family was staying there?

4 A. If he was there, I don't believe he was
5 standing guard.

6 Q. Do you know what he was doing there?

7 A. I don't. But I don't believe that he would
8 be standing guard.

9 Q. Did Brad Miller ever talk to you about his
10 involvement with the Arvizo family at the
11 Calabasas -- at The Country Suites & Inn in
12 Calabasas?

13 A. At the time in February or March, no.

14 Q. All right. Did he tell you that he was
15 surveilling them while they were at The Country Inn
16 & Suites in Calabasas?

17 A. I don't believe that he was.

18 Q. Did he tell you that he was doing that?

19 A. I don't believe that he did, no.

20 Q. Did he tell you that he was conducting any
21 kind of surveillance of the family between the days
22 of the 25th of February and the 2nd of March?

23 A. I think that he was, yes.

24 Q. All right. Now, that, of course, was during
25 the period of time that you had directed him to do
26 an investigation of the Arvizo family; is that
27 right?

28 A. I wanted to know where they were and what 11425

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1 they were doing.

2 Q. And that direction included finding out
3 where they were and what they were doing, right?

4 A. Exactly.

5 Q. Did word get back to you from Mr. Miller
6 that for that five-day period they were at a hotel
7 in Calabasas?

8 MR. MESEREAU: Objection; vague as to
9 relevance.

10 MR. ZONEN: The 28th of February -- I'm
11 sorry, the 25th of February to the 2nd of March,
12 19 -- 2003.

13 THE COURT: The objection is overruled.

14 THE WITNESS: I don't remember if he did.
15 It wouldn't surprise me if he did, but I don't
16 remember.

17 Q. BY MR. ZONEN: Did he tell you what they
18 were doing there?

19 A. Like I say, I don't remember if he did.

20 Q. Did you learn from him if they were there
21 with Vinnie and/or Frank?

22 MR. MESEREAU: Objection. Vague as to time;
23 relevance; beyond the scope.

24 THE COURT: Overruled.

25 THE WITNESS: As I indicated, I don't have an
26 independent memory of what he would have told me
27 back then as to the Country Suites.

28 Q. BY MR. ZONEN: Was Brad Miller working 11426

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1 directly with Vinnie and Frank to determine the
2 whereabouts and location and movement of the Arvizo
3 family?

4 A. I don't believe that he was, no.

5 Q. Did you instruct employees of Michael
6 Jackson to cooperate with Brad Miller so that he
7 could do his investigation of the Arvizo family?

8 A. I instructed Brad Miller to talk to people.

9 Q. Did you tell him to specifically talk to
10 Vinnie and Frank about where the Arvizos were going
11 and from where they were coming?

12 A. I would tell him to talk to Vinnie and
13 Frank, absolutely.

14 Q. So it would be reasonable to assume that
15 Brad Miller knew where they were during this period
16 of time if they were in the company of either Frank
17 or Vinnie?

18 A. I think that's reasonable.

19 Q. All right. Did you ever learn that they
20 were at The Country Inn & Suites in Calabasas during
21 that period of time?

22 A. Did I learn it in February or March?

23 Q. Yes.

24 A. I don't think that I did. But like I say,
25 he may have told me.

26 Q. If, in fact, Johnny was there at that time,
27 he would have been there at Brad Miller's direction;

28 is that true? 11427

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1 A. As I sit here today, yes.

2 Q. Did you know something back then different
3 from that?

4 A. I didn't -- as I explained to you, I didn't
5 know Johnny was working for him at the time. I know --

6 Q. When did you first learn the expression --

7 MR. MESEREAU: Objection. He cut off the
8 witness.

9 THE COURT: Sustained.

10 You may complete your answer.

11 THE WITNESS: It's okay.

12 Q. BY MR. ZONEN: When did you first hear the
13 statement "crack whore" in connection with Janet
14 Arvizo?

15 MR. MESEREAU: Objection. Assumes facts not
16 in evidence; foundation; argumentative.

17 THE COURT: Sustained. Foundation.

18 Q. BY MR. ZONEN: Did you ever have a
19 conversation with Marc Schaffel about Janet Arvizo
20 where the term "crack whore" came into the
21 conversation?

22 MR. MESEREAU: Objection. Foundation;
23 argumentative.

24 THE COURT: Overruled.

25 THE WITNESS: I don't believe so.

26 Q. BY MR. ZONEN: Did you have a conversation
27 with Brad Miller about the content of the telephone

28 calls that he had been monitoring between Frank and 11428

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1 Janet Arvizo?

2 MR. MESEREAU: Objection. Foundation;

3 assumes facts not in evidence.

4 MR. ZONEN: I'm sorry?

5 THE COURT: Foundation, sustained.

6 Q. BY MR. ZONEN: Did you learn from Brad

7 Miller that Janet Arvizo and Frank Cascio had been

8 having telephone calls during the month of February

9 while she was away from Neverland Ranch?

10 A. In -- did I learn that in February or

11 March -- in March of 2003?

12 Q. Yes.

13 A. I believe that I knew that they had

14 called -- that they had talked to each other on the

15 phone, yes.

16 Q. All right. Did Brad Miller tell you about

17 the content of those telephone conversations?

18 A. He might have. I don't have any memory of

19 it.

20 Q. Did he tell you specifically that Janet

21 Arvizo told Frank Cascio that she could not be

22 bought and that she would not sell a story to any of

23 the media or the tabloids?

24 A. No.

25 Q. He never said that to you?

26 A. No.

27 Q. Did he tell you about the content of any of

28 those telephone calls that she had with Frank? 11429

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1 A. Yeah, and that -- one of the things that
2 sticks out in my mind is that she was complaining
3 about what she called "the Germans."

4 Q. All right. She was scared of the Germans?

5 A. She wasn't scared. She didn't indicate she
6 was scared. But she was complaining about them,
7 that they were limiting her.

8 Q. Now, you never listened to those phone
9 conversations, right?

10 A. Which phone conversations? The ones between
11 Frank and Janet?

12 Q. Janet, yes.

13 MR. MESEREAU: Objection. Vague as to time;
14 relevance; beyond the scope.

15 THE COURT: Overruled.

16 You may answer.

17 Q. BY MR. ZONEN: Did you ever listen to those?

18 A. In February or March of 2003, no.

19 Q. All right. When did you finally listen to
20 that telephone conversation or conversations?

21 MR. MESEREAU: Objection. Relevance; beyond
22 the scope.

23 THE COURT: Overruled.

24 THE WITNESS: Sometime after February or
25 March of 2003.

26 Q. BY MR. ZONEN: All right. And in fact, she
27 said that she was scared and upset about the

28 Germans, right? 11430

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1 MR. MESEREAU: Objection. Hearsay; assumes
2 facts; foundation.

3 THE COURT: It's vague. The question is
4 vague.

5 Q. BY MR. ZONEN: When did you listen to the
6 tape-recording of the phone conversation between
7 Janet and Frank?

8 MR. MESEREAU: Objection. Relevance; beyond
9 the scope; vague as to time.

10 MR. ZONEN: That's what I asked, was when.

11 THE COURT: The objection is overruled. He
12 did answer that. He said, "Sometime after," and he
13 gave a period of time.

14 Q. BY MR. ZONEN: I would like to know when
15 that was, please.

16 A. I don't know the exact date. It would have
17 been sometime well after.

18 Q. All right. Prior to --

19 A. It would have been after the time of the
20 search warrant on Mr. Miller's office.

21 Q. All right. And when you listened to it, you
22 heard what she had said; is that correct?

23 A. That's right.

24 Q. All right. And did you listen to that tape
25 in the company of Brad Miller?

26 MR. MESEREAU: Objection. Beyond the scope;
27 relevance; vague as to time.

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1 You may answer.

2 Q. BY MR. ZONEN: Did you listen to it in the
3 company of Brad Miller?

4 A. I don't think so.

5 Q. After you listened to it, did you call Brad
6 Miller?

7 MR. MESEREAU: Objection. Foundation;
8 relevance.

9 THE COURT: Overruled.

10 THE WITNESS: Overruled?

11 THE COURT: You may answer.

12 THE WITNESS: Yeah. Probably did, yes.

13 Q. BY MR. ZONEN: You probably listened to it
14 in the company of Brad Miller?

15 A. No, I listened to it and then probably
16 called him afterwards, yes.

17 Q. Did you ask him why it was that he had a
18 tape-recording of a conversation that was clearly a
19 telephone conversation?

20 A. Yes, I --

21 MR. MESEREAU: Objection. Relevance;
22 foundation; vague as to time; and argumentative.

23 THE COURT: Overruled. The objection is --

24 THE WITNESS: Yes, I did.

25 Q. BY MR. ZONEN: What did he tell you?

26 A. He told me --

27 MR. MESEREAU: Objection; hearsay.

28 MR. ZONEN: A declaration against penal 11432

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1 interest.

2 THE COURT: Overruled.

3 Q. BY MR. ZONEN: Go ahead. What did he tell
4 you?

5 A. He told me that Frank had expected that
6 there was going to be some kind of a -- an admission
7 or crime that Janet was going to propose on the
8 telephone call and that's why he taped it.

9 Q. Now, you understand that that should be
10 monitored by law enforcement, right?

11 A. That's one of the exceptions, yes.

12 Q. Can you tell us what Penal Code section says
13 that a private citizen can decide on their own to
14 tape-record a conversation because they think
15 there's going to be a crime?

16 A. If you give me the Penal Code at the break,
17 I'll be happy to point it out to you, and I'll give
18 you the case as well.

19 Q. Did you give Brad Miller instruction to do
20 that, to tape-record telephone conversations between
21 Frank and Janet?

22 A. No, I did not.

23 Q. In fact, what you listened to didn't
24 evidence any crime whatsoever, did it?

25 A. I did not hear any crime on that phone -- on
26 that phone call.

27 Q. She did not ask Frank for money at all, did

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1 A. That's correct.

2 Q. She did not tell Frank that she was going to
3 take her story to the press, right?

4 A. That's correct.

5 Q. And that wouldn't have been a crime either,
6 would it have?

7 A. It would not have been.

8 Q. The only crime that you anticipated would be
9 her telling Frank, "I would like some money or I'm
10 going to make a false claim against your client,
11 Michael Jackson"?

12 A. When you say I "anticipated," I told you I
13 didn't listen to it until after it was seized out of
14 Mr. Miller's office.

15 Q. Did Mr. Miller make the decision on his own
16 to tape-record that conversation?

17 A. That's what he told me.

18 Q. So he didn't consult with you in advance?

19 A. He did not.

20 Q. Did he tell you that that was a compilation
21 of a number of different phone calls?

22 A. He did not.

23 Q. Did you hear breaks in that recording?

24 A. I didn't notice any breaks in that
25 recording. The only breaks that I noticed were in
26 the ones that we talked about last week, the one
27 that I think was on February 16th.

28 Q. Did you ask Brad Miller if he made multiple 11434

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1 tape-recordings of conversations?

2 A. I asked if there were any others.

3 Q. What did he tell you?

4 A. That there were not.

5 Q. Did you ask him if he altered that tape in
6 any way?

7 A. I didn't ask him that. I asked him
8 specifically as to the February 16th tape.

9 Q. Did he tell you that that tape was an
10 accurate recording of a single conversation?

11 A. He said that they had sat down in the
12 location of the apartment and had recorded it all at
13 one sitting.

14 Q. Did he tell you who was present at the time
15 of that recording?

16 A. I believe that he did. I believe he told me
17 that it was the family, and I think at one point the
18 boyfriend was there as well.

19 Q. Did he tell you that there was nothing said
20 in the course of that conversation that would cause
21 you concern about Janet Arvizo?

22 A. I'm sorry, what?

23 Q. Did he tell you that there was nothing said
24 in the course of that conversation that would cause
25 you concern about Janet Arvizo?

26 A. No, on the contrary. He told me that he
27 thought that they were telling the truth and that

28 Michael Jackson hadn't done anything -- 11435

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1 Q. I'm sorry?

2 A. -- to the kids.

3 Q. Did Brad Miller tell you that, in the course
4 of the telephone conversation he monitored, that
5 there was nothing Janet Arvizo said that would cause
6 him concern about her taking any kind of legal
7 action against Michael Jackson?

8 A. We're talking about the Frank and Janet, not
9 the other --

10 Q. The telephone conversation.

11 A. Okay. There's two tapes. One tape is
12 February 16th with the family. The other tape that
13 you found in the office was a tape-recording of
14 Frank's call to Janet.

15 Q. Mr. Geragos, I'm asking about the telephone
16 conversations that were surreptitiously taped.

17 A. Frank's call to Janet.

18 Q. Yeah. Because Brad Miller thought she was
19 going to shake him down for money, right?

20 A. That's correct.

21 Q. That phone call was placed to Janet Arvizo,
22 correct?

23 A. That's correct.

24 Q. Now, why exactly was Brad Miller placing a
25 telephone call to Janet Arvizo wherein he
26 anticipated she would then hit him up for money?

27 A. I don't know why he was -- why -- I don't

28 think Brad placed the phone call. I think that 11436

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1 Frank placed the phone call. It sounds like it's
2 his voice.

3 Q. Well, but they're in the same room, right?

4 A. I don't believe that they were. I think
5 that was a three-way call.

6 Q. Well, all right. But somebody set that up,
7 right?

8 A. I don't know. You'd have to ask him. I
9 believe that the -- that Frank said he was going to
10 call her. Brad told me that he was going to tape
11 it. I don't think that they did it in the same
12 room.

13 Q. And Brad and Frank, Brad Miller and Frank
14 Cascio, then coordinated with each other to be able
15 to have this conference call tape-recorded without
16 Janet Arvizo's knowledge; is that right?

17 A. I would just be assuming that. I don't
18 know. I didn't ask that question.

19 Q. All right. Now, did you ask Brad Miller if
20 he had a conversation with Frank Cascio in advance
21 of that, of that call, as to what Frank Cascio
22 should say to Janet?

23 A. No.

24 Q. Did he offer to you the fact that there was
25 a conversation between he and Mr. Cascio about what
26 would be said to Janet Arvizo?

27 A. Not that I remember, no.

28 Q. Did he tell you? 11437

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1 A. I just assumed it, because it was recorded.

2 Q. Did he tell you in advance that they were
3 going to set up that telephone call, "he" being Mr.
4 Miller? Did Mr. Miller tell you in advance?

5 A. Mr. Miller didn't tell me about it until you
6 seized -- or "you" being the progression -- seized
7 it from the office, and that's when I asked. That
8 would have been sometime after November of 2003.

9 Q. Did Brad Miller write any reports to you
10 about his surveillance or investigation of the
11 Arvizo family?

12 MR. MESEREAU: Objection. Vague as to time;
13 relevance; beyond the scope.

14 MR. ZONEN: I didn't hear the ruling, I'm
15 sorry.

16 THE COURT: It hasn't come yet.

17 MR. ZONEN: Ahh. Maybe that's why.

18 THE COURT: The objection is overruled.

19 THE WITNESS: Yes.

20 Q. BY MR. ZONEN: Did he write those reports to
21 you during the months of February and March of 2003?

22 A. No.

23 Q. Did he write them after March of 2003?

24 A. Yes.

25 MR. MESEREAU: Objection. Relevance; beyond
26 the scope.

27 THE COURT: I'll leave the answer in. Next

28 question. 11438

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1 Q. BY MR. ZONEN: When did you receive a report
2 from Brad Miller that specifically dealt with that
3 telephone conversation between Janet and Frank?

4 A. I don't think that I did.

5 Q. Did he never -- did he never write a report
6 about that conversation?

7 A. I don't believe that he did.

8 Q. Did you ask him to write a report about that
9 conversation?

10 A. No.

11 Q. Why not?

12 A. Why?

13 Q. Did you think it was illegal?

14 A. At the time I felt, when I talked to him,
15 that he articulated to me at least a reasonable
16 expectation that a crime was going to be committed,
17 so, no, I did not think this was illegal.

18 Q. How many reports did Brad Miller write to
19 you about his investigation of the Arvizo family
20 prior to the end of April 2003?

21 A. I couldn't tell you.

22 Q. Where are those reports today?

23 A. If they exist, I would have turned them
24 over.

25 Q. You don't have them in your possession
26 anymore?

27 A. I don't believe so.

28 Q. What do you mean by "if they exist"? Is it 11439

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1 possible you destroyed those reports?

2 A. No, I'm saying if he made them.

3 Q. You don't --

4 A. I wouldn't have destroyed them. But if he
5 had made a report, I would have turned them over.

6 Q. You believe that during a three-month
7 investigation, he might not have written any reports
8 at all?

9 A. No, the -- the period of time for the
10 investigation would have been sometime after
11 February 7th through March, which would have, as I
12 indicated before, been about 35 to 40 days. I
13 believe that what he was doing would orally update
14 me on what was happening.

15 Q. At any time -- at any time, Mr. Geragos, at
16 any time up through the end of June of 2003, did
17 Bradley Miller write any reports of his activities
18 involving the Arvizo family?

19 MR. MESEREAU: Objection; relevance.

20 Q. BY MR. ZONEN: And submit those reports to
21 you?

22 MR. MESEREAU: Objection. Relevance;
23 foundation; beyond the scope.

24 THE COURT: Overruled.

25 THE WITNESS: I couldn't tell you as I sit
26 here. I know that I talked to him about it, and I
27 don't know if he wrote up a formal report.

28 Q. BY MR. ZONEN: You don't have a clear 11440

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1 recollection at this time of receiving any reports
2 from Brad Miller prior to the conclusion of 2003?

3 A. Not as I sit here. If you've got one, you
4 can show it to me.

5 Q. Did you ever take possession of any of the
6 surveillance tapes from Frank -- excuse me, from
7 Brad Miller? Did he ever give you any of the
8 surveillance tapes?

9 A. No. Are we talking the same tapes you were
10 asking me about?

11 Q. The surveillance tapes from the Arvizo
12 family.

13 A. I was told those were seized through the
14 search warrant, and I got those through discovery.

15 Q. Did Brad Miller ever give you copies of
16 those surveillance tapes?

17 A. No.

18 Q. Did Brad Miller ever furnish you written
19 reports of the surveillance activities that he was
20 conducting?

21 MR. MESEREAU: Objection. Relevance;
22 foundation; beyond the scope.

23 THE COURT: I think it's been asked and
24 answered. I think he said he doesn't know.

25 Q. BY MR. ZONEN: Did Brad Miller ever send you
26 e-mails that detailed his activities, specifically
27 with regards to the surveillances?

28 A. He might have. 11441

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1 Q. All right. Now, where are those e-mails?

2 A. If they -- as I indicated last week, if I
3 saved them, I probably would have saved them into
4 the -- at the risk of being mocked, into my Word
5 Perfect file.

6 Q. I promise I won't do that today.

7 A. Thank you.

8 Q. Do you still have that in your office?

9 A. My Word Perfect file?

10 Q. Yes.

11 A. Yes.

12 Q. Did you check that file over the last week
13 since you were here last Friday?

14 A. I checked on the date of the retainer after
15 you had asked me.

16 Q. Did you check to see if you still have notes
17 in any capacity, either by way of e-mail or
18 handwritten notes or typed notes, from Brad Miller
19 still in your file?

20 A. I didn't check on notes. I checked on --
21 because you were asking me about whether it was late
22 January or early February. I checked on when the
23 retainer agreement was, and it looked to me to be
24 February 4th. And that's the thing that I was
25 focused on checking on.

26 Q. Did you check in your Word Perfect, Series
27 11 --

28 A. 11. 11442

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1 Q. -- file --

2 A. Yes.

3 Q. -- on Mr. Jackson, the Jackson file, on
4 whether or not there were e-mails from Brad Miller?

5 A. I did not.

6 Q. Did you check -- over this last week, did
7 you check to see if there were e-mails from any of
8 the people we've previously discussed, Mr. Schaffel,
9 Mr. Weizner, Mr. Konitzer, Amen or Cascio?

10 A. No. Like you, I've been in trial for the
11 last week.

12 THE COURT: All right. Let's take a break.

13 (Recess taken.)

14 THE COURT: Counsel?

15 MR. ZONEN: Your Honor, I have concluded my
16 cross-examination.

17 BAILIFF CORTEZ: Microphone's off, sir.

18 MR. ZONEN: You'd think after three months I
19 would have learned this.

20 I've concluded my cross-examination. I had
21 indicated before that we needed a conference prior
22 to that, and I think we may have resolved that
23 issue.

24 THE COURT: Okay.

25 MR. ZONEN: Don't need to do that.

26 I will require an additional conference, but
27 it does not have to be until the conclusion of

28 redirect examination. 11443

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1 And before the witness is excused, I would
2 like to have a conference. It doesn't need to be in
3 the presence of the jury.

4 THE COURT: All right.

5 MR. MESEREAU: Thank you, Your Honor.

6

7 REDIRECT EXAMINATION

8 BY MR. MESEREAU:

9 Q. Mr. Geragos, during February and March of
10 2003, did you know whether or not Janet Arvizo ever
11 told anyone she wanted to go to Brazil with Michael
12 Jackson?

13 MR. ZONEN: Objection. Lack of foundation;
14 lack of personal knowledge.

15 THE COURT: Sustained.

16 Q. BY MR. MESEREAU: Mr. Geragos, during
17 February or March of 2003, did you have any personal
18 knowledge of whether or not Janet Arvizo ever told
19 anyone she wanted to go to Brazil with Michael
20 Jackson?

21 MR. ZONEN: Personal knowledge being limited
22 to conversations with Janet Arvizo?

23 THE COURT: Just a moment.

24 Sustained.

25 Q. BY MR. MESEREAU: During February or March
26 of 2003, did you have any personal knowledge of
27 whether or not Janet Arvizo wanted Michael Jackson

28 to get her a new home? 11444

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1 MR. ZONEN: I'm going to object to "personal
2 knowledge," and vague.

3 BAILIFF CORTEZ: Your microphone's off.

4 THE COURT: Sustained.

5 Q. BY MR. MESEREAU: Mr. Geragos, during

6 February and March of 2003, was it your

7 understanding that Janet Arvizo wanted possessions

8 moved out of her apartment in East L.A., wanted

9 those possessions stored, and wanted someone else to
10 pay for it?

11 MR. ZONEN: I'll object as to lack of

12 foundation and speculation.

13 THE COURT: And compound.

14 MR. ZONEN: And compound.

15 THE COURT: Sustained.

16 Q. BY MR. MESEREAU: Mr. Geragos, during

17 February and March of 2003, did you have any

18 personal knowledge of whether Janet Arvizo wanted to

19 move out of her apartment on Soto Street in East Los

20 Angeles?

21 MR. ZONEN: "Yes" or "no." I'll object

22 beyond "yes" or "no."

23 THE COURT: You may answer that "yes" or

24 "no."

25 THE WITNESS: Yes.

26 Q. BY MR. MESEREAU: And what was your

27 knowledge based upon?

28 A. Based on my conversation with Brad Miller. 11445

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1 Q. During February and March of 2003, did you
2 have any personal knowledge of whether or not Janet
3 Arvizo wanted someone to retrieve her possessions
4 from the apartment on Soto Street?

5 A. From Brad Miller, I --

6 MR. ZONEN: I'll object, Your Honor, as a
7 lack of foundation.

8 THE COURT: I'll strike the answer. But you
9 are to answer that question "yes" or "no." It's a
10 question about -- do you want it read back?

11 THE WITNESS: "Yes" was the answer to the
12 question.

13 Q. BY MR. MESEREAU: And what was your personal
14 knowledge based upon?

15 A. Conversations with Brad Miller.

16 Q. And what was your personal knowledge?

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

18 THE COURT: Overruled.

19 THE WITNESS: That she wanted the -- she
20 wanted to move in with her boyfriend, she wanted
21 those items stored, and that she arranged with Brad
22 to do that.

23 MR. ZONEN: I'm going to move to strike as
24 hearsay.

25 MR. MESEREAU: It was his personal
26 knowledge, Your Honor.

27 THE COURT: Well --

28 MR. ZONEN: If it's for the truth of the 11446

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1 matter --

2 THE COURT: Just a moment. Just a moment.

3 This is another one of those situations

4 where that is what he testified to under your

5 cross-examination. The objection is overruled.

6 Next question.

7 Q. BY MR. MESEREAU: Mr. Geragos, during

8 February and March of 2003, did you have any

9 personal knowledge of whether Janet Arvizo wanted

10 the storage costs for storing her possessions paid

11 for by someone else?

12 A. Yes.

13 Q. And what was your personal knowledge based

14 upon?

15 A. Conversations with Brad Miller.

16 Q. And what was your personal knowledge about

17 that subject?

18 MR. ZONEN: Objection; hearsay.

19 THE COURT: Overruled.

20 You may answer.

21 THE WITNESS: Precisely that. That she

22 wanted the items stored there and she wanted

23 somebody else to pay for them.

24 Q. BY MR MESEREAU: During February and March

25 of 2003, did you have any personal knowledge about

26 whether or not Janet Arvizo was planning to go to

27 Brazil with Michael Jackson?

28 A. If I did, it would be the same answer I gave 11447

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1 to Mr. Zonen, that the conversations would have been
2 either through Brad or through Dickerman's
3 conversations, which would have stretched into April
4 and May.

5 Q. During February and March of 2003, did you
6 have any personal knowledge of whether or not Janet
7 Arvizo changed her mind about Brazil when she
8 decided Michael Jackson was not going with her?

9 A. I don't think that that was in February or
10 March of 2003 that I heard that.

11 Q. During February and March of 2003, did you
12 know whether or not Janet Arvizo was using the Soto
13 Street address in East Los Angeles to defraud
14 welfare authorities?

15 MR. ZONEN: Objection. Exceeds the scope of
16 the cross-examination. Lack of foundation. Also
17 legally speculative.

18 THE COURT: The objection is sustained. It's
19 argumentative.

20 Q. BY MR. MESEREAU: During February and March
21 of 2003, Mr. Geragos, did you have any personal
22 knowledge of what purpose Janet Arvizo had in
23 keeping that Soto Street address?

24 MR. ZONEN: Objection. Speculative; lack of
25 foundation; and irrelevant.

26 THE COURT: All right. You may answer that
27 "yes" or "no." I'll overrule the objection.

1 THE COURT: Yes. That's an option.

2 THE WITNESS: Okay. I don't know.

3 Q. BY MR. MESEREAU: During February and March
4 of 2003, Mr. Geragos, did you have any personal
5 knowledge of whether or not Janet Arvizo arranged to
6 have someone else pay the rent at Soto Street?

7 A. Yes.

8 Q. And what was your personal knowledge based
9 upon?

10 A. Conversations with Brad.

11 Q. And what was your knowledge about that?

12 A. Brad said that she wanted the rent paid and
13 I believe at some point produced some document from
14 the landlord, or something like that, that I saw
15 later on after February or March.

16 Q. And was it your personal knowledge in
17 February and March of 2003 that someone else
18 actually paid Janet Arvizo's rent for the Soto
19 Street address?

20 A. I was told that.

21 Q. By who?

22 A. Brad.

23 Q. And what were you told?

24 A. That he had paid it.

25 Q. Did you learn how many months he had paid
26 Janet Arvizo's rent at Soto Street?

27 A. I think he told me two.

28 Q. Did you ever learn for how many months Brad 11449

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1 Miller paid Janet Arvizo's storage costs?

2 A. Only through Mr. Zonen's questioning.

3 Q. Okay. You didn't know --

4 A. I didn't know at the time. I think I had

5 assumed it was from the time that the storage -- or

6 the items had gone into storage to the time that I

7 was dealing with Dickerman, which would have been, I

8 don't know, 45 or 60 days, something like that.

9 Q. Now, during February and March of 2003, was

10 it your understanding that Janet was spending most

11 of her time living at Jay Jackson's apartment?

12 MR. ZONEN: I'll object. Lack of

13 foundation.

14 THE COURT: Overruled.

15 You may answer.

16 THE WITNESS: I knew she was -- I believe

17 she was there on February 16th, because that was

18 when that tape-recording was made with her and the

19 family and I believe with her then boyfriend. And I

20 know that Brad told me that they were spending time

21 there; that they had moved in there.

22 So I don't know that I can tell you back in

23 February or March exactly which days they were there

24 off the top of my head, but I know that I was aware

25 of the fact that they were there.

26 Q. BY MR. MESEREAU: Now, in cross-examination,

27 you stated words to the effect that you wanted a

28 videotape of the movement of Janet Arvizo's 11450

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1 possessions from the Soto Street address, right?

2 A. I specifically have a memory of telling
3 Brad, "If you're going to do that, you better
4 videotape it, so that nobody's later going to accuse
5 you of taking some of the possessions."

6 Q. And was it your understanding in February
7 and March of 2003 that, in fact, the move was
8 videotaped by Mr. Miller?

9 A. He told me that was -- something to the
10 effect that that was a good idea. And I assumed he
11 did it.

12 Q. Okay. Now, in February and March of 2003,
13 were you aware of any effort by Mr. Miller to hide
14 from anybody where those possessions were stored?

15 A. On the contrary. I think he wanted to turn
16 it over and get off the hook for paying for them.

17 Q. And to your knowledge, in February, March of
18 2003, was the storage locker in the name of "Brad
19 Miller, Licensed Private Investigator"?

20 A. I believe that it was.

21 Q. Did you know, in February and March of 2003,
22 whether anyone else's possessions, separate and
23 apart from Janet Arvizo, were in that locker?

24 A. No, not back in February, March of 2003.

25 Q. Okay. Now, the prosecutor asked you
26 questions about whether or not a private citizen has
27 a right to record a telephone conversation if they

28 think a crime is going to be committed, right? 11451

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1 A. That's correct.

2 Q. And in February and March of 2003, what was
3 your knowledge about the right of a private citizen
4 to record a conversation if they think a crime is
5 going to be committed?

6 A. My knowledge of the Penal Code has always
7 been that there is a code section in the Penal Code
8 that allows a private citizen to do that if there
9 are certain enumerated crimes that you expect to
10 occur, and that you're gathering evidence.

11 Q. And one of those crimes is extortion,
12 correct?

13 A. That's correct.

14 Q. If a private citizen reasonably believes
15 someone might be attempting to commit extortion,
16 they can, in fact, lawfully record a phone
17 conversation without the other party's consent,
18 right?

19 A. That's my understanding of the law. And I
20 believe that there's an addition to the code section
21 that there is a specific case, although I don't have
22 access to Lexis right now - I do use Lexis, not West
23 Law - and I would assume that I could find that case
24 that also has interpreted that code section the same
25 way.

26 Q. Now, you indicated that when you first were
27 retained by Mr. Jackson, you did a quick search and

28 learned about the J.C. Penney case filed by Janet 11452

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1 Arvizo and her children, correct?

2 A. Correct.

3 Q. Did you know at that point in time that

4 Janet Arvizo was arrested that day?

5 MR. ZONEN: Objection; beyond the scope.

6 THE COURT: Overruled.

7 You may answer.

8 THE WITNESS: I believe if it wasn't that

9 day, it was very shortly thereafter.

10 Q. BY MR. MESEREAU: During February and March

11 of 2003, Mr. Geragos, did you think or reasonably

12 suspect that the Arvizos might attempt to extort

13 Michael Jackson?

14 A. That was exactly what my concern was.

15 Q. Did your knowledge of the J.C. Penney case

16 cause you concern in that regard?

17 A. Combined with the fact that there had been

18 an arrest, I thought that the fact that the civil

19 lawsuit was being used to blunt the criminal case is

20 what gave me great pause.

21 Q. What do you mean by that?

22 A. The civil case appeared, at least, to be an

23 outgrowth of a criminal incident, and I just had

24 grave concerns about that.

25 Q. Are you suggesting that Miss Arvizo used a

26 civil case to nullify her arrest?

27 A. That thought had crossed my mind.

28 Q. Have you seen that happen before? 11453

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1 A. Yes.

2 Q. Did you ever, in February and March of 2003,
3 represent Marc Schaffel?

4 A. Not that I'm aware of. I don't think I ever
5 represented Marc Schaffel.

6 Q. In February and March of 2003, did you
7 represent Dieter Weizner?

8 A. No.

9 Q. In February and March --

10 A. No.

11 Q. In February and March of 2003, did you
12 represent Ron Konitzer?

13 A. No.

14 Q. In February and March of 2003, did you
15 represent Frank Tyson?

16 A. No.

17 Q. In February and March of 2003, did you
18 represent Vinnie Amen?

19 A. No.

20 Q. Now, in February and March of 2003, Mr.
21 Geragos, did you ever give legal advice to Marc
22 Schaffel?

23 A. No.

24 Q. In February and March of 2003, did you ever
25 give legal advice to Dieter Weizner?

26 A. No.

27 Q. In February and March of 2003, did you ever

28 give legal advice to Ron Konitzer? 11454

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1 A. To the extent that they would ask questions
2 and I would -- Ronald would ask questions about
3 specific things and whether they should do things,
4 and I would say I want it run by me if it was -- for
5 instance, they're going to make a statement, or
6 they're going to issue some kind of a press release
7 or something, I would say, "Please let me have some
8 input into that."

9 Q. Now, in February and March of 2003, did you
10 ever give legal advice to Frank Tyson?

11 A. No.

12 Q. In February and March of 2003, did you ever
13 give legal advice to Vinnie Amen?

14 A. No.

15 Q. Now, is the statute you're referring to that
16 allows a private citizen in California to secretly
17 record a conversation if they think there's a
18 reasonable belief that extortion might happen, is
19 that Penal Code 633.5?

20 A. I believe that it is, because I think the
21 section that prohibits it is 632. So it would be
22 my guess, at least, that it's the 630 section or
23 633.

24 Q. And prior to February and March 2003, were
25 you aware of instances where, in fact, private
26 citizens have secretly recorded others who they
27 thought were going to try to commit a crime?

28 A. Yes. In numerous instances. 11455

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1 Q. And in fact, private investigators sometimes
2 do that if they think they're going to get evidence
3 of a crime, correct?

4 A. That's as a private citizen. A private
5 investigator has no more and no less rights than a
6 private citizen. So I am aware of various private
7 investigators doing that, only with the caveat that
8 they have that expectation that a crime is going to
9 be committed.

10 Q. Now, was there anything else about Janet
11 Arvizo that made you suspicious that she might try
12 to shake down Mr. Jackson other than what you've
13 described?

14 A. Not other than what I've described to you
15 and to Mr. Zonen.

16 Q. In February and March of 2003, did you have
17 any personal knowledge that Janet Arvizo had told
18 anyone that her husband came from a family of drug
19 dealers?

20 A. No, not -- not that I remember.

21 Q. In February and March of 2003, did you have
22 any knowledge of Janet Arvizo claiming that her
23 husband was using all of their money on a drug
24 habit?

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

26 Q. In February and March of 2003, were you
27 aware of any bank accounts Janet Arvizo had set up

28 allegedly for the benefit of her son? 11456

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1 MR. ZONEN: I'm going to object unless
2 counsel has a good-faith offer of proof that the
3 answer is "yes." Because otherwise it's simply
4 inadmissible questions.

5 THE COURT: Overruled.

6 You may answer.

7 THE WITNESS: I may answer?

8 THE COURT: Yeah.

9 THE WITNESS: I -- I believe that I had
10 received information, but I don't think that I was
11 able to verify it in February or March. I had just,
12 what I would call, suggestions that was the case.
13 But I did not have anything to substantiate it.

14 Q. BY MR. MESEREAU: Now, in February and March
15 of 2003, Mr. Geragos, did you have any personal
16 knowledge of Janet Arvizo trying to get money from
17 various celebrities?

18 A. I -- not from celebrities. I had knowledge
19 of her trying to get money from other people, but
20 not from various celebrities.

21 Q. When you retained Brad Miller in February of
22 2003, was that your first effort to have an
23 investigator investigate the Arvizos?

24 A. Do you mean had I used any other
25 investigator prior to Brad?

26 Q. Yes.

27 A. No, I had not. I don't believe I have used

28 any other investigator in February. 11457

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1 Q. Okay. So Brad Miller was the first licensed
2 investigator you ever retained to investigate the
3 activities of the Arvizos?

4 A. Yes.

5 Q. Now, you said that the period of
6 surveillance and investigation by Mr. Miller was
7 approximately 35 days; is that right?

8 A. Give or take. It was -- it started in
9 February and it ended sometime in March.

10 Q. And to your knowledge, was Mr. Miller doing
11 an investigation into public records involving Ms.
12 Arvizo other than the J.C. Penney case?

13 A. Yes.

14 Q. What other public records do you believe he
15 was examining as part of his investigation into the
16 Arvizos in February and March of 2003?

17 MR. ZONEN: Objection. Irrelevant; exceeds
18 the scope of the cross.

19 MR. MESEREAU: I don't think it does, Your
20 Honor.

21 THE COURT: The objection is overruled.

22 You may answer.

23 THE WITNESS: I believe that he had
24 checked -- I mentioned before that he had checked
25 what are called the civil indexes, which are a list
26 of cases that people file in civil court. I believe
27 he also checked the criminal indexes, and I believe

28 he came up with various cases that she was listed as 11458

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1 either a complaining witness or involved in one way
2 or another or as a witness.

3 Q. BY MR. MESEREAU: And did the information
4 you were aware of in February and March of 2003
5 about the Arvizos and their record of civil
6 litigation and noncivil litigation concern you?

7 A. Yes.

8 Q. Did you believe that what you knew about the
9 Arvizos in February of 2003 almost required you to
10 put them under surveillance?

11 MR. ZONEN: I'll object as speculative and
12 argumentative.

13 THE COURT: Sustained.

14 Q. BY MR. MESEREAU: In your experience, prior
15 to February of 2003, when a lawyer like yourself is
16 concerned about a client being extorted or shaken
17 down, typically what does the lawyer do?

18 A. I know what I do in that situation, is I
19 want to find out everything I can about the person
20 who I've got concerns about. And if I think that I
21 can -- that I'm going to get somewhere with having
22 somebody check them out, I'll have an investigator
23 check them out. And I believe that any lawyer who
24 gets hired by a client has an ethical obligation to
25 do that.

26 Q. And in February and March of 2003, was it
27 your understanding that putting someone under

28 surveillance by a licensed private investigator was 11459

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1 lawful?

2 A. To my understanding.

3 MR. ZONEN: Objection; asked and answered.

4 THE COURT: The answer is in. The objection
5 is overruled.

6 Q. BY MR. MESEREAU: In February and March of
7 2003, when you put the Arvizo family under
8 surveillance through a licensed private
9 investigator, was this the first time you had done
10 such a thing?

11 A. That I had had somebody investigated and --

12 MR. ZONEN: Objection; asked and answered.

13 THE COURT: Sustained.

14 Q. BY MR. MESEREAU: Now, Mr. Geragos, the
15 prosecutor asked you questions about what you did
16 with these passports when you located them, okay?

17 A. Yes.

18 Q. And what you did was, you had them lodged
19 with this particular court, correct?

20 A. I told one of the lawyers in my office to
21 take them to Judge Melville's court. I believe we
22 prepared some kind of notice of lodging, and we
23 notified the court of what we were doing, and it was
24 lodged, I believe, with the clerk of the court.

25 Q. And that would be Judge Melville's court?

26 A. Yes.

27 Q. Is there any reason why you preferred giving

28 those passports to Judge Melville rather than Janet 11460

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1 Arvizo?

2 A. I believed that they were something that
3 both -- either Mr. Sneddon or yourself would want
4 for various reasons. I believed that based upon
5 that, that they had evidentiary value. I believed
6 that I had no business holding on to them myself,
7 and I didn't want to put you in a position where you
8 would have to be a witness and be conflicted out of
9 the case.

10 So I made the decision, after consulting
11 with numerous lawyers, that the best thing to do was
12 to file them directly with the court, which I
13 thought was my ethical -- also my ethical
14 obligation.

15 Q. And when you did that, were the passports
16 addressed to Judge Melville?

17 A. I believe -- I assume that the document is
18 here. I believe a document was prepared by my
19 office in connection with the lodging when it was
20 filed. Either a notice of lodging or a notice of
21 filing. I believe I saw something to that effect.

22 Q. Now, you knew when you lodged those
23 passports with Judge Melville's court that Janet
24 Arvizo wanted them, right?

25 A. Well, I would assume that those were things
26 that would go to Janet Arvizo, Gavin, Star, and the
27 daughter, yes.

28 Q. And my question is, were you concerned about 11461

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1 what Ms. Arvizo or her attorney, Mr. Dickerman,
2 might do with those passports?

3 A. Well, I knew that it was -- that it was not
4 going to be a great situation when I filed it with
5 the court. I wasn't happy that I was in that
6 situation. I gave consideration, or at least
7 thought about the idea of turning them over to Mr.
8 Dickerman, but thought that it made more sense to do
9 it with the Court so that there was at least a
10 record that -- in the chain of custody, so to speak,
11 so you could document where they were and what had
12 happened.

13 I wasn't comfortable with the fact of giving
14 them back to Mr. Dickerman. I thought that the
15 thing to do, and several other lawyers that I talked
16 to, that the thing to do was to lodge them with the
17 court.

18 Q. Now, you indicated on cross-examination that
19 you did not trust Mr. Dickerman, correct?

20 A. That's correct.

21 Q. Why?

22 A. Because I would get --

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

24 THE COURT: Sustained.

25 Q. BY MR. MESEREAU: At the time you lodged
26 those passports with this court, did you know
27 whether or not Janet Arvizo was represented by

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1 A. Yes, I did know that.

2 Q. Did you ever consider giving those passports
3 to Attorney Larry Feldman?

4 MR. ZONEN: Objection; irrelevant.

5 THE COURT: Sustained.

6 MR. MESEREAU: I have no further questions.

7

8 RE-CROSS-EXAMINATION

9 BY MR. ZONEN:

10 Q. Did Mr. Miller tell you in advance that he
11 was going to go ahead and pay a couple months' rent
12 of Ms. Arvizo's?

13 A. I don't know. I can't tell you. I know
14 that he paid the rent. I don't know if he told me
15 after he did it or before.

16 Q. Would Mr. Miller be willing to pay my next
17 month's mortgage?

18 A. I don't know. How big is your house?

19 Q. I live in Santa Barbara. It's small.

20 A. But I'm sure expensive.

21 Q. Mr. Geragos, did he talk with you at all in
22 advance about the propriety of Michael Jackson's
23 employees paying Miss Arvizo's rent?

24 A. Did who?

25 Q. Did Brad Miller speak with you in advance of
26 paying that month's rent or two months' rent?

27 A. Mr. Zonen, my experience with Mr. Jackson is

28 that this is a man with great -- 11463

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1 Q. The question is, did Mr. Brad Miller speak
2 with you in advance?

3 A. You asked me about the propriety of Mr.
4 Jackson's employees.

5 Q. No, the question --

6 A. I was trying to answer that.

7 Q. -- is, did Mr. Brad Miller speak with you in
8 advance of doing that?

9 A. The answer is the same one I gave you when
10 you asked me the first time, which was I don't
11 remember as I sit here if he told me before or
12 after, but I know at some point I knew.

13 Q. When did you first learn about it?

14 A. I don't know. Sometime in February or
15 March.

16 Q. What was Mr. Miller's explanation to you as
17 to why he felt it was a good thing to do?

18 A. I don't know that I quizzed him on it.

19 Q. Now, you said that you wanted that videotape
20 to be done in advance of the move-out of the
21 apartment; is that right?

22 A. I wanted -- if he was going to move, I
23 wanted him to videotape the move. I didn't feel
24 comfortable having him handle her possessions
25 because I thought she would come back later and make
26 some accusation that something was taken out of
27 there, or that she had some -- who knows? That

28 there was going to be five refrigerators and a 11464

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1 \$10,000 stove.

2 Q. So you knew about this in advance of them
3 moving her out of the apartment?

4 A. I knew that he was going to move her,
5 because as I said before, I told him, "If you're
6 going to do that, you better videotape it."

7 Q. And that means, yes, you knew in advance of
8 them moving her out of the apartment, that she was
9 going to do -- that they were going to do so in
10 advance; is that right?

11 A. I knew that he was going to help her move,
12 and I told him to videotape it.

13 Q. All right. And you knew that they had not
14 yet commenced the move?

15 A. Well, I would assume that. Yes, I would
16 assume that.

17 Q. So you still had the opportunity to tell
18 Brad Miller, "What? Are you nuts? Don't do
19 anything for Janet Arvizo"?

20 MR. MESEREAU: Objection; argumentative.

21 THE COURT: Sustained.

22 MR. ZONEN: I'll leave out the "Are you
23 nuts?"

24 THE COURT: The objection is sustained.

25 Q. BY MR. ZONEN: Did you tell Brad Miller,
26 "Don't do it. Don't move her stuff. Don't have
27 anything to do with her"?

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1 Q. Did you tell him that you believed that she
2 was ready to engage in a shakedown of Michael
3 Jackson and you ought not be conducting any business
4 with her or association with her?

5 A. No. On the contrary. I wanted to know what
6 she was up to.

7 Q. Did Brad Miller tell you, up to that point,
8 that she had ever said that she wanted money from
9 Michael Jackson?

10 A. Yes.

11 Q. For what?

12 A. She felt that she deserved money. She
13 wanted -- you know, he was wealthy and she wanted
14 money.

15 Q. How much?

16 A. I didn't know how much she wanted. I wasn't
17 going to -- I wasn't going to recommend that my
18 client pay the money.

19 Q. When did that conversation take place?

20 A. It would have been sometime shortly after we
21 discovered that she had filed suit against J.C.
22 Penney.

23 Q. Then why did you tell him to go ahead and
24 proceed and move her stuff out of the apartment?

25 A. I did not want him to lose track of her. I
26 didn't want her to go into the ether, because I was
27 afraid that she would do exactly what she ended up

28 doing in this case, which is get into the hands of a 11466

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1 lawyer who would refer her to a psychiatrist, and
2 all of a sudden we'd get a false accusation.

3 Q. Now, you've looked at that videotape,
4 haven't you, the videotape of the move?

5 A. I know it exists. I don't know that I --
6 no, I don't think I've sat down and documented the
7 videotape.

8 Q. Mr. Geragos, would you be surprised to learn
9 that that videotape does not show the items being
10 removed from the house?

11 MR. MESEREAU: Objection; misstates the
12 evidence.

13 THE COURT: Overruled.

14 THE WITNESS: I would be surprised that he
15 took a videotape of not moving after I told him to
16 take a videotape of moving the items or documenting
17 what the items were.

18 Q. BY MR. ZONEN: Did he ever tell you what the
19 videotape was of?

20 A. Yes, the items that were placed into
21 storage.

22 Q. All right. Did he tell you that, in fact,
23 that videotape was of them cleaning an empty
24 apartment; that that's what it was of?

25 A. I think that he -- I don't know that it was
26 cleaning. I think he wanted to show what the
27 condition of the apartment was after the move.

28 Q. Did you ask -- so there's another videotape? 11467

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1 A. I think it's all one -- one videotape. The
2 videotape is of documenting of the items is what I
3 was told, and what the place looked like after the
4 items were out.

5 Q. Do you believe that there exists today a
6 videotape of them documenting the items from Janet
7 Arvizo's apartment?

8 A. I believe that the video -- that there is a
9 videotape and that the videotape is of the items.

10 Q. Did they do a written inventory of the items
11 that they moved from her apartment?

12 A. I don't know if they did or if the moving
13 place did. I couldn't tell you.

14 Q. Did you ask them to get on videotape Janet
15 Arvizo specifically making that request to have her
16 things moved from that apartment?

17 A. No, I don't think I told him that.

18 Q. You now believe that Brad Miller is a liar,
19 don't you?

20 MR. MESEREAU: Objection. Argumentative; no
21 foundation.

22 THE COURT: Sustained.

23 Q. BY MR. ZONEN: Did you ever ask Brad Miller
24 why he arranged to have the DCFS interview
25 tape-recorded?

26 MR. MESEREAU: Objection. Misstates the
27 evidence; foundation; personal knowledge; and beyond

28 the scope; vague as to time. 11468

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1 THE COURT: I'm thinking. There's a lot of
2 material.

3 The objection's overruled.

4 THE WITNESS: I don't believe he was the one
5 who did it. I think that Asaf did it, if I'm not
6 mistaken. I don't think Mr. Miller was there at the
7 DCFS.

8 Q. BY MR. ZONEN: Did you ever ask Brad Miller
9 if he was aware of the fact that Asaf was going to
10 do it?

11 MR. MESEREAU: Objection; vague as to time.

12 MR. ZONEN: At the time it was done.

13 MR. MESEREAU: Beyond the scope; relevance.

14 THE COURT: Sustained. It really is beyond
15 the scope.

16 Q. BY MR. ZONEN: Did you ever direct Brad
17 Miller to have Janet Arvizo sign a letter that said
18 she wanted her things moved out of that apartment?

19 MR. MESEREAU: Objection. Beyond the scope;
20 relevance; foundation.

21 MR. ZONEN: I'm sorry?

22 THE COURT: The objection is overruled.

23 Do you want the question read back?

24 THE WITNESS: No, I remember it.

25 I don't know. I don't know if I did or not.

26 Q. BY MR. ZONEN: You knew during February and
27 March of 2003 that Janet Arvizo had a prior lawsuit,

28 true? 11469

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1 A. I knew that she had filed a lawsuit, yes.

2 Q. You knew during February and March of 2003
3 that she had been arrested?

4 A. I knew that there was a criminal index with
5 some hits involving her.

6 Q. You were very concerned about her
7 involvement with Michael Jackson, true?

8 A. I had concerns, yes.

9 Q. You contacted Michael Jackson's employees,
10 the ones that were closest to him, and told them of
11 your concerns about Janet Arvizo; is that true?

12 MR. MESEREAU: Objection. Beyond the scope;
13 foundation; vague as to time.

14 THE COURT: Overruled.

15 You may answer.

16 Q. BY MR. ZONEN: Is that true?

17 A. No, that isn't true the way you phrased it.

18 Q. Did you contact Marc Schaffel and express to
19 him your concern about Janet Arvizo?

20 A. Actually, I was concerned about Schaffel.

21 Q. Did you contact Ronald Konitzer and tell him
22 your concerns about Janet Arvizo?

23 A. I probably would have told Ronald about my
24 concerns on one of the -- on one of our phone calls,
25 yes.

26 Q. During any of those phone calls, did he then
27 tell you that they're sending Janet Arvizo to

28 Brazil? 11470

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1 MR. MESEREAU: Objection. Beyond the scope;

2 foundation.

3 THE COURT: Overruled.

4 You may answer.

5 THE WITNESS: I don't believe he told me

6 that, no.

7 Q. BY MR. ZONEN: Did you ask Ronald Konitzer

8 to tell you if Gavin Arvizo moved back into Michael

9 Jackson's bedroom?

10 A. No, I did not tell him to tell me that.

11 Q. Did you have a conversation with Michael

12 Jackson about the Brazil trip?

13 A. No.

14 MR. ZONEN: I have no further questions.

15 MR. MESEREAU: No further questions.

16 THE COURT: You may step down.

17 Oh. I think there was an issue you wanted

18 me to take up.

19 MR. ZONEN: I'm sorry?

20 THE COURT: Mr. Zonen, you want the witness

21 to remain?

22 MR. ZONEN: If he could, yes.

23 THE COURT: (To the jury) I'll excuse you

24 for today. And we'll see you Monday at 8:30.

25

26 (The following proceedings were held in

27 open court outside the presence and hearing of the

28 jury:) 11471

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1

2 THE WITNESS: Do you want me to remain here?

3 THE COURT: Yes.

4 MR. ZONEN: Your Honor, I know the Court's

5 preference is to have these matters done in writing

6 in advance, but we're approaching the end of this

7 trial rapidly. I believe the defense has indicated

8 they might be resting as early as next Tuesday.

9 Given the waiver of both work product and

10 attorney-client privilege, as to Mr. Geragos's file

11 and the comments as to representation of the

12 defendant and the testimony today, we would make a

13 demand at this time orally, if the Court will

14 entertain that, for the production of all e-mails

15 between Brad Miller and Mr. Geragos, as well as any

16 notes in his file for that period of time dealing

17 with communications between this witness, Mr.

18 Geragos, and Mr. Jackson, Mr. Konitzer, Mr. Weizner,

19 Mr. Amen and Mr. Schaffel and Mr. Cascio, as well as

20 the computer files that have been previously the

21 subject of litigation from Brad Miller's office that

22 were previously determined to be inaccessible

23 because of the existence of that privilege.

24 We believe now that those files should be

25 turned over to us, at least for that period of time,

26 subject to this waiver.

27 THE COURT: And I think the -- now that you

28 have the waiver, all that work we did on those 11472

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1 computer hard drives, based on the privilege which
2 he subsequently waived, should be turned over.

3 MR. SANGER: The -- let me use the mike for
4 just a second.

5 I just want the Court's ruling to -- I want
6 to clarify the Court's ruling. On Mr. Miller's hard
7 drive, there were communications with Mr. Geragos --

8 THE COURT: On another case, other cases.

9 No, I'm not ordering you to turn that over. Just on
10 this case.

11 MR. SANGER: Okay. And you are asking that
12 we turn it over?

13 THE COURT: Yes.

14 MR. SANGER: Okay.

15 THE COURT: Turn it over, say, by 5 p.m.
16 tomorrow, Saturday.

17 MR. SANGER: Yeah, for the -- for the period
18 of time of the waiver. I don't think there are any
19 outside of the period.

20 THE COURT: For the period of the waiver,
21 right.

22 MR. ZONEN: If we could have that by 5 p.m.
23 tomorrow.

24 THE COURT: Yes, that's the order.

25 I don't think -- I think that takes care of
26 it. I don't think I order --

27 MR. ZONEN: Does that include the e-mail

28 communications as well? 11473

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1 THE COURT: The e-mails, that's primarily
2 what was on that material.
3 I'm not going to limit it to the e-mails,
4 but obviously on a hard drive between -- that was
5 primarily what was there was e-mails. And I don't
6 know what other material was there. But any other
7 material that you held back because of the privilege
8 between Mr. Geragos, Brad Miller and Mr. Jackson,
9 you should release.

10 MR. SANGER: Yes, sir. I think there was a
11 Word Perfect document, not to get back into that.

12 THE COURT: Yeah.

13 MR. ZONEN: I wonder how we'll ever access
14 it. No, we'll figure it out.

15 THE COURT: I'm not going to order Mr.
16 Geragos to do that.

17 THE WITNESS: Could I interject that my only
18 concern is that there's -- if there is any e-mail
19 that contains any information related to this case
20 and if it's related to any other case --

21 THE COURT: Well, we know that.

22 THE WITNESS: Okay.

23 THE COURT: We are very familiar. You know,
24 you don't know this, but we've had -- well, maybe
25 you do, but we had a couple -- we had an expert go
26 through the computer hard drives with some software
27 that doesn't disturb anything in the drive. It's

28 really unique. And then we had a special master 11474

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1 review all of the files and segregate out privileged
2 documents. And then we had Mr. Jackson's team
3 review that before what remained was turned over.
4 So there's -- every effort to protect your clients
5 has been followed.

6 MR. SANGER: Your Honor, I think what he's
7 referring to -- I'll just remain seated here and
8 talk into this if that's all right.

9 I think what he's referring to are there are
10 some e-mails that refer to more than one case, so we
11 would redact the part that refers to other cases.

12 THE COURT: Exactly.

13 MR. SANGER: Yes.

14 THE COURT: Okay. Then to the extent that
15 that's what you're asking, I grant that. And we
16 have that straight. To the extent that you're
17 asking me to order Mr. Geragos to turn over
18 something, I'm not going to do that.

19 MR. ZONEN: As long the representation is
20 that they're in possession of what Mr. Geragos has,
21 then I'm happy with it coming from the defense.

22 THE COURT: Well, I'm not -- what we know
23 that they have is what you seized under search
24 warrants of --

25 MR. ZONEN: That's fine. That's fine.

26 THE COURT: All right. Then you may step
27 down.

1 MR. ZONEN: Then, like the other witnesses,

2 this witness is not excused?

3 THE COURT: You're not excused. You'll

4 remain on call until the case is complete.

5 THE WITNESS: Thank you, Your Honor.

6 THE COURT: All right. The next issue you

7 wanted to take up was the -- which witness was it?

8 MR. SANGER: Mr. Amen. I didn't know if you

9 were looking at us, but the Vinnie Amen --

10 THE COURT: Yes.

11 MR. SANGER: -- issue.

12 THE COURT: Here's my thoughts on this one:

13 It appears that the -- Mr. Amen did get a use

14 immunity to talk to the District Attorney as it

15 relates to just what happens in their office. They

16 couldn't use that to prosecute him, or any of the

17 fruit of that interview could not be used to

18 prosecute him if they later decided to prosecute

19 him.

20 It's not an immunity that extends to

21 anything that he says in the courtroom, and it's not

22 an immunity that protects him except for what he

23 said to them in their office.

24 Absent an application by the District

25 Attorney to the Court to grant him immunity, I am

26 without power to grant him immunity on my own.

27 Under the code, it's a procedure that the District

28 Attorney has the sole right to institute. If he 11476

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1 institutes it, then I have some discretion. But
2 absent that, I can't institute it, so he is not
3 protected.
4 I'll reiterate, he is not protected if
5 called for anything he says here. So if -- if you
6 call him and he claims the privilege, then he would
7 not be compelled to answer questions under the Fifth
8 Amendment. If you called him and asked him
9 questions, and he didn't claim the privilege, but
10 then the District Attorney called him -- or
11 cross-examined him, excuse me, and he claimed the
12 privilege, then we'd be somewhat back in the
13 position we were with some of the other witnesses.
14 And so somewhere I would have to -- that
15 leaves us with the remedies we had before. You
16 know, either strike his testimony or make him claim
17 the privilege in front of the jury, or, you know,
18 there's -- all the same things. Now we've had three
19 or four witnesses that present this issue from, it
20 seems like, a different angle every time.
21 MR. SANGER: I think there's a little
22 different angle here and I'd like to discuss that.
23 THE COURT: I'm sure there is a little
24 different angle, and I'll let you speak to that.
25 Just let me make sure I've finished saying what I
26 was going to say.
27 Anyway, so the bottom line, I guess, is, we

28 would have to have some indication from him before I 11477

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1 let him testify in front of the jury as to what his
2 position on his testimony was going to be.

3 Now, what do you want to say about that
4 special angle?

5 MR. SANGER: Well, I think this is a little
6 bit of a different angle, and therefore I'd -- I
7 don't know if that was the Court's ruling or a
8 tentative.

9 THE COURT: No, no, I said that's where I'm
10 going, you know.

11 MR. SANGER: All right. Fine.

12 THE COURT: You're not prevented from trying
13 to show -- persuade me otherwise.

14 MR. SANGER: I think the different angle is
15 this, Your Honor: That basically the California
16 Supreme Court has left the door open, because we
17 like that reference, to the possibility that there
18 might be a case in which immunity could be granted
19 by the Court where the prosecution has not stepped
20 forward and requested it.

21 And I know that the weight of the authority,
22 or the number of cases that are floating around in
23 various jurisdictions and a couple of DCA cases,
24 tend to indicate that there is no such thing as
25 defense immunity. But -- or defense-requested
26 immunity for a witness. But the reason I think this
27 might be the case that the Supreme Court had in mind

28 or would have left the door open for is that here we 11478

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1 have an actual grant of immunity.

2 Now, you recall that Mr. Auchincloss

3 represented to this Court that absolutely nothing

4 ever happened, and that whatever happened happened

5 before the tape was turned on, and the officer got

6 it wrong, and the officer didn't understand things.

7 And lo and behold, we got the tape, and he very

8 clearly says, "That's the agreement." And his words

9 include, "In California, we call it use immunity.

10 So nothing you say in this interview can be used

11 against you, and we can't use the fruits," et

12 cetera, et cetera.

13 Now, I understand the Court's distinction,

14 that that doesn't say that, "When you testify or if

15 you testify, we will ask the Court for immunity at

16 that time." That is generally what happens. A

17 witness gives a statement to the prosecution under

18 immunity. They like it; they come in and they ask

19 for immunity, put the person on the stand and get

20 the benefit of it.

21 What happened in this case invokes this

22 small exception that I think the Supreme Court would

23 acknowledge is appropriate. What happened in this

24 case is you have a witness who's debriefed for -- I

25 believe it's like four hours, maybe over four hours,

26 on tape. He is asked every imaginable question

27 about this case. He is the witness who was with

28 Janet Arvizo more than anybody else, according to 11479

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1 the testimony we have here.

2 And he answers the questions about what
3 happened. "What happened when you went to get the
4 passports? What happened? Did she want to go
5 Brazil?" All those questions are answered and they
6 are answered in a way that is consistent with the
7 defense position and inconsistent with Janet
8 Arvizo's position.

9 MR. AUCHINCLOSS: Your Honor, I'm going to
10 object to the description of the facts. That's a
11 matter that is of some contention between the
12 parties.

13 THE COURT: I understand. But I don't know
14 what -- I haven't heard the tape, so I can't rule on
15 your objection.

16 Go ahead.

17 MR. SANGER: And the point is, and the Court
18 has -- I don't know if the Court wants to spend four
19 hours listening to it. The Court has the tape.

20 THE COURT: Oh, thank you.

21 MR. SANGER: I evidently have something to
22 do before Saturday at five o'clock myself, so I
23 thought the Court should as well.
24 The point of the story is that you have a
25 key witness in a case, who not only -- let us
26 assume -- so I don't get in an argument with Mr.
27 Auchincloss, let us assume that his version of

28 events is consistent -- it's Brady material, in 11480

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1 essence. It's consistent with the weight of the
2 witnesses who have testified, with the exception of
3 Janet Arvizo and her children. And primarily Janet
4 Arvizo, who testifies to all sorts of things that
5 are not consistent with anybody else.

6 They take that witness and they say, "Well,
7 it was Brady material. We got to turn it over to
8 you, but ha-ha, we are now going to revoke our
9 agreement to grant immunity. We're not going to
10 give this person immunity."

11 MR. AUCHINCLOSS: Object to this
12 characterization. May I make an objection?

13 THE COURT: What?

14 MR. AUCHINCLOSS: Just that that
15 characterization is completely inaccurate. We are
16 not revoking the informal immunity for this witness
17 for that day's interview.

18 THE COURT: I understand that. That's
19 correct.

20 MR. SANGER: So they say, "Okay. We are not
21 going to take the next step and call you as a
22 witness in court and give you immunity. We now know
23 that your testimony is exculpatory, so we are going
24 to make it impossible for the defense to present
25 exculpatory evidence to the jury."

26 Now, this is different than the cases that
27 are cited. Because most of the cases that are cited

28 are cases in which, for instance, the defense is 11481

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1 trying to call a witness who has not been
2 interviewed by the prosecution, or it's a witness
3 who is a witness on a collateral matter. It's not a
4 witness who has been given immunity to talk to the
5 prosecution first.

6 That's why this is different. He was talked
7 to. He was debriefed for four hours. And he gives
8 exculpatory evidence. And now they say, "You can't
9 use it."

10 It was the prosecution who decided to call
11 Mr. Amen an unindicted co-conspirator. It's the
12 prosecution that decided to present him as a
13 criminal wrongdoer, unindicted though he may be, in
14 the eyes of the jury. It's the prosecution that
15 interviewed him. It's the prosecution that chose to
16 give him immunity. And then it's the prosecution
17 that says, "King's X, we're not going to let the
18 jury find out what he really has to say."

19 THE COURT: Let me ask you a question. I
20 don't know what the tape says, and I understand just
21 from listening to the two of you that there's,
22 surprisingly, a disagreement over the content.
23 But let me assume for a moment that you're
24 correct, that he tells the series of events exactly
25 what happened from his standpoint, and it in fact
26 supports your position that no crime's been
27 committed in the conspiracy, which is the crime

28 we're talking about on all of the elements, all of 11482

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1 the various variations. And that the reason the
2 District Attorney doesn't want to call him is
3 because, in fact, he doesn't verify the criminal
4 activities of your client or anyone else.
5 So why would that person just not take the
6 witness stand, testify, and not claim the Fifth
7 Amendment since he's not admitting to any crime?
8 He's only telling the truth and, in fact, verifying,
9 as you point out, what everybody else except Janet
10 Arvizo says.

11 MR. SANGER: We would very much like him to
12 do that. I think that in the real world -- as the
13 Court knows, in the real world, a lawyer is going to
14 advise him, and the lawyer has advised him.
15 Everybody's dealing with his lawyer here. The
16 lawyer's advised him that he cannot testify. He is
17 being accused of being an unindicted co-conspirator
18 in a very serious case.

19 THE COURT: But they can't prosecute him for
20 anything they learned. And if he says the same
21 thing here, they can't prosecute him, can they?
22 Because they have given him use immunity.

23 MR. SANGER: Well, if the Court takes that
24 position, I think he would come and testify.

25 THE COURT: If --

26 MR. SANGER: But I think --

27 THE COURT: If he says -- your position

28 would be if he says the same thing that he told 11483

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1 them, that they gave him use immunity for, only he
2 says it in a different room, the use immunity fails.

3 Is that what your position is?

4 MR. SANGER: No. Quite to the contrary. My
5 position is they've given him immunity, and he
6 should be allowed to testify.

7 THE COURT: No, no, no.

8 MR. SANGER: I understand what Your Honor
9 said. They just got through saying -- Mr.
10 Auchincloss just got through saying it was only for
11 the conversation in the room.

12 THE COURT: Okay. Let me talk to him, then.

13 If he testifies and says the same thing that
14 he told you, let's say he doesn't deviate from what
15 he told you under the use immunity --

16 MR. AUCHINCLOSS: In this courtroom?

17 THE COURT: If he says it in this courtroom,
18 you could prosecute him?

19 MR. AUCHINCLOSS: Yes. And here's the
20 reason: The use immunity statute provides the
21 prosecution with discretion as to when and where and
22 how it's going to ask for immunity. In virtually
23 every criminal case, the process -- and, you know,
24 virtually every, most criminal cases, the process
25 involves a proffer, involves coming into the office,
26 talking to that witness, assessing the credibility,
27 checking the facts against what they say, having the

28 District Attorney determine whether this witness is 11484

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1 going to be accurate, is going to be telling the
2 truth, is going to be a fit witness in the case to
3 present the facts to the jury.

4 And when the District Attorney makes that
5 determination, then it's appropriate for the
6 District Attorney to come into court and petition
7 the Court for immunity, testimonial immunity, which
8 is a completely different creature. Both sides
9 going at it, objections. It's just a different
10 thing than an informal interview. And a proffer is
11 made to the District Attorney as far as what he's
12 going to be saying or what he might have to say
13 about the facts of that case.

14 And we provided authority that immunity
15 agreements can be fashioned in a variety of ways,
16 and limitations can be presented, provided for, in
17 those immunity agreements. And it's clear, even
18 from the tape, and while I did tell you there was
19 another discussion that occurred prior to us going
20 onto the tape, but even that little brief colloquy
21 that refers to the discussion that we obviously had
22 just had talks about "today," "what's said here
23 today," specifically.

24 So, no, the immunity does not extend to
25 trial immunity, immunity in the court, testimonial
26 immunity and a formal grant of immunity.

27 THE COURT: What about the --

28 MR. AUCHINCLOSS: Just a moment. I'm sorry. 11485

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1 (Off-the-record discussion held at counsel
2 table.)

3 MR. AUCHINCLOSS: Well, Mr. Sneddon wanted
4 me to just make sure that I told -- that I
5 communicated to you that we believe that if Mr. Amen
6 takes the stand and incriminates himself, he will
7 not be protected. That the immunity -- he does not
8 have immunity from what he says on the stand in this
9 case.

10 THE COURT: I understood that.

11 MR. AUCHINCLOSS: I thought you did. Thank
12 you.

13 Is there another question you had?

14 THE COURT: Yes. Counsel suggested that the
15 Supreme Court has hinted that there's a unique case
16 where the Court could grant immunity without you
17 asking me for it. What do you think of that?

18 MR. AUCHINCLOSS: I think that this Court in
19 this case should not go where any court has gone
20 before.

21 THE COURT: Where any court has not gone
22 before.

23 MR. AUCHINCLOSS: Yeah.

24 THE COURT: I've been doing that for --

25 MR. AUCHINCLOSS: Don't go where any court
26 has gone before.

27 THE COURT: I thought that's what I've been

28 doing here for the last few months. 11486

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1 MR. AUCHINCLOSS: That may be. That may be.

2 I don't think this is the case where the Court
3 should attempt to make new law.

4 THE COURT: Do you believe that's possible,
5 though, that they --

6 MR. AUCHINCLOSS: No, I don't. It's dicta,
7 and the overwhelming weight of authority is that
8 this is a statutory discretion that the prosecutor
9 has.

10 THE COURT: All right. Well, I am not going
11 to strike out on that trail. So....

12 MR. SANGER: Then I have another question in
13 that regard.

14 THE COURT: Okay.

15 MR. SANGER: The Court may sense I have a
16 deep belief that this anomaly in the law or what's
17 unresolved in the law results in a true injustice in
18 a criminal case. That bothers me.

19 THE COURT: Yeah.

20 MR. SANGER: It would seem to me that
21 another remedy the Court could fashion, the Court
22 having turned down our request that this be
23 clarified, that this man has immunity if he comes in
24 and testifies to the same things he testified or he
25 talked about in the D.A.'s Office, if the Court's
26 turned that down, then --

27 THE COURT: I turn that down.

28 MR. SANGER: -- I would suggest that he is 11487

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1 now unavailable as a witness. He has been made
2 unavailable by the acts of the District Attorney,
3 and that we should be allowed to -- assuming he
4 comes in here and says he's taking the Fifth, that
5 makes him unavailable. Not in front of the jury
6 necessarily, but that we then be allowed to play his
7 tape as the statement of a witness who's
8 unavailable. It is a tape that was not created in
9 an adversary situation, but it is a tape that was
10 created based on the questioning of one of the
11 prosecutors seated at this very table and two police
12 officers, a lieutenant and a sergeant. And they had
13 adequate opportunity to confront and cross-examine
14 him and they conducted an extensive interview.
15 There is no harm to the prosecution in allowing
16 that. He's unavailable. I think we should be
17 allowed to do it.

18 MR. AUCHINCLOSS: I can address that if you
19 need to hear from me.

20 THE COURT: Yes.

21 MR. AUCHINCLOSS: Well, that doesn't satisfy
22 the former testimony exception to the hearsay rule.
23 It's not former testimony. And there is no
24 exception. Moreover, this particular type of
25 testimony, I don't want to probably even have to go
26 there, but Crawford deals with the issue of a police
27 interview coming in as testimony. So --

28 THE COURT: It does when the District 11488

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1 Attorney introduces it, but does Crawford --
2 Crawford's about the right of the defendant to have
3 cross-examination, not the People.

4 MR. AUCHINCLOSS: I agree. I agree. But
5 really the main point is, I mean, I think that an
6 argument could be made that Crawford has
7 applicability. We don't even need to get there.

8 The point is, this is not -- there is no exception
9 to the hearsay rule.

10 THE COURT: This is not prior --

11 MR. AUCHINCLOSS: It's not former testimony
12 under cross-examination from both sides.

13 Thank you.

14 MR. SANGER: And the Court is correct,
15 Crawford is a confrontation clause case, which is a
16 defendant's right. Has nothing to do with this.

17 THE COURT: Well, it does have something to
18 do with it if he -- if the District Attorney
19 attempted to --

20 MR. SANGER: Yeah.

21 THE COURT: -- introduce his -- instead of
22 you being the person who suggested that, they had
23 suggested it, Crawford would apply. Because if you
24 had called him and he answered some questions, and
25 then they asked him some questions and he claims the
26 Fifth, and then they said, "Well, Judge, we've got
27 this statement," then you would be screaming

28 Crawford, right? 11489

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1 MR. SANGER: Well, confrontation clause,
2 which is the defendant's right, but not a People's
3 right.

4 THE COURT: Yeah, it's --

5 MR. SANGER: But I would suggest, though,
6 since we're musing as the day goes on here --

7 THE COURT: Yeah, we're wasting --

8 MR. SANGER: And it was my day. But that's
9 all right. This is important.

10 THE COURT: You're right, this was your day.

11 MR. AUCHINCLOSS: It was all of our day.

12 MR. SANGER: I think it is important.

13 The true hypothetical would be that the
14 defendant makes a long, detailed statement, and then
15 deliberately makes the person unavailable.

16 THE COURT: Or even doesn't deliberately.

17 Just -- they become unavailable.

18 MR. SANGER: Well, I think --

19 THE COURT: You want to say they're
20 deliberately making him --

21 MR. SANGER: They're deliberately making him
22 unavailable.

23 THE COURT: Go ahead. I see the scenario.

24 MR. SANGER: Without going into all the
25 details, but, I mean, he explained what was
26 happening at Schaffel's house, who he was working
27 for, he was working for Schaffel, why he rented a

28 car, what he was told to do. 11490

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1 THE COURT: I know.

2 MR. SANGER: Everything is there. It's
3 everything the jury wants to know about this case
4 that they haven't heard, and fills in all the spaces
5 between the other legitimate witnesses in this case.

6 THE COURT: Yeah. But truthfully or not
7 truthfully, we don't know the answer to that.

8 All right. That's my ruling on that issue.

9 It is a -- it's really a pleasure for a
10 judge to be dealing with both sides who are dealing
11 with very difficult issues and sometimes not
12 resolved. In this case, we've had several
13 situations where we're just dealing with things that
14 there's no law on, and it's a pleasure to see the
15 quality of work that you turn out. It really helps
16 me.

17 Thank you. See you Monday.

18 (The proceedings adjourned at 12:55 p.m.)

19 --o0o--

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1 REPORTER'S CERTIFICATE

2

3

4 THE PEOPLE OF THE STATE)

5 OF CALIFORNIA,)

6 Plaintiff,)

7 -vs-) No. 1133603

8 MICHAEL JOE JACKSON,)

9 Defendant.)

10

11

12 I, MICHELE MATTSON McNEIL, RPR, CRR,

13 CSR #3304, Official Court Reporter, do hereby

14 certify:

15 That the foregoing pages 11324 through 11491

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 May 20, 2005, and thereafter

20 reduced to typewriting by computer-aided

21 transcription under my direction.

22 DATED: Santa Maria, California,

23 May 20, 2005.

24

25

26

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

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