

11941

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 WEDNESDAY, MAY 25, 2005

20

21 8:30 A.M.

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23 (PAGES 11941 THROUGH 12008)

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

28 BY: Official Court Reporter 11941

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1 I N D E X

2

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

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

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

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

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9 DEFENDANT'S

10 WITNESSES DIRECT CROSS REDIRECT RECROSS

11 TUCKER, Chris 11944-M 11981-SN

12 (Contd.)

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1 Santa Maria, California

2 Wednesday, May 25, 2005

3 8:30 a.m.

4

5 THE COURT: Good morning, everyone.

6 THE JURY: (In unison) Good morning.

7 COUNSEL AT COUNSEL TABLE: (In unison)

8 Good morning, Your Honor.

9 THE COURT: Has anyone seen my gavel?

10 (Laughter.)

11 THE COURT: You may proceed.

12

13 CHRIS TUCKER

14 Having been previously sworn, resumed the

15 stand and testified further as follows:

16

17 DIRECT EXAMINATION (Continued)

18 BY MR. MESEREAU:

19 Q. Good morning, Mr. Tucker.

20 A. Good morning.

21 Q. Mr. Tucker, yesterday, you testified that

22 Gavin Arvizo called you after the one fund-raiser

23 you attended, told you that no money had been

24 raised, and that because of what he said, you sent

25 him \$1500 or more, right?

26 A. Yes. But he was over my house when he asked

27 for the money.

28 Q. It wasn't on the phone? 11944

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1 A. It wasn't on the phone.

2 Q. Who was he with at your house when he asked  
3 for the money?

4 A. With his father.

5 Q. Okay. And did you write him a check right  
6 there?

7 A. No, I didn't have no money on me, so I told  
8 him I would wire it, and they gave me the  
9 information to the -- the place to wire the money  
10 to.

11 Q. Okay. And obviously that was a bank  
12 somewhere, right?

13 A. Yeah. It was -- yeah.

14 Q. Do you recall what bank it was?

15 A. No, because I just gave the information to  
16 my people to wire the money.

17 Q. Okay. Okay. Now, did you ever learn  
18 whether or not any money was actually raised at that  
19 first fund-raiser?

20 A. No.

21 Q. Did you ever learn whether or not other  
22 moneys had been deposited into that bank account?

23 A. No.

24 Q. Okay. And were you ever asked to attend any  
25 other fund-raiser for Gavin?

26 A. No.

27 Q. All right. Do you recall the words Gavin

28 used when he asked you for money at your home after 11945

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1 telling you no money had been obtained at the first  
2 fund-raiser?

3 A. It was just -- he was just real sad-looking  
4 and said he didn't -- they didn't raise any money,  
5 and they needed some money.

6 Q. Now, you saw people at that fund-raiser,  
7 right?

8 A. Yes.

9 Q. Were you a little suspicious when Gavin made  
10 that statement to you?

11 A. Yes. Yes, but I was always thinking I was  
12 helping him, so I just did it.

13 Q. Did his father also ask you for anything at  
14 that particular time at your house?

15 A. No.

16 Q. Okay. And did -- did it appear that his  
17 father drove Gavin to your home that day?

18 A. Yes.

19 Q. Did you ever see Gavin and his father at  
20 your home on any other day?

21 A. They visited a few times.

22 Q. And do you recall whether or not Gavin's  
23 mother came to your house on any occasion in Los  
24 Angeles?

25 A. Yes, one time.

26 Q. And approximately when was that, if you  
27 know?

28 A. I can't say approximately, but it was at the 11946

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1 time we took the trip.

2 Q. Okay. And that would be in approximately

3 February of 2003, right?

4 A. I guess, yes.

5 Q. Okay. Now, do you recall the Arvizos --

6 excuse me. Do you recall any member of the Arvizo

7 family ever asking you for an automobile?

8 A. No.

9 Q. Do you recall whether or not any member of

10 the Arvizo family asked your fiancée Azja --

11 A. Yes.

12 Q. -- to try and get a car?

13 A. Yes.

14 Q. What do you know about that?

15 MR. SNEDDON: I'm going to object. Excuse

16 me. I'm going to object as hearsay.

17 THE COURT: Sustained. Foundation.

18 Q. BY MR. MESEREAU: Did you speak to Azja

19 about the Arvizos' desire to obtain an automobile?

20 A. Yes. Yes.

21 MR. SNEDDON: Your Honor, I move to strike.

22 Hearsay; lack of foundation.

23 THE COURT: Stricken. Sustained.

24 Foundation.

25 Q. BY MR. MESEREAU: Mr. Tucker, did you ever

26 say anything to Azja about whether or not the

27 Arvizos should get one of your cars?

28 A. Yes. 11947

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1 Q. What did you say to Azja about that?

2 A. Well, they was calling to get some keys to a  
3 truck that I own, and I told her not to give them to  
4 her. But it was -- you know, we talked about it.  
5 And they kept calling, the kids kept calling, asking  
6 her for these keys for the truck.

7 MR. SNEDDON: Your Honor, I'm going to move  
8 to strike the answer as hearsay.

9 THE COURT: Stricken. It's nonresponsive.

10 Q. BY MR. MESEREAU: Was your information about  
11 the Arvizos' desire to take your truck, did that  
12 come from Azja?

13 A. No. Well, I knew about the truck, them  
14 wanting the truck, yes.

15 Q. How did you know about that?

16 A. Because -- because the kids was telling me  
17 they needed a ride around town. They needed a car.  
18 So I offered to give them the truck.

19 Q. Okay.

20 A. But then I said "No," because I got a little  
21 nervous.

22 Q. What did you get --

23 MR. SNEDDON: Your Honor, I'm going to  
24 object. Move to strike; hearsay.

25 MR. MESEREAU: It's impeachment, Your Honor.

26 THE COURT: Stricken.

27 Q. BY MR. MESEREAU: Did you ever decide not to

28 give a truck to the Arvizos? 11948

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1 A. Yes.

2 Q. Why?

3 A. Because I got a little suspicious and  
4 nervous, and I thought I was doing too much. I  
5 said -- I said, "No."

6 Q. Who did you say "No" to?

7 A. I said it to my son's mother after the fact  
8 that I offered it. But then I changed my mind.

9 Q. Okay. And you never gave any member of the  
10 Arvizo family any automobile?

11 A. No.

12 Q. Okay. Do you recall Gavin putting you on  
13 the telephone with Michael Jackson?

14 A. Yes.

15 Q. And --

16 MR. SNEDDON: Your Honor, I'm going to  
17 object. Vague as to time.

18 THE COURT: Overruled. Next question.

19 Q. BY MR. MESEREAU: Please explain what  
20 happened.

21 A. I was on the set of one of my movies in Las  
22 Vegas, and Gavin told me that he talked to one of  
23 Michael's people, and it was -- possibly he was  
24 going to call the next day and we'd talk on the  
25 phone, because he knew I was a fan of Michael's, I  
26 guess, and I told him that would be fine.  
27 And we talked on the next day. Michael was

28 on the phone in my trailer, I went to my trailer and 11949

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1 I talked to him, and that's when we talked.

2 Q. And did you go see Michael Jackson after  
3 that call?

4 A. Yeah, after I finished filming, we made  
5 plans to maybe later on connect and meet, and I did  
6 in New York after I finished filming, we met.

7 Q. And did you stay in contact with Mr. Jackson  
8 after that?

9 A. Yes.

10 Q. Okay. And are you in contact with him to  
11 this day?

12 A. Yes.

13 Q. Okay. At some point you learned that Janet  
14 and David Arvizo had separated, correct?

15 A. Yes.

16 Q. And how did you learn that?

17 A. Through my son's mother.

18 Q. Okay. And did you stay in contact with  
19 David after that?

20 A. No.

21 Q. Did you stay in contact with Janet Arvizo  
22 after the separation?

23 A. No.

24 Q. Did you stay in contact with the children?

25 A. They would call every now and then and we  
26 talked very few times.

27 Q. Now, you mentioned your son's mother.

28 You're referring to Azja, correct? 11950

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1 A. Yes. Yes.

2 Q. Before 2003, how many times do you think you  
3 had been to Neverland?

4 A. Probably five. Five, six times.

5 Q. And how many times -- excuse me. Had you  
6 ever been to Neverland with the Arvizos?

7 A. I think once or twice.

8 Q. And do you remember what the occasion was?

9 A. I remember one time it was -- I think they  
10 came for my son's birthday party, and also another  
11 two or three times. I don't know.

12 Q. And was Michael Jackson always at Neverland  
13 when you visited?

14 A. No.

15 Q. How many times do you recall seeing Michael  
16 Jackson at Neverland before the year 2003?

17 A. Once or twice.

18 Q. Now, at some point you learned about the  
19 Bashir documentary, right?

20 A. Yes.

21 Q. And how did you learn about that?

22 A. I think the news maybe, in the news.

23 Q. And do you know whether or not, after the  
24 Bashir documentary, you spoke to Gavin?

25 A. Yes, I did.

26 Q. And did you call him or did he call you?

27 A. I think he -- I called him one time, but I

28 think he definitely probably called me, too. I 11951

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1 don't remember.

2 Q. Okay. Let me ask you a question about  
3 something that happened before the Bashir  
4 documentary that I neglected to talk about.  
5 At one point you took the Arvizo family to  
6 Oakland, right?

7 A. Yes. Yes.

8 Q. And approximately when was that?

9 A. I don't know approximately, but it was -- I  
10 know it was during the football season, because I  
11 took them to a Raiders game and it was -- I can't  
12 recall what --

13 Q. And who did you take to the Raiders game in  
14 Oakland?

15 A. It was my son, Davellin, Star, and Dave, the  
16 father, and Gavin.

17 Q. Okay. Was that just a one-day trip?

18 A. One day, yes.

19 Q. Did you pay for everything?

20 A. Yes.

21 Q. Okay. So you speak to Gavin after the  
22 Bashir documentary airs, right?

23 A. Yes.

24 Q. And what does he say to you?

25 MR. SNEDDON: Object. Hearsay.

26 MR. MESEREAU: Impeachment.

27 MR. SNEDDON: I'm --

28 THE COURT: Well, there's two ways we can go. 11952

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1 I can ask him to be more specific and then I don't  
2 want to hear "leading," you know. That's the  
3 problem.

4 MR. MESEREAU: I can be more specific if  
5 you'd like, Your Honor.

6 THE COURT: All right.

7 Q. BY MR. MESEREAU: Mr. Tucker, after the  
8 Bashir documentary aired, do you recall discussing  
9 with Gavin Arvizo whether or not the media was  
10 hounding their family?

11 A. Yes.

12 Q. And what did Gavin say about that?

13 A. One time I can recall he said that it was  
14 hard to get around because they had no  
15 transportation, and the media was following them  
16 everywhere.

17 Q. Okay. Did you ever talk to Janet Arvizo  
18 about that problem?

19 A. Not that I can recall.

20 Q. Okay. How about Star?

21 A. Most -- I can't remember.

22 Q. And how about Davellin?

23 A. Can't remember. No, I don't think so.

24 Q. Was Gavin the member of the family that  
25 called you the most?

26 A. Yes.

27 Q. Okay. Did Star call you from time to time?

28 A. He called. Sometimes he was on the phone, 11953

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1 he would give the phone to Gavin. It was always  
2 Gavin and Star.

3 Q. Okay. Never Davellin, that you remember?

4 A. No.

5 Q. Okay. And did you ever think the mother was  
6 on the line or in the background?

7 A. No.

8 Q. Okay. Do you know one way or the other?

9 A. I don't know.

10 Q. And did you ever know where Gavin was  
11 calling you from from time to time?

12 A. No. I knew sometimes he stayed with his  
13 grandmother. Sometimes he stayed other places. I  
14 just didn't know.

15 Q. Okay. Now, what did you say to Gavin when  
16 he told you the media was hounding his family after  
17 the airing of the Bashir documentary?

18 A. I told him, you know, I felt sorry for him  
19 and I told him if there was anything I could do, I'd  
20 try to do something, but --

21 Q. And did he make any request of you?

22 A. You know, he was always complaining about  
23 they couldn't get around. And that's what made me  
24 say, "Okay. I'll try to do what I can to try to get  
25 them transportation." But -- I was very cautious  
26 with that, but -- that's when I was like, "They  
27 can't get around. The media's around them." So

28 that's what made me say, "I'll try to give them a 11954

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1 car or something.”

2 Q. You think you made that offer in the year

3 2003?

4 A. I think so, yes.

5 Q. Because they said they had no way to drive

6 around?

7 A. Yes.

8 Q. Did you know whether or not Michael Jackson

9 had lent them an automobile at that point?

10 A. Yes.

11 Q. But they still were saying they couldn't get

12 around?

13 A. Yes.

14 Q. Did that make you suspicious?

15 A. Yes.

16 Q. Did anything else that they did make you

17 suspicious?

18 A. Well, I think they did a lot of things that

19 I didn't see that my people were telling me to watch

20 out.

21 MR. SNEDDON: I'm going to object to that

22 and have that stricken. It's hearsay.

23 THE COURT: Stricken.

24 Q. BY MR. MESEREAU: Who were your people?

25 A. My brother, a few of my assistants that was

26 on the set with me, was watching everything, you

27 know. Gavin's behavior, Star's behavior. And they

28 was telling me, but I was working. And they was 11955

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1 telling me to -- you know, it was time for them to  
2 leave.

3 "They're" -- "Chris, they're doing a lot of  
4 stuff," you know, and --

5 MR. SNEDDON: Your Honor, I'm going to  
6 object as hearsay and a narrative. Move that the  
7 answer be stricken.

8 THE COURT: Hearsay. Stricken. It's  
9 nonresponsive, also.

10 Q. BY MR. MESEREAU: Were your suspicions based  
11 on what you observed or what you observed and what  
12 other people told you?

13 A. I observed a lot of stuff, but I always --  
14 you know, I always gave it the benefit of the doubt,  
15 because I felt sorry for Gavin and I always wanted  
16 to try to help him and I let a lot of stuff just go  
17 by. But I knew what they was talking about.

18 Q. What did you observe that made you  
19 concerned?

20 A. Well, they stayed for a long time in Las  
21 Vegas, but, like I said, I was working, you know.  
22 But they stayed. They wanted to move to my hotel,  
23 and they wanted the same room I had and stuff.  
24 I was getting all this information, but I  
25 was so busy. So I knew about that, and I knew about  
26 Gavin wouldn't sit down on the set and all this  
27 stuff. But I knew how Gavin was, and I just wanted

28 him to have fun and be -- to be a kid, or whatever. 11956

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1 So I did know everything, yeah, of course.

2 Q. Now, you say they stayed for a long time in

3 Las Vegas. Were you paying for that?

4 A. Yes.

5 Q. How long do you remember their staying in

6 Las Vegas?

7 A. It had to be weeks.

8 Q. Did you think they were taking advantage of

9 you?

10 A. I was hoping they wasn't. I was hoping they

11 wasn't, but, you know, when it got back to me, yeah,

12 that's what it looked like. But I was hoping they

13 wasn't.

14 Q. You mentioned Gavin's behavior on the set.

15 Please describe what you're talking about.

16 A. He just -- just -- just bad, you know, being

17 bad, being like a little kid.

18 And people -- you know, the director was

19 telling me, you know, it was time for them to leave,

20 they got to go. But I was like being naive, still

21 being naive, you know, This kid, let him have some

22 fun." But everybody was saying the same thing, so

23 it was -- it was getting, you know, that we couldn't

24 hardly film, because they wouldn't know it was time

25 to -- for action, I mean, "Be quiet. We got to do a

26 scene." So it got a little out of hand.

27 Q. And was anyone on the set in Las Vegas with

28 the Arvizo children? 11957

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1 A. The father was there, yes.

2 Q. Okay. Did you ever see the mother there?

3 A. I think she was there once or twice.

4 Q. Okay. And are you saying that the parents  
5 didn't seem to discipline the children very well on  
6 the set?

7 MR. SNEDDON: I'm going to object to the  
8 question.

9 THE WITNESS: No.

10 MR. SNEDDON: Compound in the use of  
11 "parents."

12 MR. MESEREAU: I'll rephrase it. I'll  
13 rephrase.

14 THE COURT: I'll sustain the objection.

15 Q. BY MR. MESEREAU: Did it appear to you that  
16 David properly disciplined his children on the set  
17 in Las Vegas?

18 A. No.

19 MR. SNEDDON: Object as leading.

20 THE COURT: Overruled.

21 Q. BY MR. MESEREAU: Did it appear to you that  
22 Janet properly disciplined her children on the set  
23 in Las Vegas?

24 A. No.

25 Q. How much of a problem were they on the set?

26 A. It -- you know, it was handled, but it was  
27 to a point that they -- you know, everybody had to

28 say, you know, "Chris," you know, "We got to" -- "We 11958

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1 got a job here to do. Make sure that they're either  
2 in the trailer or off." And then we had to send  
3 them off to have stuff to do all day.

4 Q. When you agreed to pay for their visit to  
5 Las Vegas, was there any understanding how long they  
6 would stay?

7 A. No.

8 Q. Okay. Did you have an expectation about how  
9 long they would stay?

10 A. A few days. Come to the set, visit, and  
11 then -- and then, of course, leave, yeah.

12 Q. And when did you learn that they had stayed  
13 there for weeks?

14 A. My brother told me, and was telling me that  
15 they wanted to stay where I was staying and they  
16 wanted the same room.

17 And I was like, you know, "Don't bother me  
18 with that stuff."

19 MR. SNEDDON: I'm going to object. Hearsay,  
20 move to strike.

21 THE COURT: Stricken.

22 Q. BY MR. MESEREAU: Did any member of the  
23 Arvizo family ever refer to you as part of their  
24 family?

25 A. Yes.

26 Q. Who?

27 A. The mother and Gavin and Star.

28 Q. And what did the mother say about that? 11959

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1 A. She just was frantically always saying I was  
2 their brother and all that stuff, and that she loved  
3 me and all this stuff.

4 Q. And what was your reaction to that?

5 A. I was -- you know, I was getting a little  
6 nervous, because, you know, my whole thing was to  
7 just help the kid, not to get attached to the whole  
8 family. Not like that. Because I just wanted to  
9 make his life a little easier. So I said, you know,  
10 I need to watch myself because I know, you know, I'm  
11 high-profile, you know, I got to be careful, because  
12 sometimes when people see what you got and what  
13 you -- you know, they'll take advantage of you. So  
14 I tried to be careful and tried to pull back a  
15 little bit.

16 Q. What did Gavin say to you about being  
17 family?

18 A. He -- he always just said, you know, "You're  
19 like a big brother," and, you know, stuff like that.

20 Q. Did Gavin tell you he loved you?

21 A. Yeah.

22 Q. Did he say that often?

23 A. Yeah.

24 Q. Did Star say anything to you about being  
25 part of their family?

26 A. Yes.

27 Q. What did he say?

28 A. He -- he said, "You're like a brother to us. 11960

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1 You're like a brother," always said stuff like that,  
2 yeah.

3 Q. And did Star tell you he loved you?

4 A. Yes.

5 Q. Did Davellin say anything to you about being  
6 part of their family?

7 A. Yes. Yes.

8 Q. And what did Davellin say?

9 A. She would always say, "You're like a big  
10 brother to Gavin and Star," and she appreciated  
11 everything I did for her little brother and stuff  
12 like that.

13 Q. All right. Now, let's move to the period of  
14 time after the Bashir documentary. You said you  
15 spoke to Gavin about it, right?

16 A. Yes.

17 Q. He talked to you about the media hounding  
18 them?

19 A. Yes.

20 Q. Did he make any requests?

21 A. He always complained about they couldn't get  
22 around, and -- you know, and he wasn't feeling, you  
23 know, good about that. So that was the main thing,  
24 I think, that he said.

25 And so I tried to, you know, make that  
26 easier for him, because I felt sorry for him.

27 Q. Now, at some point, did you travel to Miami

28 with the Arvizo family? 11961

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1 A. Yes. Yes.

2 Q. And why did you do that?

3 A. Well, that was part of the -- they -- Gavin  
4 called, and they wanted to -- to -- they couldn't  
5 get around. The media was following them around.

6 And they wanted to -- to find Michael. They wanted  
7 to go out of town to find Michael.

8 And I said, "Okay." I was trying to help  
9 them so they can get around and to get out of town  
10 so they can, you know, be left alone.

11 Q. And Gavin told you they wanted to be with  
12 Michael?

13 A. Yeah. They was looking for Michael and they  
14 wanted to find him and they wanted to go -- and they  
15 found out he was in Miami some kind of way and they  
16 wanted to go to Miami.

17 MR. MESEREAU: Your Honor, at this time,  
18 with the Court's permission, we'd like to put up  
19 Exhibit 451, which is in evidence. It would be  
20 Tab 6, page two. I'd like to put it on the  
21 overhead.

22 THE COURT: You may.

23 MR. MESEREAU: Thank you.

24 Q. Mr. Tucker, I'm showing you a document which  
25 is in evidence, and it appears to be a phone record  
26 of Mr. Jay Jackson, okay? And do you know who Major  
27 Jay Jackson is?

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1 Q. Okay. Did you ever discuss with Janet  
2 Arvizo whether or not she had a friend who was in  
3 the United States Army?

4 A. No.

5 Q. She never told you anything about that?

6 A. I think boyfriend or somebody.

7 Q. You did learn about that?

8 A. Yes.

9 Q. All right. Let me just ask you a question  
10 about this document.

11 Now, if you look at the two calls on  
12 February 4th, you see a call from Reseda. Do you  
13 see that?

14 A. Yes.

15 Q. Then you see a second call on February 4th  
16 from Reseda?

17 A. Yes.

18 Q. Do you see that?

19 A. Yes.

20 Q. There is a number for both those calls.

21 It's (818) 757-1861. Do you see that?

22 A. Yes.

23 Q. Whose number is that?

24 A. That's my number.

25 Q. And it says it's a call in the evening,  
26 right?

27 A. Yes.

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28 Q. Okay. All right. Now, was that your cell 11963

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1 phone number?

2 A. That's my home number.

3 Q. Okay. And do you recall any of the Arvizos

4 calling you on February 4th in the evening?

5 A. Yes.

6 Q. Okay. And who called you on February 4th in

7 the evening?

8 A. Gavin. Gavin called me, yeah.

9 Q. Is that the conversation where he said that

10 he wanted to be with Michael in Florida?

11 A. Yes.

12 Q. Okay. Now, do you remember --

13 Thank you, Your Honor.

14 Do you remember anything else that Gavin

15 said in those two calls on February 4th to you?

16 A. That was -- I think that was about it; that

17 he just said that they couldn't get around and they

18 wanted to get out of town, because they had nowhere

19 to go.

20 Q. Okay. And did you offer to help them go to

21 Florida?

22 A. Yes.

23 Q. What did you say to Gavin in that regard?

24 A. I said that, "Well, I may be" -- "I'm going

25 out of town, and maybe I can" -- I was thinking

26 about going out of town. So then at that time I

27 knew that they wanted to go out of town, so I said,

28 "Okay. You guys can fly with me. I'll fly you out 11964

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1 of town, so you guys can," you know, "get away,"  
2 yeah.

3 Q. And just to clarify, the phone records we  
4 just showed you, the call is from someone to you?

5 A. Yes.

6 Q. All right. You never called Gavin on  
7 February 4th?

8 A. I don't remember.

9 Q. Okay. All right. So did you agree to help  
10 Gavin get to Miami?

11 A. Yes.

12 Q. What did you tell him about that?

13 A. I told him to, you know, "Come over and you  
14 guys can fly with me" -- "I'll try to charter a  
15 plane, and you guys can fly with me and go to  
16 Miami."

17 Q. Now, did you tell Gavin that you had a home  
18 in Florida?

19 A. I told him -- he knew I had a house in  
20 Orlando, yes.

21 Q. How did Gavin know that?

22 A. I told him.

23 Q. Did you ask Gavin how he knew Michael  
24 Jackson was in Florida?

25 A. I can't remember. I'm pretty sure I did.

26 But I think that he was calling Michael's people and  
27 he found out some kind of way.

28 Q. Now, at this point, given all the 11965

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1 conversations you'd had with Gavin, his requests for  
2 money, the talk about automobiles, what you'd seen  
3 on the set, did you consider Gavin to be awfully  
4 sophisticated for someone his age?

5 A. Yes.

6 Q. And explain what you mean by that.

7 A. He was really smart, and he was cunning at  
8 times, but I always overlooked it because I felt  
9 sorry for him. But I knew he was -- he was a little  
10 kid, but he was cunning. And his brother Star was  
11 definitely cunning.

12 Q. When you say "cunning," explain what you're  
13 saying.

14 A. Always say stuff like, "Chris, let me have  
15 this. Let me have this. Let me get this. Come on,  
16 I'm not feeling good," stuff like that.

17 And I knew it was going a little too far,  
18 but I always said, "He's sick," you know, "He's got  
19 a lot of problems, family problems," so I always  
20 just overlooked it.

21 Q. Did you agree to take the family to Florida?

22 A. Yes.

23 Q. And did you do that?

24 A. Excuse me?

25 Q. Did you do that?

26 A. Yes.

27 Q. And how did you arrange that?

28 A. I chartered a plane, and it was later on in 11966

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1 the evening when it was ready, the plane was ready,  
2 and then we -- and we left.

3 Q. Okay. And if you remember, who was on the  
4 plane with you?

5 A. Davellin, Janet, Star and Gavin.

6 Q. And did you speak to Gavin on the plane?

7 A. It was kind of late, so everybody sort of  
8 fell asleep after -- well, everybody was happy and  
9 was excited to go. Relieved -- like relieved to get  
10 away from California. And we spoke -- everybody  
11 spoke for a little bit, but it was kind of late.  
12 And he was happy, ready to go see Michael, excited.  
13 And then everybody sort of fell asleep.

14 Q. Now, how did everyone get to the plane, if  
15 you know?

16 A. They was dropped off, I think.

17 Q. Okay.

18 A. You know.

19 Q. Do you know whether or not they went to your  
20 house that day?

21 A. Yeah, they was dropped off at my house.

22 Q. At your house?

23 A. Yes.

24 Q. Do you know who dropped them off?

25 A. I don't -- I don't remember.

26 Q. Okay. And did you then go to the airport  
27 with them?

28 A. Yes. 11967

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1 Q. Okay. Now, before you went to the airport  
2 with them, do you recall having a discussion with  
3 Janet Arvizo at your home?

4 A. Yes.

5 Q. And what was that about?

6 A. That's the point that I was -- I was going  
7 to give her this truck, the loaner, this truck to  
8 drive, but I got real uncomfortable when I was  
9 getting ready to loan the truck because she started  
10 frantically crying, like -- not crying like  
11 something normal, but it was like something was  
12 wrong with her.

13 And I got really, really -- something in my  
14 spirit just didn't feel right about it, and I  
15 felt -- I said, "Oh, I'm going too far," because --  
16 and I knew she was -- something mentally wasn't  
17 right. So I gave her the keys. But then I didn't  
18 feel -- I didn't feel comfortable about it at all.

19 Q. So was it your impression that Janet was, in  
20 her own way, asking for a truck?

21 A. No. I was just doing it as helping Gavin.

22 I don't think she was asking for it, no.

23 Q. But you say she was acting kind of crazy?

24 A. She started acting frantically, like  
25 mentally something wasn't right.

26 And then I was, like, --

27 Q. Do you remember what she said?

28 A. She was just, like, you know, "Chris," you 11968

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1 know, "you like a brother," and the "brother" thing  
2 again, and crying and -- just frantically crying and  
3 stuff.

4 And then I was, like, "Something" -- you  
5 know, "Something ain't right," you know.

6 Q. And did you then go with the family to the  
7 airport and fly to Miami?

8 A. Yes.

9 Q. All right. Do you recall whether or not  
10 Janet seemed excited about going to Florida to see  
11 Michael Jackson?

12 A. Yes, she was excited. Everybody was  
13 excited, the kids. And everybody was excited to go  
14 down there to see Michael, yeah.

15 Q. Did Janet say anything about how excited she  
16 was, that you remember?

17 A. She was -- she was relieved to leave, and  
18 she was happy to -- to go. She was -- she was  
19 thanking me and was excited to see Michael. And the  
20 kids were. They was all excited.

21 Q. Did anyone in the Arvizo family ever give  
22 you the impression they were going there against  
23 their will?

24 A. No.

25 Q. Now, when you got to Florida, what did you  
26 do?

27 A. We met up -- I met up with my brother at the

28 airport and then we went straight to the hotel. 11969

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1 Q. And which hotel was that?

2 A. I think it was the Turnberry.

3 Q. Okay. And had you arranged in advance to

4 have reservations at the Turnberry?

5 A. Yes.

6 Q. And did you stay there?

7 A. Yes.

8 Q. Okay. Now, when you got to the airport, did

9 anybody pick you up?

10 A. Yeah, we had a car there. Yes.

11 Q. Okay. And did you arrange that or did

12 Michael Jackson, if you know?

13 A. I arranged it and my brother was there

14 waiting on me.

15 Q. Okay. Now, you got to Florida, went to the

16 hotel, right?

17 A. Uh-huh.

18 Q. You went to the hotel with the Arvizos,

19 right?

20 A. Yes.

21 Q. What's the next thing that happened?

22 A. I went to the hotel, and I went to my room,

23 and the kids, I think, was looking for Michael.

24 Q. And were you with them when they were

25 looking for Michael?

26 A. Yes. Yes.

27 Q. And did you see Michael?

28 A. Yes. 11970

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1 Q. And where did you see Michael Jackson?

2 A. We went to his room. I think we all just  
3 went up there to say hello.

4 Q. And did you speak to Michael?

5 A. Yes, briefly.

6 Q. Was that in his hotel room?

7 A. Yes.

8 Q. Okay. And were the Arvizos with you when  
9 you spoke to Michael?

10 A. Yes.

11 Q. Do you recall your saying anything to  
12 Michael in his room?

13 A. Just said hello and was happy to see him.

14 Q. And did you discuss the Arvizos with him?

15 A. We did. I did.

16 Q. What did you say?

17 A. Later on I did. I just told him to watch  
18 out for Janet because I felt suspicious about her.

19 Q. And did you tell Michael Jackson why you  
20 were suspicious about Janet Arvizo?

21 A. Yeah, because -- and she even made me more  
22 suspicious later on. But first, like I said, I gave  
23 her the keys. I -- at that point I knew something  
24 wasn't right.

25 And then I was trying to talk to Michael.

26 She kept interrupting, like -- and I was like -- I  
27 didn't know why she was doing it.

28 And then I just -- I tried to pull Michael 11971

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1 in the room, and I said, "You need to watch out.

2 Just be careful." And then -- that was really

3 brief, and then I left.

4 Q. Now, why was that conversation brief?

5 A. Because the phones was ringing, the kids was

6 all over the place, and it was -- you know,

7 Michael's very busy, so it was always somebody

8 pulling at him.

9 Q. Do you recall whether or not Michael

10 responded when you said, "Be careful of these

11 people"?

12 A. Yes, he did. He was listening. And we

13 talked about other stuff and then I left.

14 Q. Okay. And where did you go when you left?

15 A. To my room.

16 Q. Okay. And when you went to your room, do

17 you know where the Arvizos were?

18 A. I think they stayed in the room. I don't

19 know.

20 Q. Okay. Did you see Michael Jackson again on

21 that trip?

22 A. I think I seen him once before and then I

23 left.

24 Q. Okay. Did you see the Arvizos again on that

25 trip?

26 A. Yes. Yes.

27 Q. Where did you see them?

28 A. I think I -- I think I seen them when I went 11972

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1 back to say bye to Michael in the room or around the  
2 hotel.

3 Q. Now, do you recall whether or not you spent  
4 any money on the Arvizos on that trip, besides the  
5 flight?

6 A. The flight and -- and I can't remember if it  
7 was anything else.

8 Q. Did they get a massage or anything like  
9 that, that you remember?

10 A. No, not that I can remember.

11 Q. Okay. Okay. When you were trying to warn  
12 Michael Jackson about Janet, where was Janet?

13 A. She was in the next room.

14 Q. Okay.

15 A. Yeah.

16 Q. And did you -- did she ever come to you  
17 while you were trying to warn Michael?

18 A. I mean, it was knocks on the door. I don't  
19 know who it was. But I don't know who it was at the  
20 door, no.

21 Q. Do you recall Janet saying anything about  
22 Michael Jackson being a father to their family?

23 A. Oh, yes. Oh, yes. That was right before we  
24 went in the room. She was frantically -- the same  
25 thing. Michael's the father. I'm the brother.

26 And that's when -- that's when I told

27 Michael. I took him in the room, and I was trying

28 to talk to him. I said, "Something ain't right." 11973

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1 Because I was never around her that much until that  
2 point. They came to the house and then in Miami.

3 And I said, "Mike, something ain't right."

4 Q. Do you recall in Miami whether Gavin was  
5 saying anything about Michael Jackson being a  
6 father?

7 A. Yes.

8 Q. And what was Gavin saying?

9 A. He was repeating the same thing. It was --  
10 it was -- she was saying "father," and Gavin was  
11 saying "father," and he was saying I was a brother,  
12 and it was just getting to be a little bit too much.

13 Q. Okay. Now, when you were in -- did you go  
14 to Orlando at some point?

15 A. Yes, I went to Orlando the next day.

16 Q. Okay. And when you were in Orlando, did you  
17 learn whether or not Janet had any keys to a  
18 vehicle?

19 A. She left the keys at the hotel. I heard.

20 Q. At what hotel now?

21 A. I think at the Turnberry.

22 MR. SNEDDON: Your Honor, move to strike.

23 Hearsay; lack of foundation.

24 THE COURT: Stricken. Sustained.

25 Q. BY MR. MESEREAU: Did you know whether or  
26 not Janet left any keys at the Turnberry Hotel?

27 A. Yes.

28 MR. SNEDDON: Same objection. Lack of 11974

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1 foundation.

2 THE COURT: Foundation, sustained.

3 MR. MESEREAU: Okay.

4 Q. When you got to Florida with the Arvizos,  
5 did you have any personal knowledge of whether or  
6 not Janet had any keys to a vehicle?

7 A. Yes. I knew she had the keys, yes.

8 Q. Keys to what vehicle now?

9 A. To -- the keys that I gave her to the truck  
10 that I own.

11 Q. Okay. And did you ever learn what she did  
12 with those keys?

13 A. Yes.

14 MR. SNEDDON: Object. Lack of foundation.

15 THE COURT: Sustained.

16 Q. BY MR. MESEREAU: Did you ever get those  
17 keys back?

18 A. No.

19 Q. What happened to them, if you know?

20 A. They was lost.

21 MR. SNEDDON: Object. Lack of foundation;  
22 calls for hearsay.

23 THE COURT: Sustained. Foundation.

24 Q. BY MR. MESEREAU: Did you give the keys to  
25 your vehicle to Janet?

26 A. Yes.

27 Q. And when did you do that?

28 A. When she was at my house right before the 11975

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1 trip to Miami.

2 Q. Okay. Did you see her do anything with the  
3 keys?

4 A. She took them, put them in her hand, in a  
5 pocket. I don't know.

6 Q. And at some point did you ever try to find  
7 out where those keys were?

8 A. She called my son's mother looking for the  
9 keys. She lost them apparently.

10 MR. SNEDDON: Your Honor, I'm going to  
11 object. Move to strike as hearsay and ask counsel  
12 to move on.

13 THE COURT: Sustained. Stricken.

14 Q. BY MR. MESEREAU: Did you ever get the keys  
15 back at any time?

16 A. No.

17 MR. SNEDDON: Object. Asked and answered.

18 THE COURT: Overruled. The answer was,

19 "No." Next question.

20 MR. MESEREAU: Okay.

21 Q. Now, at some point you got back to Los  
22 Angeles from Florida, right?

23 A. Yes.

24 Q. How long were you in Florida?

25 A. A couple of weeks.

26 Q. Okay. Did you still have the truck in your  
27 possession when you returned?

28 A. Yes. 11976

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1 Q. And did you do anything to get a new set of  
2 keys to the truck?

3 A. No.

4 Q. Whatever happened with the keys, if you  
5 know?

6 A. They were lost. Fortunately they were lost,  
7 so -- yeah.

8 Q. All right. Now, after this Florida trip,  
9 did you ever hear from Janet again?

10 A. Yes.

11 Q. And when was that?

12 A. Well, I heard from the kids, several  
13 messages, wanting another pair of the keys to get  
14 the truck.

15 MR. SNEDDON: I'm going to object as  
16 nonresponsive and hearsay.

17 MR. MESEREAU: I'll rephrase it.

18 THE COURT: All right. I'll strike that  
19 answer.

20 Q. BY MR. MESEREAU: After you got back from  
21 Florida, did Janet ever call you again, to your  
22 knowledge?

23 A. No.

24 Q. After you got back from Florida, did Gavin  
25 ever call you?

26 A. Yes.

27 Q. And did he call you at home?

28 A. He called me, yes. 11977

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1 Q. Okay. Do you remember what he said to you?

2 MR. SNEDDON: Object as hearsay.

3 THE COURT: Sustained.

4 Q. BY MR. MESEREAU: Mr. Tucker, you've

5 described a truck --

6 A. Yes.

7 Q. -- that you had offered to the family. What

8 kind of truck was that?

9 A. A Toyota truck. A Toyota truck.

10 Q. Do you know about what year that was?

11 A. What year was the truck? It had to be maybe

12 19 -- I don't know. I don't know.

13 Q. Do you know approximately what the truck was

14 worth at that time?

15 A. Yes, 14,000. I think it was maybe a 2000 or

16 something like that.

17 Q. Okay. Did Gavin continue to call you after

18 you got back from Florida?

19 A. Yes.

20 Q. And did you continue to talk to Gavin?

21 A. Yes.

22 Q. And did Gavin ever ask you for any more

23 financial assistance?

24 MR. SNEDDON: Object. Calls for hearsay,

25 Your Honor.

26 MR. MESEREAU: Impeachment.

27 THE COURT: The objection is overruled.

28 You may answer. 11978

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1 THE WITNESS: They was constantly calling  
2 for the truck. And I felt like the mother was  
3 making them call for the truck because it was  
4 getting on my nerves.

5 MR. SNEDDON: I'm going to object to the  
6 last statement and ask it be stricken as conclusion  
7 and speculation.

8 THE COURT: Stricken, not responsive.

9 Q. BY MR. MESEREAU: When Gavin called you  
10 after the trip to Florida, did he himself ask for  
11 the truck?

12 A. Yes.

13 Q. Did Janet ever call you after the trip to  
14 Florida and, to your knowledge, ask for the truck?

15 A. I think once or twice. I don't remember.

16 Q. Okay. Do you remember whether or not Star  
17 called you after the Florida trip and asked for the  
18 truck?

19 A. I don't remember.

20 Q. Okay. Now, at this point in time, was it  
21 your understanding that Azja Pryor was in touch with  
22 the Arvizo family?

23 A. Yes.

24 Q. And do you know whether or not she was  
25 talking to them quite often?

26 A. Yes.

27 Q. And without saying what she told you, were

28 you discussing the Arvizo family with Azja? 11979

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1 A. Yes.

2 Q. Did you yourself ever discuss your concerns  
3 about the Arvizo family with Azja?

4 A. Yes. I told her about the truck, and I told  
5 her, "Don't give it to them," because I felt  
6 uncomfortable, and I felt like I did enough.  
7 And she was telling me they kept calling  
8 about the truck, because the truck was with her.

9 Q. When did you last talk to any member of the  
10 Arvizo family?

11 A. Last time I talked to them was Gavin for a  
12 quick second.

13 Q. And when was that?

14 A. It had to be a year ago. Almost a year or  
15 two ago, I think. A year ago, probably.

16 Q. And did he call you?

17 A. No, I called him.

18 Q. Okay. Why did you do that?

19 A. I was going through some old notepads that I  
20 had. I was throwing away a lot of numbers and I ran  
21 across his name, and I didn't even think the number  
22 worked. And I just called it just to check, and he  
23 answered the phone.

24 And I said, "Gavin," and he said, "Chris."

25 Like real happy, like, to hear from me, because he  
26 hadn't heard from me for a long time. And he was  
27 like, "Hey, Chris," and I said, "Hey, Gavin."

28 And all of a sudden I heard a "Get off that 11980

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1 phone - now," and the phone just -- click.

2 And I knew it was Janet. And I was really  
3 concerned at that time because I was, like, you  
4 know, that was really, really strange, because, you  
5 know, I didn't know what -- what was going on.

6 Q. Have you talked to any member of the Arvizo  
7 family since that particular call?

8 A. No. No.

9 Q. Now, did that call -- Mr. Tucker, when do  
10 you think the last time you spoke to Gavin was?

11 A. I think it was after the -- after the Miami  
12 trip, I sort of, like, just wanted to distance  
13 myself. So I think it might have been a few times  
14 after that. I don't remember.

15 Q. And this is after you warned Michael Jackson  
16 to get away from these people?

17 A. Yes.

18 MR. MESEREAU: No further questions.

19 THE COURT: Cross-examine?

20

21 CROSS-EXAMINATION

22 BY MR. SNEDDON:

23 Q. Good morning, Mr. Tucker.

24 A. Good morning.

25 Q. Mr. Tucker --

26 BAILIFF CORTEZ: Your microphone's off, sir.

27 Q. BY MR. SNEDDON: Mr. Tucker, were you

28 contacted by law enforcement with regard to making a 11981

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1 statement involving the Michael Jackson  
2 investigation?

3 A. Yes.

4 Q. And you declined to give a statement to law  
5 enforcement, correct?

6 A. No, I don't think so.

7 Q. You don't think so?

8 A. No.

9 Q. You weren't contacted and asked if you would  
10 cooperate with law enforcement and refused?

11 A. No.

12 Q. Do you recall your attorney being contacted  
13 and requested that we talk to you?

14 A. Yes.

15 Q. And he declined to allow us to contact you?

16 A. No. No.

17 Q. That's your recollection?

18 A. Yes.

19 Q. Do you recall how many times that -- did  
20 your attorney ever tell you that we had contacted --  
21 that law enforcement had contacted you and wanted to  
22 interview you?

23 MR. MESEREAU: Objection; privilege.

24 THE COURT: Sustained.

25 MR. SNEDDON: I'm not asking what was said,  
26 I just want to know if he was contacted.

27 THE COURT: No, that's not what you asked.

28 MR. SNEDDON: All right. 11982

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1 Q. Were you contacted by your lawyer about --

2 A. Yes.

3 Q. -- about a request for law enforcement to

4 talk to you?

5 A. Yes.

6 Q. And on how many occasions?

7 A. I don't know how many occasions.

8 Q. It was more than once, was it not?

9 A. I don't remember.

10 Q. Do you recall law enforcement leaving cards

11 at your house to ask you to call them so that they

12 could interview you?

13 A. I recall they came one time and wouldn't

14 even come to my door. I came outside looking for

15 them. But they wouldn't come to my door.

16 Q. I asked if you recall them leaving business

17 cards at your house and asking you to contact them

18 so they could do an interview with you.

19 A. I don't know if they left them at the house.

20 They might have left them at the gate. You can't

21 get to my door unless they call me.

22 Q. What I'm asking is, do you recall law

23 enforcement leaving any cards at your house asking

24 you to contact them so they could interview you?

25 A. If they did, I would immediately return it

26 to my attorney, and he got back in touch with them.

27 I do recall giving it to my attorney to get in touch

28 with them, because I know you have to do that or 11983

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1 that's breaking the law.

2 Q. At any time prior to your testimony here  
3 this morning, did you ever grant an interview with  
4 any law enforcement officer?

5 A. We set up appointments and it never  
6 happened.

7 Q. You personally recall setting up  
8 appointments with law enforcement?

9 A. My attorney took care of that, yeah.

10 Q. That's your understanding?

11 A. That's my understanding, that my attorney  
12 did that, yes.

13 Q. That law enforcement never showed up?

14 A. They came to my gate one time, my mother was  
15 there as a witness, and never came to my door.

16 Q. No, I'm asking you whether or not on those  
17 occasions that you said that your attorney set up an  
18 interview with law enforcement that they didn't show  
19 up for the interview?

20 A. Excuse me?

21 Q. Maybe I misunderstood you. I understood you  
22 to say that, through your lawyer, you actually  
23 consented to an interview with law enforcement; is  
24 that correct?

25 A. Of course. I told him if -- if I got to go  
26 in there, I got to go in.

27 Q. And was an appointment set up to do that

28 with law enforcement, to your knowledge? 11984

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1 A. It was supposed to be set up. To my  
2 knowledge, it was supposed to have been set up, and  
3 I think you guys didn't want to interview me.

4 Q. That's what you think, huh?

5 Did you ever -- so at no time prior to your  
6 appearance here in court were you ever interviewed  
7 by law enforcement; is that a fair statement?

8 A. I don't think so. I don't remember.

9 Q. Now, the telephone call that you told the  
10 jury about where you heard Janet yell in the  
11 background to hang up the telephone, do you recall  
12 that?

13 A. Yes.

14 Q. You just testified about that. That  
15 actually was made by you to Gavin after the charges  
16 had been filed against Mr. Jackson; isn't that  
17 correct?

18 A. Yes. It was that time period, yes.

19 Q. And prior to that, you had been seen  
20 publicly with Mr. Jackson appearing at a number of  
21 functions; isn't that correct?

22 A. I don't remember.

23 Q. Well, did you appear publicly at a number of  
24 functions with Mr. Jackson at or about the time the  
25 charges were filed in this case?

26 A. I don't remember. I don't.

27 Q. You don't -- you can't say one way or the

28 other? 11985

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1 A. I don't -- maybe. Maybe not. I --

2 Q. Would you agree with me that there certainly  
3 were occasions that you did appear with Mr. Jackson  
4 publicly?

5 A. I can't say. I can't say, because at that  
6 period of time I didn't see Michael for a while, for  
7 a long time, yeah.

8 Q. So you have no recollection of ever  
9 appearing publicly with Mr. Jackson during that time  
10 period, after the charges were filed and between the  
11 time of the telephone call with Gavin?

12 A. Maybe. Probably before that period of time  
13 or -- I don't know. I can't remember.

14 Q. Would you agree with me that after you were  
15 introduced to Mr. Jackson by Gavin that you and Mr.  
16 Jackson thereafter struck up a friendship?

17 A. Yes.

18 Q. And that, as you describe it, you became  
19 friends?

20 A. Yes.

21 Q. So it was an ongoing relationship between  
22 you and Mr. Jackson?

23 A. Yes.

24 Q. Do you recall an occasion of being with Mr.  
25 Jackson -- let me ask you this question. Do you  
26 know who Al Malnik is?

27 A. Yes.

28 Q. And do you recall an occasion where you were 11986

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1 actually photographed with Mr. Jackson and Mr.

2 Malnik together?

3 A. Yes.

4 Q. And that that photograph was actually made

5 public. Do you recall that?

6 A. Yes. No, I don't recall the photograph, but

7 I know that we was at a birthday party one time.

8 Q. And was that at Neverland Ranch?

9 A. No.

10 Q. It was at another -- it was in Miami?

11 A. Yeah, it was in Miami.

12 Q. Where Mr. Malnik lives?

13 A. Yes.

14 Q. And that would have been after the charges

15 had been filed in this case; isn't that correct?

16 A. I don't remember.

17 Q. Let me go back a little bit and talk a

18 little bit about your relationship with Gavin. You

19 first met Gavin because of his cancer, correct?

20 A. Yes.

21 Q. And you were kind enough to actually visit

22 Gavin in the hospital on a number of occasions,

23 correct?

24 A. Yes.

25 Q. And when you visited Gavin at the hospital

26 on those occasions, his father David was there most

27 of the time, correct?

28 A. Yes. 11987

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1 Q. Did -- and I guess, based on your testimony,  
2 you never met Janet Arvizo at the hospital?

3 A. Most of the time they -- you know, I asked  
4 about it, but they was ashamed of her.

5 MR. SNEDDON: Move to strike as  
6 nonresponsive, Your Honor.

7 THE COURT: Stricken.

8 Q. BY MR. SNEDDON: What I asked you, Mr.

9 Tucker, was when you visited the hospital and  
10 visited Gavin, did you meet Janet Arvizo at the  
11 hospital?

12 A. No.

13 Q. And you were also kind enough that, on New  
14 Year's Eve or right after New Year's, which would be  
15 the year 2001, you and Azja Pryor and your son  
16 visited Gavin in the hospital, correct?

17 A. I think it was just me. It was New Year's  
18 night. It was New Year's Eve, yes.

19 Q. And you don't think Azja Pryor was present?

20 A. I think she might have been. She might have  
21 been.

22 Q. When you were there that night, do you  
23 recall having a conversation with Janet on the phone  
24 on that evening?

25 A. I don't know. I don't remember.

26 Q. Do you recall Janet telling you that she  
27 appreciated very much everything that you were doing

28 for her son? 11988

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1 A. I don't remember.

2 Q. Were you aware of the fact that Gavin had  
3 attended a comedy camp at The Laugh Factory?

4 A. Yes.

5 Q. And you are aware of the fact that Gavin was  
6 very fond of comedians, correct?

7 A. Yes.

8 Q. And that one of the reasons that he had  
9 selected to meet you was because you were a comedian  
10 of some note, correct?

11 A. I wasn't aware he was fond of that many  
12 comedians. I think his father said I was his  
13 favorite comedian, and I didn't know they had  
14 contacted everybody in the whole town.

15 Q. Well, a lot of comedians, correct?

16 A. I wasn't aware of that. I thought that he  
17 was -- you know, he was particularly saying, "Chris,  
18 you are my favorite comedian, and you are" -- you  
19 know.

20 Q. Did he talk to you about the fact that he  
21 admired Jay Leno?

22 A. No. He didn't mention not one time about  
23 any other celebrities, any other times.

24 Q. Okay.

25 A. Not one time.

26 Q. So the answer is "No"?

27 A. No.

28 Q. So if I would read you a list of 11989

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1 celebrities, the answer would be "No," "No," "No"?

2 A. To me he mentioned nobody but Michael

3 Jackson. And he knew I was a fan of Michael

4 Jackson, and that was it.

5 Q. Okay. So your testimony is that he

6 mentioned to you when he was in the hospital that he

7 was a friend of Michael Jackson's -- a fan of

8 Michael Jackson's?

9 A. He mentioned it when we first met, because I

10 guess he seen from my movies that I'm a fan of

11 Michael Jackson. So he mentioned it. The first

12 thing that came out of his mouth --

13 MR. SNEDDON: Your Honor, I'll move to

14 strike as nonresponsive.

15 THE COURT: Overruled. Next question.

16 Q. BY MR. SNEDDON: I think the question I

17 asked, Mr. Tucker, was, was that what he told you in

18 the hospital?

19 A. No.

20 Q. Okay. So he was not in the hospital at the

21 time that he told you that he was a fan of Michael

22 Jackson?

23 A. The first time we met he told me he was a

24 fan of Michael Jackson.

25 Q. And that would have been at The Laugh

26 Factory?

27 A. The Laugh Factory, yes.

28 Q. At the benefit? 11990

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1 A. Yes.

2 Q. Okay. Did he tell you at that time that he  
3 knew Michael Jackson?

4 A. At what time?

5 Q. At The Laugh Factory, the first time you met  
6 him.

7 A. Yes. Yes.

8 Q. And that he had been in contact with Michael  
9 Jackson?

10 A. Yes.

11 Q. By way of phone?

12 A. Yes.

13 Q. And during the time that you took Gavin to  
14 Knott's Berry Farm with your family, that was a time  
15 when Gavin was still fighting his battle with  
16 cancer, correct?

17 A. Yeah. I think he was still going through  
18 chemotherapy, yes.

19 Q. And were you aware from conversations --  
20 well, I'll just ask you, were you aware of the fact  
21 that the family was having financial problems?

22 MR. MESEREAU: Objection. Assumes facts not  
23 in evidence; foundation.

24 THE COURT: Overruled.

25 You may answer.

26 Q. BY MR. SNEDDON: Just "yes" or "no" is fine.

27 A. I had an idea they were, but I wasn't

28 concerned. I was concerned about his health. 11991

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1 Q. All right. So that's fair enough. Did you  
2 ever visit their apartment in East Los Angeles?

3 A. No.

4 Q. Did you know they lived in East Los Angeles?

5 A. They told me they lived, yeah, in East Los  
6 Angeles, yeah.

7 Q. Did you know that the mother of your child,  
8 Azja Pryor, had actually visited their place in East  
9 Los Angeles?

10 A. Yes.

11 Q. Did she describe to you what the place was  
12 like?

13 A. Yes.

14 Q. And it was pretty bad, wasn't it?

15 A. She -- she really told me what -- mostly  
16 about what -- you know, what was going on. I don't  
17 remember what she said. I really don't.

18 Q. So she didn't describe what this one-room  
19 apartment was like?

20 A. I don't think she was concerned about that.

21 I think she was more concerned about what was going  
22 on with that family.

23 Q. But the question --

24 Move to strike as nonresponsive, Your Honor.

25 THE COURT: Stricken.

26 Q. BY MR. SNEDDON: I asked you whether she  
27 described to you the apartment.

28 A. No, she described what -- you know, there 11992

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1 was a lot of problems going on in that family and I  
2 was asking her why was she over there with my son.

3 MR. SNEDDON: Move to strike as  
4 nonresponsive, Your Honor.

5 THE COURT: Stricken.

6 Q. BY MR. SNEDDON: So --

7 THE COURT: The first --

8 MR. SNEDDON: Everything beyond "No." So we  
9 don't have to go through this again. Thank you.

10 THE COURT: Yes.

11 Q. BY MR. SNEDDON: Were you aware of the fact  
12 when you visited the hospital that the father, David  
13 Arvizo, was not working?

14 A. No.

15 Q. Were you aware of the fact that, during the  
16 time that you were visiting the hospital, that the  
17 mother was working?

18 A. No.

19 Q. Were you aware of the fact of how the  
20 medical bills were being paid?

21 A. No.

22 Q. And when you gave the money -- let me talk  
23 about this situation where you actually were kind  
24 enough to give money to the family. Gavin was at  
25 your house, correct?

26 A. Yes.

27 Q. And the father was at the house?

28 A. Yes. 11993

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1 Q. Was Star at the house?

2 A. Star was there, yes.

3 Q. And I want to see if I'm not confusing this  
4 with something else in your statement to the defense  
5 investigator. But you indicated that there was an  
6 occasion where Gavin asked you for some money, and  
7 that he was being prodded into it by his father  
8 David; is that correct?

9 MR. MESEREAU: Objection; misstates the  
10 evidence.

11 THE COURT: Overruled.

12 You may answer.

13 THE COURT: Do you want the question read  
14 back?

15 THE WITNESS: Yes.

16 THE COURT: All right. The court reporter,  
17 read it back, please.

18 (Record read.)

19 THE WITNESS: It was a time that Gavin  
20 approached me and asked for some more money after I  
21 initially sent some money, wired some money.

22 And I was -- I didn't know. I was  
23 suspicious. I didn't know if it was the father,  
24 because I was still naive; Gavin -- would Gavin do  
25 something like that.

26 But then I thought about it. And Gavin was  
27 so cunning and so smart that I -- Gavin -- it's

28 hard -- if Gavin didn't want to do something, he's 11994

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1 not going to do it, so --

2 MR. SNEDDON: Your Honor, I move to strike

3 as nonresponsive to the question.

4 THE COURT: Stricken.

5 Q. BY MR. SNEDDON: Mr. Tucker, the question I

6 asked was, do you recall telling the defense

7 investigator in this case that there was an occasion

8 where Gavin Arvizo and David Arvizo were at your

9 house and that Gavin was being prodded by his father

10 to ask for money?

11 A. I said --

12 Q. Do you recall that?

13 A. I remember the occasion that Gavin came to

14 me and asked for some more money and his father was

15 with him and his father said, "Gavin, come to the

16 car."

17 And I told Gavin, "No, I can't give any more

18 money, you guys." I remember that occasion.

19 Q. Do you remember telling the defense

20 investigator that the father was actually prodding

21 and pushing Gavin to ask for the money, but you said

22 it appeared Gavin didn't want to ask? Do you recall

23 telling him that?

24 A. I thought I told Gavin that I couldn't give

25 any more money. And when the father responded,

26 "Gavin, let's go," I didn't -- I was like, "What is

27 this? Is this a tag team?" I didn't know what was

28 going on. But I knew Gavin was smart enough and I 11995

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1 knew that he was --

2 MR. SNEDDON: Your Honor, move to strike as  
3 nonresponsive.

4 THE COURT: Stricken as nonresponsive.

5 Q. BY MR. SNEDDON: I'm going to ask one more  
6 time, and if the answer is "no," that's fine. I  
7 just want to -- did you tell the defense  
8 investigator in this case that there was an  
9 occasion --

10 A. Yes.

11 Q. -- where Gavin -- let me finish, in fairness  
12 to you. Let me finish the question.

13 That Gavin Arvizo asked you for money and  
14 that you -- your observation was that he didn't want  
15 to do it but was being pushed by the father to ask?

16 A. No, no.

17 Q. You never told the investigator that?

18 A. What I said is, yes, I told them I thought  
19 the father was a part of that, but Gavin was the one  
20 who asked me for the money. And I said I think the  
21 father was there with him.

22 Q. Put him up to it?

23 A. No. I knew Gavin was doing it on his own,  
24 but the father was there. And I think they was  
25 doing it together. That's what I said.

26 Q. And you didn't say that Gavin was reluctant  
27 to do it; is that --

28 A. I said the father was there, and Gavin was 11996

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1 asking, yes.

2 Q. The question is "yes" or "no." Your opinion  
3 was that Gavin wasn't being prodded into it by his  
4 father?

5 A. I think it was both of them, yes.

6 Q. And this was at a time when Gavin was still  
7 going through chemotherapy, correct?

8 A. I don't remember. I don't remember.

9 Q. Do you remember when it was that the Arvizos  
10 split up?

11 A. I don't remember. They didn't tell me.

12 I've heard from other people.

13 Q. Now, at the time that you took the family to  
14 the Raiders game, was Gavin still going through  
15 chemotherapy at that time?

16 A. I think so. I think so.

17 Q. And the father was there on that trip?

18 A. Yes.

19 Q. And you also took Gavin to some Laker games,  
20 did you not?

21 A. Yes.

22 Q. In fact, you took Gavin down to the locker  
23 room on one occasion; is that correct?

24 A. Yes.

25 Q. Introduced him to some of the players?

26 A. Yes.

27 Q. And you arranged, actually, to have Gavin's

28 photograph taken with Kobe Bryant at one time, did 11997

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1 you not?

2 A. Yes.

3 Q. Were you the one that arranged to have

4 Gavin's picture put up on the speaker system above

5 the arena at the Laker game?

6 A. I don't remember.

7 Q. Now, you told us that you began to develop

8 some suspicions about Gavin, is that correct, or the

9 family?

10 A. Yes.

11 Q. Which was it, the family or Gavin?

12 A. It was the family.

13 Q. Okay. And was this a time -- at a time when

14 Mr. Arvizo, David Arvizo, was involved with the

15 kids?

16 A. Excuse me?

17 Q. Was this a time when your suspicions started

18 to develop that David Arvizo was still in the family

19 picture?

20 A. It started when we was -- when I met the

21 entire -- in Vegas, when they was staying the whole

22 time and not leaving.

23 Q. Up to that point in time you had no reason

24 to have any suspicions?

25 A. I wasn't.

26 Q. And that's when -- when you began to have

27 doubts in your mind, let's put it that way; is that

28 fair enough? 11998

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1 A. That's when my people was telling me that,

2 "Watch out."

3 Q. Now, that trip to Las Vegas, you were

4 filming there on the set. And that was during a

5 summer, was it not?

6 A. I think so.

7 Q. That would have been the summer of 2001;

8 isn't that correct?

9 A. I think so.

10 Q. Or 2000? 2001?

11 A. I don't know.

12 Q. Well, it was your movie -- so -- I mean,

13 2001?

14 A. I think we were filming in 2001, 2002. It

15 was a long movie. I'd have to check.

16 Q. Do you recall when the movie came out?

17 A. I think it came out 2001.

18 Q. Now, the car that -- did you see them

19 driving a car at that point in time?

20 A. They -- I think they had a truck.

21 Q. That was the one that Mr. Jackson had given

22 them, correct?

23 A. Yes.

24 Q. And based upon your direct examination

25 testimony, was it your impression that the Arvizo

26 family retained custody and control of that truck

27 all the way up during the time that you were talking

28 to them about the other Toyota truck? 11999

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1 MR. MESEREAU: Objection; foundation.

2 THE COURT: Overruled.

3 You may answer.

4 THE WITNESS: Repeat the question.

5 Q. BY MR. SNEDDON: Yeah. You told the jury

6 that you were a little suspicious of the Arvizo --

7 or the Arvizo family about you giving them the

8 truck, because you thought that Michael Jackson had

9 already given them a truck. Did you not tell us

10 that?

11 MR. MESEREAU: Objection; misstates the

12 evidence.

13 THE COURT: Sustained.

14 Q. BY MR. SNEDDON: Did you have -- did you

15 have a concern at the time that you were talking to

16 the Arvizos about the Toyota truck that they already

17 had a truck that had been given to them by Mr.

18 Jackson?

19 A. They told me they didn't have a car. And I

20 just said -- you know, trying to help out Gavin,

21 giving them another car.

22 Q. So the fact that Mr. Jackson had at one time

23 given them a car or a truck was not -- you didn't

24 feel that they were misrepresenting the fact that

25 they didn't have a car, correct?

26 A. I didn't ask any questions, because, I mean,

27 it's a little kid. So I just said, you know, "If

28 you need a car, I'll" -- you know, "I'll get you a 12000

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1 car." I didn't know what happened, if it broke down  
2 or what. I didn't know.

3 Q. Mr. Tucker, what I'm asking you was what  
4 your mindset was at the time these conversations  
5 were going on with Gavin Arvizo regarding the truck.  
6 Was it your mindset that they already had a car that  
7 had been given to them by Mr. Jackson?

8 A. I was -- I didn't even think about it,  
9 because the car -- I didn't think about the car that  
10 they already had or Mr. Jackson's car. I wasn't  
11 even thinking about that. They told me they didn't  
12 have a car and I gave them a car.

13 Q. At the point you gave them a car, you had no  
14 suspicion that they did not have a car, correct?

15 A. I -- I didn't think about it. I just didn't  
16 think about it. I should have, probably, but I  
17 didn't think about it.

18 Q. If you didn't think about it, I guess you  
19 didn't have a suspicion then, right?

20 A. I didn't know. I just --

21 Q. All right. Did you know that, in fact, that  
22 car -- that Mr. Jackson's car had been returned?

23 A. No.

24 Q. Over a year before?

25 A. No.

26 Q. And you knew at the time that they were  
27 talking to you about the subject of the Toyota, your

28 Toyota truck or Azja's Toyota truck, Azja Pryor's, 12001

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1 that the father, David Arvizo, was no longer in the  
2 picture, he had been gone for a while, correct?

3 A. I had heard from my son's mother that there  
4 was a lot of problems going on, and -- you know, all  
5 this stuff. And I just heard a lot of stuff. So I  
6 didn't know definitely. I was hearing a lot of  
7 stuff.

8 MR. SNEDDON: Your Honor, move to strike as  
9 nonresponsive.

10 THE COURT: Sustained. Stricken.

11 Q. BY MR. SNEDDON: What I asked you, Mr.

12 Tucker, was, did you know at the time that they were  
13 talking about the truck whether or not David Arvizo  
14 was no longer a part of the family? Did you know  
15 that?

16 A. Well, how I found out was through my son's  
17 mother. Because they told me that there was all  
18 this stuff going on in the family.

19 Q. Okay. So --

20 A. They didn't tell me anything.

21 Q. I'm not --

22 A. They didn't tell me.

23 Q. I'm -- that's fine. I just want to make  
24 sure we understand. Your understanding was, at this  
25 point in time, that the father was no longer in the  
26 picture, correct?

27 A. I just heard a lot of mis -- stuff. I

28 didn't know. I didn't know what was going on. No, 12002

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1 I didn't know.

2 Q. You hadn't seen David Arvizo for a long  
3 time?

4 A. I didn't see the whole family for a little  
5 while. I didn't see them every day.

6 Q. I know you didn't see them every day. But  
7 you talked about having phone conversations with  
8 them, didn't you?

9 A. With who?

10 Q. You talked about having phone conversations  
11 with the family.

12 A. He never told me everything. Every time  
13 Gavin called, I asked him how he was doing, but he  
14 never told me about this other stuff.

15 Q. When was your brother married?

16 A. I don't know. A few years ago. I don't  
17 know. My brother? Which brother?

18 Q. Well, the one that got married that you took  
19 the kids to. The wedding.

20 A. That I took the kids?

21 Q. Do you remember taking -- inviting the  
22 Arvizo children to your brother's wedding?

23 A. My brother -- okay, I know which one you're  
24 talking about now. I don't know what year. It had  
25 to be maybe 2000. Maybe. I don't know.

26 Q. Do you recall going to a wedding in Pasadena  
27 for your brother?



1 Q. You can't recall the year that you went to  
2 your brother's wedding?

3 A. No.

4 Q. You invited the Arvizo children to go with  
5 you, did you not?

6 A. Well, they wanted to go, and they basically  
7 invited themselves, but, yeah, they came.

8 Q. You could have said "No."

9 A. Yeah, but I thought I was doing the right  
10 thing.

11 Q. Okay. So you took them to your brother's  
12 wedding in Pasadena, correct?

13 A. They came to the wedding, yes. They wasn't  
14 in the car with me.

15 Q. Okay. But they -- you had your picture  
16 taken with them at the wedding, didn't you?

17 A. Yeah, they was at the wedding. They showed  
18 up.

19 Q. But you invited them?

20 A. Yeah. If they wanted to come, they could  
21 come.

22 Q. I mean, they didn't know where the wedding  
23 was. You had to give them the information, didn't  
24 you?

25 A. No, I didn't. I didn't know where the  
26 wedding was. I mean, they sent out -- they must  
27 have called somebody. I don't know. I don't know

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1 Q. You don't know how they found out where the  
2 wedding was in Pasadena?

3 A. No.

4 Q. It was at a private residence, wasn't it?

5 A. Well, you could call -- I mean, they got  
6 people for that, that when they do weddings. I  
7 don't know who they called. But I'm pretty sure  
8 they asked me -- I don't remember if I told them to  
9 come, because, you know, like I said, anything, you  
10 know, for Gavin, for him to feel, you know -- have  
11 some fun or whatever. And he knew my brother, so --

12 Q. Well, at this point in time, Gavin's cancer  
13 had been in remission for some time, hadn't it?

14 A. I think he was doing better, yeah.

15 Q. I mean, in the photograph that shows you and  
16 the kids, Gavin no longer has the pale look --

17 A. Yes.

18 Q. -- and the loss of hair, right? Correct?

19 A. In the photograph. Which one?

20 Q. The one taken with you at the wedding with  
21 the kids.

22 A. I don't remember. I don't remember that  
23 photograph.

24 Q. He has all his hair back and it's dark  
25 again; isn't that correct?

26 A. I think he did, yeah. He was doing pretty  
27 good at that time.

28 Q. In fact, he'd been over cancer for almost a 12005

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1 year, in remission, hadn't he, by the time your  
2 brother got married?

3 A. I'm pretty sure that he was getting better  
4 at that time, yes.

5 Q. And he looked very healthy at the time the  
6 photograph was taken at the wedding; isn't that  
7 correct?

8 A. I don't even know what photograph you're  
9 talking about, but I guess you know.

10 Q. Okay. I'm going to show it to you in just a  
11 second. Maybe that will help you jog your memory.

12 A. Okay.

13 Q. Now, you bought your -- the mother of your  
14 child - I should refer to her as Azja Pryor - a new  
15 car. It was a Mercedes SUV, correct?

16 A. Yes.

17 Q. And when you went to buy that car, you  
18 actually took the Arvizo children with you, did you  
19 not?

20 A. I don't remember.

21 Q. You don't recall them being with you; that  
22 you took them and you even allowed them to pick out  
23 the color?

24 A. I don't remember. They may have been with  
25 me. I don't know.

26 THE BAILIFF: Judge.

27 Q. BY MR. SNEDDON: And that would have been

28 somewhere just before Christmas of the year 2002, 12006

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1 correct?

2 A. I don't know. I don't remember.

3 Q. You don't remember when you bought Azja

4 Pryor a Mercedes SUV?

5 A. I can -- I know it was -- it was recently.

6 But I don't remember exactly, the exact date and

7 time, because I don't remember.

8 Q. Well, can we pin it down that it was before

9 Christmas --

10 THE COURT: Counsel. Let's take a break.

11 MR. SNEDDON: Okay. Judge.

12 (Recess taken.)

13 --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 11944 through 12007

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 25, 2005, and thereafter

20 reduced to typewriting by computer-aided

21 transcription under my direction.

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

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

5

6

7 THE PEOPLE OF THE STATE OF )

8 CALIFORNIA, )

9 Plaintiff, )

10 -vs- ) No. 1133603

11 MICHAEL JOE JACKSON, )

12 Defendant. )

13

14

15

16

17 REPORTER'S TRANSCRIPT OF PROCEEDINGS

18

19 WEDNESDAY, MAY 25, 2005

20

21 8:30 A.M.

22

23 (PAGES 12009 THROUGH 12160)

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

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28 12010

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1 I N D E X

2

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

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

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

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

7

8

9 DEFENDANT'S

10 WITNESSES DIRECT CROSS REDIRECT RECROSS

11 TUCKER, Chris 12045-M

12

13

14

15 PLAINTIFF'S

16 WITNESSES DIRECT CROSS REDIRECT RECROSS

17 ROONEY, Timothy

18 Patrick 12057-SN 12060-SA 12065-SN

19 MERIDITH, Shane 12082-SN 12084-M 12090-SN

20 SALAS,

21 Jesus 12092-A 12102-M 12114-A

22 ALVAREZ, Victor 12117-A 12126-SA 12141-A 12143-SA

23

24

25

26

27

28 12011

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1 E X H I B I T S

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

3 900 DVD of sheriff's interview

4 of Gavin Arvizo 12150

5

6

7

8

9 DEFENDANT'S NO.

10 5108 One page of Verizon phone records 12158

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1 THE COURT: Counsel?

2 MR. SNEDDON: Thank you, Your Honor.

3 Q. Mr. Tucker -- there we go.

4 Mr. Tucker, you were shown a phone number on  
5 an exhibit that was displayed on the board there,  
6 and you identified that as your phone number,  
7 correct?

8 A. Yes.

9 Q. That's a landline, meaning it's a non-cell  
10 phone? That's your home phone number?

11 A. Yes.

12 Q. And that's a number you had given to Gavin,  
13 correct?

14 A. Yes.

15 Q. Is that the only number you gave?

16 A. No, I gave him a voice mail number when we  
17 first met, and eventually he had my home phone  
18 number.

19 Q. Does your home phone also have voice mail on  
20 it?

21 A. Yes, message.

22 Q. Yeah, yeah, voice message, sorry.

23 Now, I want to show you a photograph, if we  
24 could have --

25 MR. AUCHINCLOSS: "Input 4."

26 MR. SNEDDON: -- "Input 4."

27 Q. Would you take a look at that for a second.

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1 Do you recognize the people depicted in that  
2 photograph?

3 A. That's a nice photograph. Can I get it  
4 after the trial?

5 (Laughter.)

6 A. I haven't even seen it.

7 Q. That depends on whether you're a good boy or  
8 not.

9 (Laughter.)

10 Q. Do you recognize that?

11 A. Yes, I do.

12 Q. The people in the photograph?

13 A. Yes, I do.

14 Q. And that's you and your son and your  
15 girlfriend, correct?

16 A. Yes.

17 Q. And the Arvizo family?

18 A. Yes.

19 Q. And that photograph was taken at your  
20 brother's wedding?

21 A. Yes.

22 Q. Okay. All right. Thank you.

23 Your son, I believe his name is Dustin?

24 A. Yes.

25 Q. Okay. And what is Dustin's birthday

26 party -- birthday name -- excuse me. What is

27 Dustin's date of birth?

28 A. September the 13th. 12014

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1 Q. Okay. And so his birthday would be on

2 September 13th?

3 A. Yes.

4 Q. And do you recall having a birthday party

5 for him at Neverland Valley Ranch?

6 A. Yes.

7 Q. And you invited a number of people to the

8 party, correct?

9 A. Yes.

10 Q. And in fact, you invited the Arvizos to that

11 party, correct?

12 A. Yes.

13 Q. And in order to get everybody out to the

14 ranch, you chartered two big buses to get them out

15 there, correct?

16 A. No, we had one bus. One bus. I think it

17 was one bus, yes.

18 Q. Just one bus?

19 A. It might have been two. I don't know.

20 Q. Do you recall that the Arvizo family was on

21 the same bus that you were on?

22 A. Yes.

23 Q. And that, in fact, Janet Arvizo was on that

24 bus, correct?

25 A. I don't know if she was on there or not.

26 Q. You don't recall seeing Janet Arvizo and a

27 person named Jay?

28 A. I think so. I think so. 12015

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1 Q. Now, that birthday party that you had for  
2 your son was during the year 2002, correct?

3 A. I think so. I think.

4 Q. And how old would your son have been in the  
5 year 2002?

6 A. Might have been five, going on five.

7 Q. Okay. Now, after the birthday party, did  
8 you stay at the ranch with your son?

9 A. I don't remember. I don't remember.

10 Q. Do you recall an occasion during the year  
11 2002 where you were at the ranch during the summer  
12 for about a week with your son?

13 A. I don't remember how long it was, but I know  
14 I've been at the ranch with my son before, yes.

15 Q. Okay. And do you recall that during the  
16 summer of 2002, you were at the ranch with your son  
17 and the Arvizo children for approximately a week?

18 A. I knew we all was at the ranch before one  
19 time, and I don't know what year, what time. I  
20 don't remember now.

21 Q. But you do recall spending at least a week  
22 with the Arvizo children at Neverland Valley Ranch  
23 at some point in time?

24 A. I don't remember how long it was or how many  
25 days it was.

26 Q. Was it more than --

27 A. What year it was.

28 Q. Was it more than two days? 12016

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1 A. I don't remember. I don't remember.

2 Q. Do you remember going horseback riding with  
3 the children at the ranch?

4 A. I remember that.

5 Q. All right. I think we were -- one other  
6 thing I want to go back and clear up.

7 You told the ladies and gentlemen of the  
8 jury that you gave -- or you wired some money or had  
9 money wired to an account that was given to you --  
10 account information that was given to you at your  
11 house, correct?

12 A. Yes.

13 Q. And the people who were present at your  
14 house on that occasion were David Arvizo, Gavin  
15 Arvizo and Star Arvizo, correct?

16 A. Yes.

17 Q. Okay. And it was the father, David Arvizo,  
18 who gave you the account information, correct?

19 A. No, Gavin gave it to me.

20 Q. Gavin gave you the account information?

21 A. It was on a news -- a paper, a piece of  
22 paper, and he gave it to me.

23 Q. Okay. So he showed you an article that had  
24 been published about him?

25 A. Yes.

26 Q. And he showed you the account information on  
27 that?

28 A. And he gave me the proper spelling of his 12017

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1 name, because I didn't -- he spelled down the name  
2 and everything.

3 Q. I want to talk a little bit about the car,  
4 or the truck, the Toyota truck, okay?

5 Do you recall that the new car you bought  
6 for Azja Pryor was before Christmas of 2002?

7 A. It might have been that time.

8 Q. Okay. And do you recall that when you made  
9 the decision to give the Toyota truck to the Arvizo  
10 family, that that decision was made around  
11 Christmastime, that it was going to be a gift to  
12 them?

13 A. No.

14 Q. It was never going to be a gift to them?

15 A. No.

16 Q. Did you ever tell Azja Pryor that it was  
17 going to be a gift to them?

18 A. No.

19 Q. So it's your testimony that the decision on  
20 your part to give the Arvizos the truck occurred  
21 after the Bashir video?

22 A. Yes.

23 Q. And one of the things that you said that  
24 kind of turned you off was Janet's reaction to the  
25 news that you were going to give her the truck?

26 A. Yeah.

27 Q. She was overly effuse -- overly grateful to

28 you? 12018

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1 A. No.

2 MR. MESEREAU: Objection; misstates the  
3 evidence.

4 Q. BY MR. SNEDDON: Did she tell you that she  
5 was grateful that you gave her the truck?

6 A. Her behavior was frantic, and I was -- I  
7 was -- I got real scared that I went in too deep  
8 with the family.

9 MR. SNEDDON: Your Honor, I move to strike  
10 as nonresponsive.

11 THE COURT: Sustained. Stricken.

12 Q. BY MR. SNEDDON: What I asked you, Mr.

13 Tucker, was, did Janet Arvizo tell you that she was  
14 grateful to you for giving them the truck?

15 A. She was -- like I said, she was crying, and  
16 saying that -- she didn't say that, no. She was  
17 just saying, "You're my brother. You're like a  
18 brother. And Michael's like a father." She kept  
19 repeating it and she kept repeating it. That's when  
20 I got, like, "Whoa."

21 Q. So it's your testimony that the thing that  
22 bothered you about her response was that she said  
23 that you were like a brother to her?

24 A. No. She started frantically crying, eyes  
25 got red, and shaking.

26 Q. Okay. So she was crying and she was  
27 shaking?

28 A. Like she was possessed. 12019

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1 Q. Well, or she was terribly grateful to you  
2 for something that you'd done?

3 A. I know the difference of that.

4 Q. You do?

5 A. Yeah, I meet a lot of people. I know the  
6 difference of that.

7 Q. This is one of the first occasions you  
8 actually met Janet in person, isn't it?

9 A. I met her in Las Vegas.

10 Q. And this was the second occasion in which  
11 you'd met her?

12 A. Yes.

13 Q. And the family does have a practice of  
14 hugging people the first time they meet them, do  
15 they not?

16 A. No.

17 Q. No?

18 A. No.

19 Q. You have never seen that?

20 A. No.

21 Q. Did it bother you that the children called  
22 you "brother"?

23 A. No.

24 Q. Did it bother you that Davellin called you  
25 like a "big brother"?

26 A. No.

27 Q. Did you think that because of the things

28 that you'd done for them that that was how you were 12020

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1 acting towards them, as a brother?

2 A. At that time, at first, yes.

3 Q. Now, you said that at some point in time the  
4 children would call -- or Gavin would call and ask  
5 about the car, correct?

6 A. Yes.

7 Q. And this was after you'd already been to  
8 Miami, correct?

9 A. Yes.

10 Q. Did you just tell Gavin that you changed  
11 your mind and you weren't going to give them the  
12 car?

13 A. I was -- I didn't tell -- I didn't speak to  
14 Gavin, because I was thinking it over, because --  
15 you know, I was -- like I said, I was -- I think I  
16 crossed the line, and I was getting in too deep.  
17 And I was really, really nervous.

18 And I didn't talk to him, because I was down  
19 in Orlando, and they was calling my son's mother  
20 every day. And she was trying to get in touch with  
21 me to see what was going on. Because I didn't tell  
22 her that I was doing that, because I didn't have a  
23 chance to talk to her because I had went out of  
24 town.

25 Q. You didn't tell her to just say, "Tell them  
26 I've just changed my mind. I'm not going to give  
27 them the truck"?

28 A. When I got back, I told them -- I told her. 12021

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1 Q. You told her that?

2 A. When I returned back to California, yes.

3 Q. And when was that?

4 A. Weeks later. It had to be two weeks later,  
5 because I was working.

6 Q. And this was after many telephone calls  
7 asking for the status of the truck, correct?

8 A. Yes.

9 Q. You've talked about Las Vegas and the  
10 filming on the set. Who is Brett Ratner?

11 A. The director of Rush Hour.

12 Q. And there actually was the Rush Hour, and  
13 then there was a sequel to that, correct?

14 A. Yes.

15 Q. Another Rush Hour?

16 A. Yes.

17 Q. Mr. Ratner was involved in that also?

18 A. Yes.

19 Q. And to your knowledge, Mr. Ratner is married  
20 to Al Malnik's daughter, correct?

21 A. No, I don't know.

22 Q. You don't know?

23 A. I don't know.

24 Q. You've been to Mr. Malnik's house, have you  
25 not?

26 A. Yes. Yes.

27 Q. You didn't see any pictures of Brett

28 Ratner's wife at Mr. Malnik's house? 12022

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1 A. No.

2 Q. So you don't know if they're connected in  
3 that way?

4 A. No.

5 Q. Now, when you were in Miami -- let me see if  
6 I can get this straight. You arrived in Miami, and  
7 you were met at the airport by your brother,  
8 correct?

9 A. My brother met me there, yes.

10 Q. Yeah. Yes, sir.

11 A. Yes.

12 Q. And then you went over to the Turnberry Inn?

13 A. Yes.

14 Q. And did the Arvizos ride with you and your  
15 brother to the Turnberry?

16 A. I'm pretty sure they did.

17 Q. And when you arrived in Miami, it was close  
18 to -- it was after 1 a.m. in the morning, correct?

19 A. I don't know. I think probably -- it was  
20 late, yeah. It had to be late, yeah.

21 Q. Okay. And when you got to Miami -- I'm  
22 sorry, when you got to the Turnberry Hotel - all  
23 right? - your room was in like another tower away  
24 from where Mr. Jackson's room was; is that right?

25 A. I don't know how the hotel is situated, but  
26 it was another room.

27 Q. It was a ways away, though?

28 A. I don't -- I don't know. 12023

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1 Q. You don't remember?

2 A. I don't remember, no.

3 Q. That -- you said that you went to Mr.

4 Jackson's room. Now, did you go to Mr. Jackson's

5 room when you got there in the early morning hours

6 of the -- when you got to Miami, or did you go to

7 bed and then go over there the next day?

8 A. I think we all went to his room. I don't

9 know if it was that late.

10 Q. You don't think it was past one o'clock in

11 the morning?

12 A. I don't know if it was that late.

13 Q. So your recollection is that these events

14 occurred on -- right after you arrived in Miami and

15 arrived at the Turnberry, and then you went to Mr.

16 Jackson's room that night --

17 A. Yes.

18 Q. -- or early morning, whatever it was.

19 That's your recollection?

20 A. I think when we got there, the kids was so

21 excited to see Michael, and we -- and they pulled me

22 along with them all the time, so I think we went

23 right up there. If I recall, we went right to

24 see -- and we was trying to find out where Michael

25 was.

26 Q. And this was -- and this was the -- well,

27 let me go back and ask you another question.

28 You were able to find out where Michael 12024

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1 Jackson was staying, correct?

2 A. They found out. The kids found out.

3 Q. The kids found out?

4 A. Yeah.

5 Q. Do you know how they found out?

6 A. I don't know how they found out.

7 Q. Do you know whether they were called by Mr.

8 Jackson?

9 A. No. I don't know.

10 Q. And it's on this occasion that you pulled

11 Mr. Jackson aside, and you tell him -- you give him

12 a warning about the Arvizo family, correct?

13 A. I was -- yes. I was -- I was scared.

14 And then once -- I tried to talk to Michael

15 for a second, because I was getting ready to leave

16 back out of town, and the mother went frantically

17 again, "brother," "father," and I couldn't even talk

18 to him.

19 And that's when I said, "Michael," you know,

20 "Something ain't right."

21 Q. You pulled him aside and gave him some

22 advice?

23 MR. MESEREAU: Objection. He cut off the

24 witness.

25 THE WITNESS: I said, "Something ain't

26 right. Be careful."

27 Q. BY MR. SNEDDON: This was a conversation

28 just between you and Mr. Jackson? 12025

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1 A. Yes.

2 Q. And I think you said it appeared to you that  
3 he took your advice seriously?

4 A. He -- yes, yes.

5 Q. Okay. Did you know what the Arvizo  
6 family -- well, let me put it this way: Did you  
7 know that there was a press conference planned with  
8 the Arvizo family and Mr. Jackson in Miami?

9 A. No.

10 Q. Did you know that after Miami, a couple of  
11 days later, that Mr. Jackson chartered a plane and  
12 flew back to California to his ranch?

13 A. No.

14 Q. Did you know that he took the Arvizo family  
15 with him on that chartered flight?

16 A. No.

17 Q. Did you know that the children actually  
18 stayed at the ranch for the better part of a month  
19 after you gave Mr. Jackson that advice?

20 A. I was in Orlando.

21 Q. I'm just asking you if you were aware.

22 A. No.

23 Q. Did you ever talk to Mr. Jackson during that  
24 period of time?

25 A. No.

26 Q. Did you follow the media coverage of the  
27 Bashir documentary?

28 A. I've seen it from time to time on 12026

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1 television, yes.

2 Q. You saw there was quite a furor that was  
3 created as a result of what was put on T.V.,  
4 correct?

5 A. Yes.

6 Q. Did you ever follow up with your friend,  
7 Michael Jackson, and ask him, "Did you follow my  
8 advice and stay away from the Arvizos?"

9 A. No, because I was still, like, really  
10 suspicious and didn't know, because of my  
11 relationship with the kids, knowing him, I still --  
12 you know, Gavin was calling me. I would have said  
13 hello to Gavin, too.

14 So I didn't -- I just said, "Just be  
15 careful," because I knew we was both high-profile,  
16 to be careful. And I knew how nice Michael was, and  
17 I knew that you had to be careful.

18 Q. Now, you indicated to the jury that Gavin  
19 called you and said that the media was hounding  
20 them, correct?

21 A. Yes.

22 Q. Was that at your house?

23 A. Yes.

24 Q. Do you remember how many telephone calls you  
25 had with Gavin about that?

26 A. I don't remember. No.

27 Q. Would it have been more than one?

28 A. I don't remember. I really don't. 12027

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1 Q. And do you remember that telephone  
2 conversation -- well, you said as a result of that  
3 conversation, that you decided that you were going  
4 to charter a plane and help them out and take them  
5 to Florida, correct?

6 A. Yes.

7 Q. Okay. So after that telephone conversation  
8 with Gavin, you decided -- you made some contacts  
9 with somebody to charter a plane to fly them to  
10 Florida?

11 A. Yeah, because I was already going to  
12 Orlando, and I was debating if I was going to go.  
13 And then I decided yes, I was going to go if they  
14 needed to go, and they didn't have nowhere else to  
15 go because of the media, and they was trying to find  
16 Michael. So I said, "Okay. Let's go."

17 Q. So you had already chartered a plane?

18 A. No, I was -- I was thinking about it,  
19 because --

20 Q. Thinking about it?

21 A. -- because I have a home in Orlando. And  
22 they told me they needed a place to go, and they was  
23 trying to get away. They was trying to find  
24 Michael.

25 Q. I understand that.

26 A. And I said, "Okay. I'll charter a plane for  
27 you guys, if you all want to go down there and get

28 away because the media is hounding you." 12028

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1 MR. SNEDDON: Move to strike as

2 nonresponsive, Your Honor.

3 THE COURT: Sustained.

4 Q. BY MR. SNEDDON: Mr. Tucker, isn't it a fact

5 that you had already chartered a plane to fly to

6 Orlando, Florida, and that you were scheduled to

7 leave for Orlando, Florida --

8 A. No.

9 Q. Let me finish the question, in fairness to

10 you.

11 (Continuing) at 4:45 on February the 4th of

12 2003; isn't that true?

13 A. No. That's -- I booked the flight. And

14 when they said they wanted to go, that's why we left

15 later on in the afternoon.

16 MR. SNEDDON: Move to strike as

17 nonresponsive, Your Honor.

18 THE COURT: Overruled.

19 MR. SNEDDON: Your Honor, may I have the

20 overhead, please?

21 Q. Mr. Tucker, do you recognize the document

22 I've placed on the board?

23 A. No.

24 Q. Do you recognize that it -- it indicates

25 that a trip was planned for February 4th, to leave

26 from Van Nuys and to fly to Orlando, and that there

27 was a cost of the charter flight indicated at the

28 bottom? 12029

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1 MR. MESEREAU: Objection; foundation.

2 MR. SNEDDON: This is in evidence. I'm

3 sorry, I didn't give you a number. I apologize.

4 This is Exhibit 250, Your Honor.

5 THE COURT: Okay. Let me look at the

6 question.

7 MR. SNEDDON: I'm sorry?

8 THE COURT: All right. I'll overrule the

9 objection.

10 You need to have the question read back.

11 (Record read.)

12 THE WITNESS: Yes.

13 Q. BY MR. SNEDDON: And do you recall --

14 Mr. Tucker, is the name of a company you have called

15 Tuck-You-In?

16 A. Yes.

17 Q. Okay. And do you recall that you actually

18 ended up getting billed for the fact that you were

19 going to leave on February 4th of 2003? Do you

20 recall that?

21 A. Excuse me?

22 Q. Yes. That you actually paid for a part of

23 the plane on February 4th of 2003? Do you recall

24 that?

25 A. I paid for all of it, and I recall making a

26 trip on that same exact day and leaving later on

27 that afternoon.

28 Q. So you think you left on February 4th? 12030

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1 A. No. I left on the day I chartered -- I said  
2 that I was going, and I don't know what day that  
3 was.

4 Q. Well, this says you're leaving on February  
5 4th. Does it not say, "Trip date, February 4th,  
6 2003"?

7 A. If that's the day I left.

8 Q. So your testimony is whatever the day it  
9 says up here is the day you left?

10 A. No. I'm saying whatever day I said I was  
11 going, that's the same exact day I left. Whatever  
12 date that was.

13 Q. Well, this indicates you're going to leave  
14 on February 4th.

15 A. Well, whatever date that is. And I have  
16 documents to say that same day that I left, I  
17 left. And the same day I chartered the plane was on  
18 that day, and I can get it to you.

19 Q. All right. Let's look at another exhibit  
20 under 250.

21 I want the top part of it, please. If you  
22 could freeze in on that.

23 Do you see the document that we've placed up  
24 there that's People's Exhibit 250?

25 A. Yes.

26 Q. And it indicates that you are to leave at  
27 1615 hours, isn't that correct, on February 4th of

28 2003? 12031

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1 A. Yes. That's what it says, yes.

2 Q. Were you at the airport at that time on that  
3 date?

4 A. I don't know. I don't know.

5 Q. Do you recall that the plane sat on the  
6 ground for about nine hours on that date and you  
7 were at the airport?

8 A. No, because they don't do that. Planes  
9 won't do that.

10 Q. You don't do that.

11 This is another document that's in 250. Get  
12 the bottom part, please.

13 Do you see the notation there, it says, "No  
14 fly. Sat at the airport for nine hours"?

15 A. Uh-huh.

16 Q. Do you recall that happening; that you were  
17 at the airport and it didn't take off?

18 A. No.

19 Q. You have no recollection of that?

20 A. No.

21 Q. Do you have a recollection as to what time  
22 the plane did leave?

23 A. It was later in the evening, when I notified  
24 my people and told them I was going. And they -- it  
25 took a while to get the plane together, I guess.  
26 Because they just can't get a plane together. And  
27 that's when we left.

28 Q. It was through the same company, correct? 12032

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1 A. Excuse me?

2 Q. It was through the same charter company?

3 A. I think so, yes.

4 Q. Now, do you remember talking to Evvy

5 Tavasci? Do you know who that is?

6 A. Yes.

7 Q. Okay. That's Michael Jackson's secretary,

8 correct?

9 A. Yes.

10 Q. And you have talked to Miss Tavasci on

11 occasion?

12 A. Yes.

13 Q. And do you recall talking to her on the --

14 on the day that you went to Miami?

15 A. Yes. Yes.

16 Q. Okay. And when you talked to her, did she

17 indicate to you that she'd already made arrangements

18 for the family to fly to Florida?

19 A. No.

20 Q. She didn't tell you that?

21 A. No.

22 Q. Did you call her to tell her that you were

23 going to take the family to Florida?

24 A. I called her to find out where Michael was,

25 because I was also looking for him. And if he was

26 there, I was going to stop by and say hello.

27 Q. So you didn't know where Michael was at that

28 point? 12033

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1 A. No.

2 Q. And so I guess at this point you hadn't had  
3 that conversation with Gavin?

4 A. No, I had -- I had the conversation with  
5 Gavin. That's why I was looking. Because he said  
6 that Michael was down in Miami. He was looking for  
7 him. So I called Gavin to confirm it before I  
8 chartered a plane to go down there and see him.

9 Q. Do you recall what time it was when you  
10 called Evvy Tavasci?

11 A. No.

12 Q. Was it in the morning or in the afternoon?

13 A. I don't remember.

14 Q. Was it on the same day that you talked to  
15 Gavin, right after you talked to Gavin?

16 A. The same day, yes.

17 Q. The same day you talked to Gavin?

18 A. Yes.

19 MR. SNEDDON: You had an exhibit? Thank  
20 you.

21 May I approach the witness, Your Honor? I'm  
22 sorry.

23 THE COURT: Yes.

24 Q. BY MR. SNEDDON: Mr. Tucker, I have an  
25 exhibit here that's been marked in evidence in this  
26 particular case as 451, and I think you can accept  
27 this representation, because I've just talked to

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

1 These are your telephone records, your  
2 receipts, okay?

3 A. Uh-huh.

4 Q. And under Tab --

5 MR. MESEREAU: Objection. Wait a minute. I  
6 didn't stipulate to that.

7 MR. SNEDDON: Well, okay. I'll just have  
8 him look at it. I was trying to save some time.

9 Q. Under Tab 9, does that appear to be, at the  
10 top, your telephone number?

11 A. Yes.

12 Q. Okay. And it indicates this is the  
13 information for the account under that telephone  
14 number, correct?

15 A. Yes.

16 Q. True?

17 A. Yes.

18 Q. Now, what I want you to do is, I would like  
19 you to look at the information on this -- this  
20 telephone record very quickly, and particularly, to  
21 make it easier for you, I want you to focus on the  
22 dates of the 4th and 5th of February of 2003. Okay?  
23 Go ahead and take whatever time you need,  
24 but it should be quick.

25 A. I'm kind of confused. It's just on this one  
26 page?

27 Q. No, sir. Well, I want you to look at all

28 the pages, so when I ask you the question, you're 12035

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1 satisfied that what I'm asking you doesn't appear  
2 on -- I want you to look at all of the records from  
3 here through where it says "Tab 10." These records  
4 right here. Okay?

5 And particularly, I want you to focus on --  
6 if I may turn to the second page, you can see it has  
7 dates, times, and places called, and the length of  
8 the call. See that?

9 A. Yeah.

10 Q. Okay. So if you'd look at that, those few  
11 pages real quickly, if you want, or take as much  
12 time as you want, and what I'm going to ask you  
13 questions about are the 4th and the 5th.

14 MR. MESEREAU: Your Honor, may I inquire as  
15 to whose phone records he's showing him?

16 MR. SNEDDON: I -- Mr. Tucker's records.

17 MR. MESEREAU: Mr. Tucker's records.

18 MR. SNEDDON: Yes, sir. That's what I  
19 showed you.

20 MR. MESEREAU: Okay. Not Mr. Jackson's  
21 records?

22 MR. SNEDDON: No, Mr. Tucker's records.

23 MR. MESEREAU: Okay.

24 Thank you, Your Honor.

25 MR. SNEDDON: I'm sorry, Judge.

26 Q. With regard to the tab that I asked you to  
27 look at, those are your phone records, correct?

28 A. I didn't really look at them. 12036

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1 Q. Okay. It has your name and your number and

2 your billing address, correct?

3 A. This is really confusing to me. I'm -- but,

4 yeah, it does have my number, one of my numbers.

5 But this is not my number, (310) 821 -- I don't know

6 who number that is, whose number that is.

7 Q. Which number are you referring to?

8 A. This number right here.

9 Q. Go ahead. Put your finger on it again, so I

10 can --

11 A. Those numbers right there.

12 Q. Right here?

13 A. Yeah.

14 Q. Those are calls. Is this your number at the

15 top?

16 A. That's my number, yes.

17 Q. All right.

18 A. Okay.

19 Q. Now, it's true, is it not, that on February

20 the 4th, 2003, those records reflect you made no

21 telephone calls from that telephone number, correct?

22 A. I don't understand the question, then. On

23 February 4th, I don't know how many calls I made to

24 who or what.

25 Q. Well, look on the records.

26 A. I don't understand these records. And if I

27 did -- if it's on there, it's on there. I guess you

28 could say it, but I don't know how this record is. 12037

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1 Q. You don't understand the records?

2 A. No.

3 Q. Do you see any telephone calls on February  
4 4th in those records?

5 A. I see February 2nd, 5th, 5th, 11th. I don't  
6 see 4th on here right now. I don't see 4th.

7 Q. All right. Thank you. Now, with regard to  
8 the 5th - okay? - what's the time of the telephone  
9 call on the 5th?

10 A. I don't understand these records. I'm  
11 sorry. You can repeat it.

12 Q. Mr. Tucker, in the column on the far  
13 left-hand side, it says, "3:33 P," right?

14 A. That's what you say. I don't know.

15 Q. No, I want you to look and tell me if that's  
16 what it says.

17 A. I don't even know which is the top or  
18 bottom.

19 Q. The left-hand side on February the 5th.

20 A. Yes.

21 Q. Right next to that, it goes, "3:33 P,"  
22 correct?

23 A. Yep.

24 Q. 3:30 p.m., correct?

25 A. Uh-huh.

26 Q. And underneath that, on the 5th, there's  
27 another call, correct?

28 A. Yes. 12038

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1 Q. What time was that call made?

2 A. It says on these records 4:37.

3 Q. Okay. And those are the only two calls on

4 the 5th --

5 A. I don't know.

6 Q. -- on your phone.

7 A. I made a lot of phone calls on the 5th,

8 whatever day that was. I don't remember.

9 Q. But they're not reflected in your telephone

10 logs?

11 A. I have a lot of phones. I don't know.

12 Q. Were you at home?

13 A. I don't -- I guess I was at home part of the

14 day.

15 Q. Were you at home when Gavin called you that

16 day?

17 A. Yes.

18 Q. On the 5th?

19 A. Yes.

20 Q. You're positive?

21 A. Yes.

22 Q. Do you recognize the number that you called

23 at 3:30?

24 A. No.

25 Q. Do you recognize the number you called a

26 little after 4:00?

27 A. No.

28 Q. Do you know what Evvy Tavasci's telephone 12039

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1 number is?

2 A. No, not by heart.

3 Q. Do you remember what time it was when you

4 placed the call to Xtra Jet that day?

5 A. No.

6 Q. Do you know what the number is at Xtra Jet?

7 A. No, because I don't call them directly.

8 Q. Who do you call?

9 A. My assistant calls them.

10 Q. So you didn't call Xtra Jet that day?

11 A. No.

12 MR. SNEDDON: May I have just a moment, Your

13 Honor?

14 THE COURT: Yes.

15 Q. BY MR. SNEDDON: All right. So it's your

16 testimony that after you talked to Gavin that day,

17 the flights were made, arranged to fly to Miami.

18 They all came to your house the same day, correct?

19 A. Yes.

20 Q. Okay. And that you were taken to the

21 airport, and you flew to Miami?

22 A. Yes.

23 Q. That's your testimony?

24 A. Yes.

25 Q. Now, I actually just have a couple more

26 questions.

27 When you were in Miami, do you recall taking

28 the kids down and paying for a massage for them, for 12040

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1 the boys?

2 A. No.

3 Q. Or a pedicure for Davellin?

4 A. No.

5 Q. You have no recollection of that at all?

6 A. Not that I know of. No.

7 Q. And this was a time where you were

8 suspicious of the Arvizo family at this point,

9 correct?

10 A. Yes.

11 Q. Were you aware of the fact that on the day

12 that you flew with the children to Miami that

13 Michael Jackson had called Gavin in the morning?

14 A. No.

15 Q. Gavin didn't tell you that?

16 A. No.

17 Q. Nobody told you that?

18 A. No.

19 Q. Did Michael Jackson tell you that he had

20 called Gavin?

21 A. No.

22 Q. Did you ask him if he had called Gavin?

23 A. I didn't talk to Michael.

24 Q. I meant when you got to Miami.

25 A. No.

26 Q. Do you know somebody by the name of Gary

27 Hearn?



1 Q. Do you know who Mr. Jackson's chauffeur is?

2 A. No.

3 Q. Limo driver?

4 A. No.

5 Q. So it's your testimony that you didn't call

6 or talk to the Jackson limo service on that day?

7 A. No.

8 Q. Now, on the flight, you said everybody was

9 pretty subdued and tired, correct?

10 Let me correct that, because that's not what

11 you said. I want to be fair to you.

12 You said the kids were excited and Janet was

13 excited about seeing Michael Jackson?

14 A. Everybody was excited about -- they was

15 excited about getting out of Miami and going to see

16 Michael. Getting out of Los Angeles, going to

17 Miami, and to see Michael, yes.

18 Q. Okay. But you indicated, I think, that

19 you -- you went to sleep because of the lateness of

20 the hour?

21 A. No. I was up until it got late, and when

22 everybody dozed off, I dozed off, too.

23 Q. Now, when you left California, it was

24 California time, right? That's a bad question.

25 (Laughter.)

26 Q. It's just a joke. I laugh at yours.

27 There's a time difference between California

28 and Miami, right? 12042

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1 A. Yes. Three hours.

2 Q. Three hours. And it was your understanding  
3 that the controversy that had led the Arvizo family  
4 to go to Miami was the Bashir documentary tape?

5 A. It's because they couldn't get around. The  
6 media was on them. And they said they had nowhere  
7 to go and they wanted to go see Michael. That's my  
8 understanding.

9 Q. Because of the Bashir tape?

10 A. Because of I guess whatever happened in the  
11 media. I don't know.

12 Q. I thought you told us on direct examination  
13 that you were aware of the fact that the Bashir  
14 documentary had been shown.

15 A. Yes.

16 Q. And you were aware of the -- I think you  
17 even mentioned on cross that you were aware of the  
18 controversy that had created --

19 A. Yes.

20 Q. -- for Mr. Jackson.

21 A. Yes. But the reason why I gave them a ride  
22 was because the media, they had nowhere to go. They  
23 was getting hounded and they wanted to go see  
24 Michael.

25 Q. I think we've got that.

26 A. All right.

27 Q. Now, when you left Miami, you went to

28 Atlanta with your brother, correct? 12043

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1 A. No, I went to Orlando.

2 Q. Orlando?

3 A. My brother went to Atlanta.

4 Q. Did your brother take the charter?

5 A. No.

6 Q. So you -- how did you get to Orlando?

7 A. A charter.

8 Q. A charter?

9 A. Yes.

10 Q. Your brother went a separate way to Atlanta?

11 A. Yes.

12 Q. That's your recollection?

13 A. Yes.

14 Q. And did you stay on the East Coast for a

15 couple of weeks?

16 A. Yes.

17 Q. And you came back to your home in California

18 after that?

19 A. I -- yes. I think I did, yeah.

20 Q. Well, do you recall whether you did or not?

21 A. I think I came back. I think I came back

22 shortly, after a couple of weeks, yeah.

23 Q. When you came back, were you still getting

24 calls about the car? The truck, I'm sorry.

25 A. When I got back, my son's was mother was all

26 tangled up with this family, going places. And I

27 didn't know what was going on, because we was out of

28 touch. And, yes, they was -- some kind of way they 12044

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1 got to her and got her connected in all this mess.

2 Q. Yeah. All right. So what I want to know  
3 is, at that point in time, did you tell Gavin, "I've  
4 changed my mind. I'm not going to give you the  
5 truck"? That can be answered "yes" or "no."

6 A. I didn't talk to Gavin, no, not at that  
7 time.

8 Q. Okay. You didn't talk to Gavin at that  
9 time?

10 A. No. But I told my son's mother to tell  
11 them.

12 Q. You told Azja Pryor --

13 A. Yes.

14 Q. -- to tell them you'd changed your mind and  
15 you weren't going to give them the truck?

16 A. And they kept calling. And she said, "They  
17 keep calling." And everybody's getting on the phone  
18 and talking to her.

19 MR. SNEDDON: Move to strike as  
20 nonresponsive, Your Honor.

21 THE COURT: After "Yes," I'll strike it.

22 MR. SNEDDON: All right, Mr. Tucker. I have  
23 no further questions. Thank you very much.

24

25 REDIRECT EXAMINATION

26 BY MR. MESEREAU:

27 Q. Mr. Tucker, in response to the prosecutor's

28 questions, you said that your fiancée, Azja, was 12045

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1 tangled up with this family?

2 A. Yes.

3 Q. What did you mean by that?

4 A. She -- they -- they was --

5 MR. SNEDDON: Excuse me. I'm going to move

6 to strike. No foundation. It calls for hearsay.

7 MR. MESEREAU: There was no objection to the

8 answer, and I'm just asking him to explain it, Your

9 Honor.

10 THE COURT: It calls for a narrative. I'll

11 sustain the objection.

12 Q. BY MR. MESEREAU: During the time when you

13 became suspicious of the motives and actions of the

14 Arvizos, was your fiancée, Azja, involved with the

15 Arvizos?

16 A. She -- she was talking, but she wasn't aware

17 of what I was aware of at that time, because I was

18 in Orlando. But she wasn't that involved. They

19 called every now and then, but not like they started

20 calling when they was trying to get that truck, get

21 the truck.

22 Q. Okay. Now --

23 MR. SNEDDON: Move to strike that part that

24 refers to hearsay testimony, Your Honor.

25 THE COURT: I'll strike after "She wasn't

26 that involved."

27 Q. BY MR. MESEREAU: You said Azja was in a

28 mess with this family, right? 12046

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1 A. Yes.

2 Q. What did you mean by that?

3 A. She was --

4 MR. SNEDDON: Same objection. Lack of  
5 foundation, and it will call for hearsay.

6 THE COURT: Sustained.

7 Q. BY MR. MESEREAU: Were you concerned about  
8 your fiancée being involved with the Arvizos?

9 A. Yes.

10 Q. Why?

11 A. Because she was going to couns -- meetings  
12 and stuff over at the house and --

13 MR. SNEDDON: I'm going to object again. It  
14 calls for lack of foundation and hearsay.

15 THE COURT: Overruled. The answer stays in.

16 Next question.

17 Q. BY MR. MESEREAU: Are there any other  
18 reasons why you were concerned about Azja's  
19 involvement with the Arvizos?

20 MR. SNEDDON: Same objection.

21 Well, I take that back. It can be answered  
22 "yes" or "no."

23 I'll take it back. I'll wait for the  
24 answer.

25 THE WITNESS: Yes. Because I always --

26 Q. BY MR. MESEREAU: Excuse me. Just answer  
27 "yes" or "no."

28 MR. SNEDDON: Now I object to anything 12047

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1 beyond the answer "yes" or "no."

2 THE WITNESS: What was the question?

3 Q. BY MR. MESEREAU: Were there any other

4 reasons, other than the ones that you described, why

5 you were concerned that your fiancée, Azja, was

6 involved with the Arvizos?

7 A. Yes.

8 Q. What concerned you?

9 MR. SNEDDON: I object. Lack of foundation.

10 Calls for hearsay.

11 THE COURT: Sustained.

12 Q. BY MR. MESEREAU: Did you ever warn Azja at

13 some point, "Get away from that family"?

14 A. Yes.

15 Q. And approximately when did you start warning

16 Azja to get away from the Arvizos?

17 A. It was before the Miami trip. I was just

18 like -- because they was calling her all the time.

19 And I was like, "Wait a minute," because I

20 knew how far I was going to go, but I told her to --

21 you know, to be careful, because, you know, they

22 calling, and they wanted to talk to my son all the

23 time and all this stuff.

24 And I said, you know, "Just hold off."

25 Q. Now, to your knowledge, where was Azja when

26 you were in Miami with the Arvizos?

27 A. In Los Angeles.

28 Q. And despite your growing suspicions, you 12048

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1 continued to be nice to them, correct?

2 A. Yes.

3 Q. Why?

4 A. Because, you know, I still wanted to -- you  
5 know, to -- I just didn't want to just -- totally  
6 just cut them off, because I didn't know what they  
7 would do. So I tried to ease my way away, because I  
8 started to find out all these problems they had.

9 And they never told me about these things. So I was  
10 like -- my friends was warning me, but -- and now I  
11 was finding out from my son's mother and from  
12 other --

13 MR. SNEDDON: Object as a narrative.

14 THE COURT: Sustained.

15 Q. BY MR. MESEREAU: You were concerned about  
16 them, first of all, because of things you observed,  
17 right?

18 A. Yes.

19 Q. You were also concerned because of what  
20 other people told you, correct?

21 A. Yes.

22 Q. And you were concerned because of requests  
23 and demands the Arvizos made on you, right?

24 A. Yes.

25 MR. SNEDDON: Your Honor, I object.

26 Compound and leading.

27 THE COURT: Overruled.

28 Q. BY MR. MESEREAU: Now, the prosecutor asked 12049

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1 you if you knew about the Arvizos' financial  
2 problems, right?

3 A. Yes.

4 Q. Did you know about their \$152,000 J.C.  
5 Penney settlement?

6 A. No. No.

7 Q. Did you know whether bank accounts had been  
8 set up by the mother for her children out of that  
9 settlement?

10 A. No.

11 Q. Did you know whether or not Jay Jackson was  
12 supporting them on an 80,000-a-year salary?

13 A. No.

14 Q. Did you know whether or not the mother was  
15 getting welfare at the time she was being supported  
16 by Jay Jackson?

17 A. No.

18 Q. Did you know whether or not the Arvizos were  
19 raising money from other celebrities?

20 A. No.

21 Q. Now, at some point you said you learned they  
22 were calling every comedian in town, right?

23 A. Yes.

24 Q. When did you learn that?

25 A. Later on, in the media.

26 Q. Did you know whether or not they were asking  
27 other comedians in town for financial assistance?

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1 Q. Did you know whether or not George Lopez was  
2 arranging a fund-raiser for them?

3 A. No.

4 Q. Did you know whether or not they were  
5 getting free benefits from an acting school -- or  
6 dancing school? Excuse me.

7 A. No. No.

8 Q. Did you know whether or not they were  
9 telling people they were homeless?

10 A. No.

11 Q. Did you know whether or not Janet hired  
12 lawyers to defraud J.C. Penney?

13 A. No.

14 MR. SNEDDON: Your Honor, I'm going to  
15 object to that question. It's argumentative and it  
16 calls for a legal conclusion.

17 THE COURT: Overruled. The answer is, "No."

18 Next question.

19 Q. BY MR. MESEREAU: When did you begin to  
20 think that Gavin was cunning?

21 A. When he approached me and was asking for  
22 more money, I knew that -- you know, I know -- I  
23 meet a lot of kids, and I knew that he -- he -- and  
24 the little things that he would say.

25 And definitely Star. Star would say stuff  
26 all the time like, "You got too much stuff." And,  
27 "You don't need all this stuff."

28 And -- but I would always ignore it, because 12051

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1 I'm thinking I'm helping a kid with cancer, and it's  
2 all about, you know, that.  
3 But Star would always say cunning stuff, and  
4 would always -- I had to check -- almost check his  
5 pockets before he would leave my house, because I  
6 didn't really -- I never really trusted him. But I  
7 was always naive because I thought I was doing a  
8 good thing.

9 Q. Now, you said the mother was possessed, in  
10 your mind, right?

11 A. Yes. I thought --

12 Q. What did you mean by "possessed"?

13 A. Just -- she had some mental problems.

14 And I remember the kids always -- you know,  
15 they was always ashamed to talk about her, and  
16 always --

17 MR. SNEDDON: Your Honor, I'm going to  
18 object to the question. Calls for a conclusion,  
19 speculation, the way it's phrased.

20 THE COURT: I'll leave in that part of the  
21 answer that she had some mental problems and strike  
22 the rest of the answer.

23 Q. BY MR. MESEREAU: Now, the prosecutor showed  
24 you some phone records. Do you normally analyze  
25 your phone records?

26 A. No.

27 Q. Who handled your phone bills?





1 Q. Was that true in 2003?

2 A. Excuse me? Yes.

3 Q. In the year 2003?

4 A. Yes, yes, yes.

5 Q. Would your phone bills go right to your  
6 business people?

7 A. Yes.

8 Q. And would they handle them?

9 A. Yes.

10 Q. Have you analyzed a phone bill before?

11 A. No.

12 Q. How many phone numbers did you have in 2003?

13 A. Probably three.

14 Q. How many landlines do you think you had?

15 A. Four. Probably four.

16 Q. And how about cell phones?

17 A. Two.

18 Q. Okay. So you may have had five phones?

19 A. Yes.

20 Q. Did you typically carry a cell phone with  
21 you all the time?

22 A. Sometimes, yes.

23 Q. Okay. Now, did you have a different  
24 carrier, if you know, for long-distance service  
25 rather than basic service?

26 A. I'm pretty sure I did.

27 Q. Do you know who they were?

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1 Q. Okay. Now, during February of 2003, were  
2 you typically the only person at your home?

3 A. Yes.

4 Q. Okay. At some point, did you learn that  
5 Azja was no longer in communication with the Arvizo  
6 family?

7 A. No, I -- I don't know.

8 Q. Was it your understanding that Azja was  
9 communicating with them after you became suspicious?

10 A. Yes.

11 Q. Okay. And were you getting a lot of your  
12 information about the Arvizo family from her?

13 A. Yes.

14 Q. And in 2003, did you know whether or not the  
15 Arvizo family was living at Jay Jackson's home?

16 A. No.

17 Q. Did you know whether or not they were living  
18 at their grandparents'?

19 A. No.

20 Q. Did you know whether or not they were trying  
21 to get rid of their East L.A. apartment?

22 A. Um --

23 MR. SNEDDON: I'm going to object to that.

24 Assumes facts not in evidence.

25 THE COURT: Overruled.

26 Q. BY MR. MESEREAU: Did you know anything  
27 about that?

28 A. Excuse me, what was that? 12054

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1 Q. Whether or not the Arvizos were trying to  
2 get rid of their East Los Angeles apartment?

3 A. I didn't know anything about that.

4 Q. Okay. Now, was that flight to Miami the  
5 last time you ever flew with them?

6 A. Yes.

7 Q. Okay. And do you recall who was paying  
8 their hotel bill in Florida?

9 A. I don't remember.

10 Q. Okay. Did you pay that?

11 A. I don't know.

12 Q. You don't know?

13 A. I don't think so. I don't know.

14 Q. Did you have any meals with them in Florida,  
15 if you recall?

16 A. I don't think so.

17 Q. Did you take them around at all during that  
18 trip?

19 A. No.

20 Q. Now, is it unusual for a celebrity who  
21 schedules a press conference to suddenly cancel it?

22 A. No.

23 Q. Celebrities schedule and cancel press  
24 conferences all the time, don't they?

25 A. Yes.

26 MR. MESEREAU: No further questions.

27 MR. SNEDDON: No questions.

28 THE COURT: All right. Thank you. You may 12055

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1 step down.

2 THE WITNESS: Thank you.

3 MR. MESEREAU: Your Honor, the defense

4 rests.

5 THE COURT: Rebuttal?

6 MR. SNEDDON: Yes. We're going to need a

7 moment, Your Honor. We might want to take a couple

8 of minutes. We have to find Mr. Auchincloss and the

9 witness.

10 THE COURT: You lost Mr. Auchincloss?

11 (Laughter.)

12 MR. SNEDDON: I didn't know that. I was so

13 engrossed with Mr. Tucker, I didn't see him leave.

14 I'll tell you what. Hang on. I know what

15 we can do.

16 MR. SANGER: There are a couple of matters

17 to take up, so I don't know how the Court wants to

18 handle that.

19 THE COURT: I guess we need to know their

20 first witness.

21 Who's your first witness?

22 MR. SNEDDON: I've changed them. We were

23 going to put on the one that was the subject of some

24 consideration, but I have two that I can put on that

25 are relatively short, and I'll do that if the Court

26 wants me to.

27 THE COURT: I'd appreciate that.

28 MR. SNEDDON: And I've had the bailiff 12056

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1 summon them down.

2 THE COURT: Counsel, are there any exhibit  
3 issues left on your case? I don't know of any. I'm  
4 just wondering if --

5 MR. MESEREAU: I don't think so, Your Honor.  
6 I already spoke to my co-counsel about it. I don't  
7 think so.

8 THE COURT: Okay.

9 (Discussion off the record.)

10 THE COURT: Remain standing. Face the clerk.

11 Raise your right hand.

12

13 TIMOTHY PATRICK ROONEY

14 Having been sworn, testified as follows:

15

16 THE WITNESS: I do.

17 THE CLERK: Please be seated. State and

18 spell your name for the record.

19 THE WITNESS: Timothy Patrick Rooney.

20 R-o-o-n-e-y.

21 THE CLERK: Thank you.

22

23 DIRECT EXAMINATION

24 BY MR. SNEDDON:

25 Q. Actually, Mr. Rooney, you've testified  
26 previously in this case, correct?

27 A. Yes, sir.

28 Q. All right. Now, just to refresh the jury's 12057

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1 memory, you're an employee of Santa Barbara County?

2 A. As a D.A. investigator.

3 Q. All right. And so you work for the District

4 Attorney's Office?

5 A. Correct.

6 Q. And on the 11th of November -- not the 11th.

7 Let me rephrase that.

8 On November 18th, 2003, you were part of the

9 law enforcement personnel that went to the ranch

10 at -- Neverland Ranch, correct?

11 A. Yes, sir.

12 Q. And you had previously testified in

13 connection with some of the ranch logs that you had

14 seized during the course of the search warrant,

15 correct?

16 A. Yes, I did.

17 Q. Now, you were in the security office,

18 correct?

19 A. Yes.

20 Q. And were you assigned a particular

21 responsibility on that search that day in the

22 security office?

23 A. A couple different responsibilities, yes,

24 sir.

25 Q. Did one of those involve the filing cabinet?

26 A. Yes.

27 Q. And were you the one that was solely

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28 responsible for the review of the materials in the 12058

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1 filing cabinet?

2 A. Yes, I was.

3 Q. And did you go through each and every one of

4 the drawers of that filing cabinet?

5 A. Yes.

6 Q. Did you do that carefully?

7 A. Very.

8 Q. And were you briefed ahead of time as to

9 what you were to look for?

10 A. Yes.

11 Q. I think you previously indicated you were

12 looking for records involving the Arvizo family for

13 2002 and 2003?

14 A. Correct.

15 Q. And certain other individuals who were on

16 the list, correct?

17 A. Yes.

18 Q. Associated with Mr. Jackson?

19 A. Yes.

20 Q. Now, with regard to your going through the

21 drawers in that file cabinet, did you, in going

22 through that drawer, find any records at all that

23 dealt with 2003 and the Arvizo family?

24 A. No.

25 Q. And you went through those records

26 carefully; is that correct?

27 MR. SANGER: Objection; asked and answered.

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1 THE WITNESS: Very carefully.

2 MR. SNEDDON: No further questions.

3

4 CROSS-EXAMINATION

5 BY MR. SANGER:

6 Q. Investigator Rooney, how're you doing?

7 A. Good.

8 Q. Now, you were informed sometime before you

9 took the stand today that there had been testimony

10 that the 2003 records were in the very file cabinet

11 that you had looked through, correct?

12 A. Vaguely, yes, sir.

13 Q. Did the District Attorney, Mr. Sneddon, tell

14 you that there had been testimony in this trial that

15 the 2003 records for the gate logs at Neverland were

16 in the file cabinet that you were assigned to search

17 through; is that right?

18 A. No, that's not accurate.

19 Q. Who informed you?

20 A. That's not what I was informed.

21 Q. What were you informed?

22 A. I was simply asked if I was the one who

23 searched that file cabinet and were these records

24 present.

25 Q. Were you told that the records were produced

26 by the people at Neverland Ranch through their

27 attorneys?

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1 Q. Were you told that a witness had testified  
2 that the records for 2003 were, in fact, in that  
3 file cabinet?

4 A. I don't believe I was told that, no, sir.

5 Q. Now, you just said you went through very  
6 carefully?

7 A. Correct.

8 Q. All right. So if you were supposed to  
9 locate these records, you said anything to do with  
10 Arvizos in 2002, 2003, if you were supposed to  
11 locate them and they had been there and you missed  
12 them, that would be an embarrassment, wouldn't it?

13 A. Not necessarily.

14 Q. Okay. It could happen?

15 A. Could it have happened?

16 Q. Well, you say it's --

17 A. Repeat your question.

18 Q. If you missed them, if they were there, it's  
19 not necessarily an embarrassment --

20 A. No, sir.

21 Q. -- I'm just trying to find out why not.

22 A. Why it's not an embarrassment? Well, that's  
23 your verbiage.

24 Q. And I don't mean to really embarrass you  
25 right now, but the point is, you understood you were  
26 being brought in here to testify that you really  
27 looked in that file cabinet thoroughly and you

28 didn't find 2003 records; is that right? 12061

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1 A. That is correct.

2 Q. So you didn't ask, "Why am I being brought  
3 in to testify to that?"

4 A. I did not ask, no.

5 Q. You were told?

6 A. I had heard. No, I wasn't even told.

7 Q. You had heard it?

8 A. Yes.

9 Q. Okay. All right. Now, let's go back to  
10 November 18, 2003. You were part of the search  
11 team, correct?

12 A. Yes.

13 Q. And that was comprised of 70-some people,  
14 I think; is that right?

15 MR. SNEDDON: Your Honor, I'm going to  
16 object.

17 THE WITNESS: I don't know the number.

18 MR. SNEDDON: This is irrelevant and beyond  
19 the scope of direct.

20 THE COURT: Sustained.

21 MR. SANGER: Let me do something else.

22 THE COURT: Okay.

23 MR. SANGER: All right.

24 Q. You had a meeting with sheriff's deputies  
25 and others before you went out to the ranch to  
26 search; is that correct?

27 A. A briefing, yes, sir.

28 Q. A briefing. And you were given a packet of 12062

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1 information to review; is that right?

2 A. Right.

3 Q. And that packet of information explained the  
4 basic suspicions or allegations in the case; is that  
5 correct?

6 A. I don't believe it did.

7 Q. It gave a basic overview of what this  
8 investigation was about, did it not?

9 MR. SNEDDON: Same objection, Your Honor.

10 Beyond the scope of direct.

11 THE COURT: Overruled.

12 THE WITNESS: I'm sorry?

13 THE COURT: Overruled.

14 You may answer.

15 THE WITNESS: No, I don't believe it did. I  
16 believe it was just a list of the items we were  
17 looking for. I don't recall that identifying  
18 details of the case.

19 Q. BY MR. SANGER: When you were at the  
20 briefing, where did the briefing occur?

21 A. Solvang substation.

22 Q. And how many officers were there during your  
23 part of the briefing?

24 A. Guessing, about 60.

25 Q. All right. And were you making an effort to  
26 keep this briefing confidential so that the public  
27 and others wouldn't know that you were having a

28 briefing about a search warrant that was about to be 12063

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1 executed?

2 A. You're asking me about a role that -- I was  
3 attending as one of the search members. My role was  
4 not to keep anything confidential, but to search.

5 Q. Well, let's ask about that. Was it your  
6 role to, say, call the press and say, "We're going  
7 to search" --

8 A. No. No.

9 Q. It was your understanding, in your years in  
10 law enforcement -- I forgot how many, but it's quite  
11 a number, if I recall.

12 A. 27.

13 Q. 27. In your 27 years in law enforcement,  
14 when you're going to execute a search warrant, part  
15 of what you were doing is trying to execute it by  
16 surprise, for the most part, right?

17 A. Certainly.

18 Q. You don't want anybody to know you're coming  
19 out, right?

20 A. Correct.

21 Q. And when you got to Neverland Ranch, did it  
22 appear to you that you had achieved that goal?

23 A. Not completely, no.

24 Q. Okay. Do you have any information  
25 whatsoever that there was anybody in that security  
26 office who had any information about the nature of  
27 your search or what you intended to do before the

28 first officers got there? 12064

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1 A. I'm sorry, repeat the question.

2 THE COURT: I can have it read back.

3 MR. SANGER: Please.

4 (Record read.)

5 THE WITNESS: I have no idea.

6 Q. BY MR. SANGER: And when you went -- when

7 you arrived at the security office, were there other

8 officers there already?

9 By "officers," I'm referring to anybody in

10 the search party, the investigators, like yourself,

11 the D.A. or sheriff's officers.

12 A. I believe we went there as a unit. I don't

13 know if somebody was in there previously and had

14 photographed. I know they were photographing the

15 interior of the residence prior to us searching.

16 Q. And the protocol for that search, and

17 basically any other search, is when you arrive, you

18 get the personnel, whether it's individuals in a

19 single-family residence or people at a workplace,

20 you get those individuals and you move them away

21 from the areas you want to search; is that correct?

22 A. Yes.

23 MR. SANGER: All right. Okay. I have no

24 further questions.

25

26 REDIRECT EXAMINATION

27 BY MR. SNEDDON:

28 Q. Mr. Rooney, is there any doubt in your mind 12065

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1 that those records were not in that file cabinet on  
2 the day you looked in there?

3 A. There's no doubt in my mind at all.

4 MR. SANGER: Argumentative.

5 THE COURT: Sustained.

6 Q. BY MR. SNEDDON: Mr. Rooney, with regard to  
7 the search of that file cabinet, can you assure this  
8 jury that everything that you saw, that there was  
9 nothing in there that dealt with the Arvizos after  
10 2003?

11 A. Yes.

12 MR. SANGER: Objection. Argumentative; move  
13 to strike.

14 THE COURT: Overruled.

15 THE WITNESS: Yes, I'm certain of that.

16 MR. SNEDDON: No further questions.

17 MR. SANGER: No further questions, Your  
18 Honor.

19 THE COURT: All right. Thank you. You may  
20 step down.

21 MR. SANGER: Your Honor, I think we will get  
22 to this witness -- my understanding is that they  
23 were going to call a couple of police officers.  
24 Before we get to this particular witness, we  
25 may have to have our motion heard. There's actually  
26 motions from both sides.

27 THE COURT: Is that correct?

28 MR. SNEDDON: I was busy lining up the 12066

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1 witness, Your Honor. I apologize, but --

2 THE COURT: He said this was one of the  
3 witnesses we needed to have a hearing on. I don't  
4 have that on the papers that were --

5 MR. SNEDDON: Neither do I.

6 MR. SANGER: Well, we didn't have -- they  
7 had not listed this witness. They had not listed --  
8 I'm sitting down, I apologize, just so I'm close to  
9 the microphone.

10 They had not listed this witness for today  
11 as of the time we did that motion, so we couldn't  
12 list it. Although we, I think, had a footnote in  
13 there saying it would probably apply to other  
14 witnesses.

15 MR. SNEDDON: It's right on your list.

16 MR. SANGER: Yeah, last night.

17 MR. SNEDDON: Well --

18 THE COURT: (To the jury) all right. I'll  
19 give you an extra long lunch. We won't reconvene  
20 until the normal end of the lunch period, because I  
21 want to take one, too.

22

23 (The following proceedings were held in  
24 open court outside the presence and hearing of the  
25 jury:)

26

27 THE COURT: All right. The jury is out.

28 All right. We'll take up the issue that you 12067

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1 wanted to exclude the testimony of Michaels and  
2 Francia. And apparently this applies to someone  
3 else, too.

4 MR. SANGER: Yes, Your Honor.

5 As I explained to the Court before we  
6 started today in chambers with Mr. Sneddon, we had  
7 received one witness list, which I'm not faulting  
8 the D.A., but we received one witness list --

9 THE COURT: You don't have to explain that.

10 MR. SANGER: We prepared this, and then we  
11 have a different list here. On page six, I did  
12 indicate in a footnote, "We respectfully request a  
13 proffer as to all of the prosecution's witnesses and  
14 a 402 hearing, if necessary."

15 Now, I can understand, for instance, the  
16 last witness would be appropriate rebuttal. The  
17 question that we have with regard to any of these  
18 other witnesses is whether or not they are proper  
19 rebuttal or if they have just been held back as  
20 something that should have been put on during the  
21 case-in-chief. We don't know -- we can't really  
22 tell from Shane Meridith's reports what aspect of  
23 that they wish to present.

24 We also -- when it comes to the testimony of  
25 Charli Michaels and Blanca Francia, in particular,  
26 those are 1108 witnesses. And we have a particular  
27 concern about 1108 witnesses being called in

28 rebuttal, who -- we have a particular concern about 12068

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1 1108 witnesses called in rebuttal who could have  
2 been called in the case-in-chief. And we cited the  
3 Supreme Court's statement on this from the Carter  
4 case, which is really -- reflects the Penal Code.  
5 You're not supposed to use --

6 THE COURT: Yeah, I've read that.

7 MR. SANGER: So the dramatic effect that can  
8 be achieved by holding things back to rebuttal is to  
9 be avoided by the Court. It's particularly  
10 prejudicial when it has to do with 1108, because  
11 1108 is particularly prejudicial to start with.

12 The Court made a delicate balancing  
13 decision. And they shouldn't be allowed, for  
14 instance, with regard to Charli Michaels, in  
15 particular, this is a witness who they knew about.  
16 They knew that the conduct that she allegedly said  
17 that she saw and she said on television in paid  
18 appearances, that that conduct was denied not only  
19 by Mr. Jackson, but it was denied by the person who  
20 was the alleged victim. They knew that for the last  
21 ten years. So there was no surprise.

22 There's no purpose in bringing this person  
23 in for rebuttal other than to say that -- other than  
24 to make a dramatic point at the end of the case and  
25 have that bell ringing in the jurors' ears.  
26 So we -- and that's the brief that we filed.  
27 I think we tried to keep it brief, but we

28 specifically highlighted that point; that 1108 has 12069

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1 to be dealt with, I think, in an even more sensitive  
2 fashion, because otherwise it is dramatic, and it is  
3 improper rebuttal.

4 We can't tell what exactly Blanca Francia is  
5 going to be called for as far as rebuttal. But we  
6 can't imagine what it would be that would be  
7 relevant, and that's why we ask for a proffer.

8 Jesus Salas. There's a paper that was filed  
9 this morning and handed to us. Of course, just as  
10 we handed them ours this morning, because this just  
11 came up. And they -- the prosecution seeks to call  
12 that witness for -- let's see if I've got the right  
13 one. As I recall, they said to show that Mr.  
14 Jackson was intoxicated in the presence of young  
15 people.

16 Now, that was already covered in the  
17 case-in-chief. There was no particular defense  
18 evidence about that. And that's just the sort of  
19 thing that should not be permitted in rebuttal.

20 When we brought this up in chambers, this  
21 general subject matter this morning, Mr. Sneddon  
22 said, well, there's actually five areas that they  
23 want to get into with either this witness or these  
24 witnesses. I wasn't sure exactly what the  
25 delineation was, but we don't know what those areas  
26 are.

27 So we can identify some areas for some of

28 these witnesses that we believe is clearly improper 12070

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1 rebuttal, and we don't know what the other areas  
2 are. So we would ask for a proffer as to each of  
3 these witnesses so that we have a chance to have a  
4 fair hearing on the issue of whether it is proper  
5 rebuttal.

6 THE COURT: Who's speaking for the People?

7 MR. ZONEN: I am, Your Honor.

8 The witnesses we're talking about are Charli  
9 Michaels and Blanca Francia; is that correct? I  
10 don't want to start talking about somebody else.

11 THE COURT: Yes. I think he wanted a proffer  
12 on Shane Meridith, too. That's what --

13 MR. ZONEN: What are the others? I think  
14 Mr. Auchincloss will speak to Shane. Mr. Sneddon  
15 will speak to Shane Meridith.

16 THE COURT: You found him?

17 Go ahead.

18 MR. ZONEN: As to the other two, as to  
19 Charli Michaels and Blanca Francia, we're intending  
20 to call Charli Michaels to testify to three specific  
21 things, matters that were brought up with defense  
22 witnesses, and for which defense witnesses either  
23 specifically denied or gave testimony inconsistent  
24 with what we believe will be clarified by Charli  
25 Michaels.

26 Charli Michaels will testify that she did  
27 witness Michael Jackson dancing or rehearsing on one

28 occasion with Wade Robson and did witness an event 12071

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1 where she had -- where Michael Jackson had his hand  
2 around the crotch of young Wade Robson, who at the  
3 time was probably around 11 or 12 years old, in a  
4 move similar to a dance routine that he, in fact,  
5 has done and performed.

6 She will also testify that she had had  
7 conversations with Joy Robson, Wade Robson's mother,  
8 and that in the course of those conversations, Joy  
9 Robson had complained to her and was very upset, and  
10 expressed to her concern that Michael Jackson was  
11 interfering with her relationship with her son; that  
12 her son wasn't spending time with her; that her son  
13 had become distant from her because of the attention  
14 that he was expressing. That's directly  
15 contradictory to what Joy Robson testified to on the  
16 witness stand.

17 THE COURT: Well, is it?

18 MR. ZONEN: I have one more, but go ahead.

19 THE COURT: Go ahead.

20 MR. ZONEN: The third matter was when Wade  
21 Robson was specifically asked questions about he and  
22 Mr. Jackson throwing stones at the lion at the time.  
23 And what he acknowledged initially on  
24 cross-examination was, yes, that they both had, and  
25 that in fact he had been encouraged to do so by Mr.  
26 Jackson for purposes of tormenting the lion to get  
27 it to roar. By the time the break came about,

28 throwing stones at a lion became throwing pebbles at 12072

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1 a cage, but initially it was throwing stones at a  
2 lion.

3 That event was witnessed by Charli Michaels,  
4 who will testify that it is, in fact, throwing  
5 stones at a lion.

6 We have listened to days and days and days  
7 and days of testimony about bad conduct by Star and  
8 Gavin Arvizo. It has been our position all along  
9 that that kind of conduct by the boys at the ranch  
10 is not just tolerated by Mr. Jackson, but encouraged  
11 by Mr. Jackson. This is a direct example of how  
12 that's done. We believe it's very relevant on that  
13 issue.

14 As to Blanca, Blanca's testimony would be  
15 similar to that of Charli Michaels with regards to a  
16 conversation she had with Joy Robson. And once  
17 again, that conversation was also that she was in a  
18 state of real distress; that she was crying; that  
19 she was very upset; that she had not been able to  
20 see her child; that her child had been kept from her  
21 by Michael Jackson, a statement that she directly  
22 denies. We think it's relevant in that regard.

23 THE COURT: What -- let me ask you the --  
24 what is -- how do you see that this is different  
25 than what she testified to on direct in the defense  
26 case?

27 MR. ZONEN: I don't believe that she was

28 asked that question because it would have required a 12073

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1 hearsay answer from Joy Robson. I don't believe I  
2 either asked it or it was offered. And I don't  
3 believe we would have been entitled to have done so.  
4 To ask her about her conversations with Joy Robson  
5 would have been hearsay. If somebody can show me a  
6 transcript of that, I'll certainly stand corrected.  
7 But my recollection is that I never asked her that  
8 question for that exact reason: It's hearsay.

9 THE COURT: I thought she testified -- well,  
10 you've seen the points and authorities by Mr.  
11 Sanger.

12 MR. ZONEN: I have them right here, Your  
13 Honor.

14 THE COURT: And he's saying she didn't deny  
15 that on --

16 Isn't that what you're saying, Mr. Sanger?

17 MR. SANGER: Yes, sir. She was asked and  
18 then eventually --

19 THE COURT: Initially she didn't remember,  
20 and then --

21 MR. ZONEN: I'd have to see the transcript,  
22 Your Honor. That's not my recollection. My  
23 recollection is we never asked her.

24 THE COURT: Well, my recollection is that she  
25 didn't remember, and then --

26 MR. ZONEN: We're talking about Blanca  
27 Francia?

28 THE COURT: Maybe I'm talking -- I'm talking 12074

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1 about Miss Robson.

2 MR. ZONEN: I'm sorry, I didn't do that  
3 examination. I thought you were referring to  
4 Blanca.

5 THE COURT: Okay. I'm back to where I  
6 went -- interrupted you, and you wanted to finish.

7 MR. ZONEN: My recollection is that Joy --  
8 Joy -- their contention is Joy Robson was asked  
9 directly those questions about whether or not she  
10 had told other people that Michael Jackson was in  
11 some way interfering with her relationship with her  
12 child. And on the witness stand she was, what,  
13 ambivalent about it? I'm not sure what the defense  
14 position is.

15 THE COURT: I think she said -- first she  
16 said she didn't remember telling somebody that. And  
17 then I have a vague recollection that she later  
18 said, "Well" -- someone showed her the transcript  
19 and she said, "Well, I must have said it," you know,  
20 "There it is."

21 But then didn't she try to say that it was  
22 really because it was Mother's Day or something?  
23 I'm having a hard time remembering.

24 MR. ZONEN: If that was the transcript, then  
25 it was likely a transcript of a deposition, which  
26 certainly would be different from a conversation  
27 that she would have had in the presence of --

28 THE COURT: Yeah, she was shown the 12075

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1 deposition. Look at page five, where Mr. Sanger  
2 lays it out, what -- lines 12 through 20.  
3 MR. ZONEN: That's with regards to -- hold  
4 on. I'd have to see it in the context of the  
5 entirety of the testimony. That would be again  
6 saying, "I don't recall the conversation." I  
7 believe that that would be grounds for being able to  
8 bring in the person who actually had the  
9 conversation to be able to impeach that witness with  
10 the content of the conversation. And it is, of  
11 course, separate and apart from the observations of  
12 Blanca Francia as well.

13 I'm sorry, I just got this brief this  
14 morning, and I've been trying to read it while  
15 listening to testimony as well, so I'm not as  
16 focused on it as perhaps I should be.

17 THE COURT: Take a minute to read it.

18 MR. ZONEN: Okay.

19 MR. SANGER: Your Honor, I have the actual  
20 transcript here. And it may be, with our dailies,  
21 that we have a slightly different pagination. I'm  
22 not sure. No, no, I think that is right. 9234. I  
23 don't know if you have the transcripts on the  
24 computer that you can go back to.

25 THE COURT: No. I have the transcripts in my  
26 office, but not on this desktop here.

27 MR. SANGER: Yeah, I have it here. And if I

28 may, I mean, there was a specific reference to 12076

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1 Charli Michaels. And it is what we said. I can  
2 show it to the Court and counsel.

3 THE COURT: Well, let me just ask you, since  
4 you have the transcript, I was trying to remember --  
5 I remembered her conceding, as you indicated in your  
6 points and authorities, that she must have said  
7 that. I mean, she said it because it's there in the  
8 deposition transcript.

9 Did she go on to say -- or did she say --  
10 did she give any explanation as to why she would  
11 have said that in the deposition? That's what I was  
12 trying to remember. I thought she'd given an  
13 explanation, perhaps, about Mother's Day or -- but I  
14 don't have the transcript.

15 MR. SANGER: I can answer that. Is this  
16 unplugged?

17 Let me just stand up here, and I'm happy to  
18 let --

19 (Discussion held off the record at counsel  
20 table.)

21 MR. SANGER: There's apparently a second  
22 screen that has work product before we show it to  
23 everybody. I don't think it was a big deal.

24 THE COURT: Your secret tactics.

25 MR. SANGER: Secret tactics. It says, "Bob  
26 Sanger, say this next."

27 THE COURT: (To Ms. Yu) Oh, you're the one

28 that's responsible. 12077

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1 MS. YU: For everything. Sorry, Your Honor.

2 THE COURT: Go ahead.

3 MR. SANGER: I could read it. Maybe that's  
4 the easiest way.

5 THE COURT: That would help me, and then  
6 everybody gets to hear it.

7 MR. SANGER: And Mr. Zonen is welcome to  
8 look over my shoulder, as long as I can get my  
9 bifocals in the right place here.

10 MR. ZONEN: No, that's all right.

11 MR. SANGER: All right.

12 THE COURT: You know, I'm just interested --

13 MR. SANGER: Yes.

14 THE COURT: -- to what explanation, if any,  
15 she gave regarding that.

16 MR. SANGER: And I just had it and now I've  
17 lost it, so.... It will just take me a second, I'm  
18 sorry.

19 Okay. Yes. This is Mr. Sneddon asking  
20 questions. Line 27, on 9234, according to the -- I  
21 believe this is the final daily.

22 And it says:

23 "Q. Now, do you recall an incident that  
24 occurred on Mother's Day during 1990 on a trip to  
25 the ranch?

26 "A. Yes.

27 "And you were upset, correct?



1 "And you were crying at one point?

2 "Yes.

3 "And the reason for that was that you had

4 not seen your son all day, correct?

5 "Yes.

6 "And it was Mother's Day?

7 "That's right.

8 "And you found out that the reason you

9 hadn't seen your son that day was because he had

10 been sleeping all day, correct?

11 "A. I think so, yeah.

12 "And you spoke to some people at the ranch

13 about your feelings, did you not? One of the

14 employees?

15 "A. I think someone asked me if I was

16 okay.

17 "Q. And you told them that you felt

18 that your son would rather be with Michael

19 Jackson than with you, correct?

20 "A. I don't remember saying that.

21 "Q. Do you know somebody by the name of

22 Charli Michaels?

23 "A. Yes.

24 "And who is Charli Michaels?

25 "I think she works security at the ranch.

26 "And did you tell Charli Michaels that you

27 felt that the defendant, Michael Jackson, was

28 separating you from your son? 12079

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1 "A. I don't recall saying it.

2 "Q. Do you recall testifying to that in  
3 your deposition with Mr. Feldman?

4 "A. No.

5 "Would it refresh your recollection if I  
6 showed you a copy of the deposition?

7 "A. Yes.

8 "Mr. Sneddon: May I approach, Your Honor?

9 "The Court: Yes.

10 "The Witness: Okay.

11 "Q. By Mr. Sneddon: Does that refresh your  
12 recollection?

13 "A. I don't remember saying it, but I  
14 testified to it.

15 "Q. I'm sorry?

16 "I don't remember saying it, but obviously I  
17 testified back then about it. I don't remember  
18 saying it."

19 THE COURT: Okay. Thanks.

20 MR. SANGER: It goes on. As far as I can  
21 tell, it's -- yeah, maybe I should -- just to be  
22 clear, I don't think it changes it, but -- all  
23 right. Let's see. Where did I leave off. There?

24 MR. ZONEN: Right here, "Question."

25 MR. SANGER:

26 "Q. You said that Wade would rather be  
27 with Michael than with yourself and you were

28 upset about it? 12080

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1 "Well, I read it, but I honestly don't

2 remember saying it.

3 "Q. At the time you were at the ranch on

4 the first occasion" --

5 Is that how far we have to go? Yeah, I

6 think that's it.

7 THE COURT: Thank you. That helps.

8 And then -- okay. On those issues, then my

9 ruling will be that I will allow the testimony, as

10 proffered, of Charli Michaels and Blanca Francia.

11 MR. SANGER: Your Honor, I don't know what

12 Blanca Francia -- we haven't been told what Blanca

13 Francia is going to testify to. Oh, just on the Joy

14 Robson was upset?

15 THE COURT: Yes.

16 MR. SANGER: Okay. Sorry.

17 THE COURT: There's nothing -- is there

18 anything else that you're representing?

19 MR. ZONEN: No, Your Honor.

20 THE COURT: And on the -- and I think the

21 part on the rocks is admissible, too. I will allow

22 that.

23 MR. ZONEN: Thank you.

24 MR. SANGER: I didn't have a chance to

25 address that, of course, because that wasn't in

26 their original proffer, but --

27 THE COURT: But I don't need you to.

28 MR. SANGER: I had that feeling. 12081

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1 THE COURT: And I am going to admit the  
2 evidence on the "good parent" issue that you've  
3 proffered.

4 MR. ZONEN: Thank you.

5 THE COURT: All right. Let's take our noon  
6 break.

7 MR. SANGER: We didn't hear what -- did I  
8 miss something? We didn't hear what Shane Meridith  
9 had to say.

10 THE COURT: Why don't you talk to each other,  
11 and let me know if a hearing is necessary.

12 We'll take our break.

13 (Recess taken.)

14

15 (The following proceedings were held in  
16 open court in the presence and hearing of the  
17 jury:)

18

19 THE COURT: Go ahead.

20 MR. SNEDDON: Thank you, Your Honor.

21

22 SHANE MERIDITH

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

25

26 DIRECT EXAMINATION

27 BY MR. SNEDDON:

28 Q. Mr. Meredith, you are the same Shane 12082

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1 Meridith that testified previously in this case?

2 A. Yes.

3 THE COURT: All right.

4 (To the witness) Let me remind you that

5 you're still under oath.

6 THE WITNESS: Yes, sir.

7 THE COURT: Go ahead.

8 Q. BY MR. SNEDDON: Mr. Meridith, you've

9 already told us that you were employed at Neverland

10 Valley Ranch, correct?

11 A. That's correct.

12 Q. And your role was as a security guard,

13 correct?

14 A. Yes.

15 Q. And during the dates -- during the month of

16 February, you were employed there, correct?

17 A. Yes.

18 Q. And between the 17th and the 20th of

19 February, you were working that week, is that

20 correct, on those days?

21 A. Yeah. I would have been if I was there,

22 yeah.

23 Q. And the shift that you were working would be

24 what?

25 A. Predominantly it would be a 12-hour shift,

26 and it would be anywhere from 6 p.m. to 6 a.m., or

27 6 a.m. to 6 p.m.

28 Q. You were working in the daytime on many of 12083

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1 those days, correct?

2 A. Yeah, correct.

3 Q. During the time between the 17th of February  
4 and the 20th of February when you were at work at  
5 the ranch, did you ever see any boys driving any  
6 cars on the property?

7 A. No, I did not.

8 Q. During the time that you were on the ranch  
9 during that period of time, did you ever read any  
10 notes in any of the logs that were kept that  
11 indicated any boys were driving cars on the property  
12 without adult supervision?

13 A. No, I did not.

14 Q. Based upon your training and experience in  
15 working at Neverland Valley Ranch, if somebody had  
16 seen an underage child driving one of the cars  
17 during that period of time, would that be the kind  
18 of thing that would be noted in the logs of the  
19 ranch?

20 A. I would imagine so.

21 MR. SNEDDON: No further questions.

22 THE COURT: Mr. Mesereau?

23 MR. MESEREAU: Thank you, Your Honor.

24

25 CROSS-EXAMINATION

26 BY MR. MESEREAU:

27 Q. Mr. Meridith, Neverland is approximately

28 2800 acres, correct? 12084

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1 A. That's correct.

2 Q. And when you worked security, how many other  
3 security personnel were there?

4 A. That could be anywhere from two to four  
5 other individuals, besides myself.

6 Q. Did you all hang out together during your  
7 shift, or did you go separate directions?

8 A. Yes, sir, we would have our own specific  
9 jobs.

10 Q. And what specific jobs are you talking  
11 about?

12 A. Well, one officer would be at the gate,  
13 which would be the gate security, and that would be  
14 a -- depending on how many officers were available,  
15 we would split that shift up.

16 And the other officers, you would have either  
17 one or two officers that were doing the house  
18 checks, and then you would also have an officer  
19 doing a mobile check in a vehicle.

20 Q. Now, you're not sure which checks you did  
21 during the time period the prosecutor just  
22 identified?

23 A. Right. Yeah, I could have been doing  
24 anything during that time.

25 Q. What could you have been doing?

26 A. Doing a perimeter check, doing a house  
27 check, doing a mobile check, or working the front



1 Q. Now, please describe what you mean by "a  
2 perimeter check."

3 A. You would drive -- what you would do is, we  
4 would leave our security shack area. We would drive  
5 through the front of the property, leaving actually  
6 through the front gate, going off property for  
7 about -- probably a mile or so in either direction  
8 of the ranch, just to check to make sure that the  
9 fence line was secure.

10 Q. If you were doing a perimeter check, someone  
11 could have driven a vehicle on the property and you  
12 wouldn't see it, true?

13 MR. SNEDDON: Object. Calls for speculation.

14 THE COURT: Overruled.

15 You may answer.

16 THE WITNESS: Sure.

17 Q. BY MR. MESEREAU: If you were doing a  
18 perimeter check, how far away from the main house  
19 would you be?

20 A. Well, like I said, you'd actually -- you  
21 know, at some point during that mobile perimeter  
22 check, you would actually leave the property. So  
23 I'd say at any -- the furthest point you would be --  
24 would probably be six, seven miles maybe.

25 Q. So you could be six or seven miles away from  
26 where the vehicles are located, right?

27 A. Correct. During that check.

28 Q. And there would possibly be hills even 12086

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1 blocking your view of the main house, correct?

2 A. That's correct.

3 Q. And if someone were driving a vehicle around  
4 the house, you would have no way of even seeing it  
5 if you were looking that direction, right?

6 A. That's correct.

7 MR. SNEDDON: Object as argumentative.

8 THE COURT: Sustained.

9 Q. BY MR. MESEREAU: Now, besides a perimeter  
10 check, what else could you have been doing during  
11 your security work during that time period?

12 A. You'd also do a house check, which was where  
13 you'd be, you know, physically checking the house  
14 area, walking around the house, going through the  
15 arcade, areas like that.

16 Q. And what other types of checks would you  
17 have been doing?

18 A. Other than that, other than the mobile or  
19 the house check, you would be at the front gate, or  
20 any check that was deemed necessary by a supervisor.  
21 Somebody would have you check something.

22 Q. Now, the prosecutor asked you whether or  
23 not, if someone was caught driving a vehicle for a  
24 short distance, for example, it would automatically  
25 go into the log. Doesn't actually get logged in,  
26 does it?

27 A. Not -- I mean, that's -- no. It wouldn't be

28 unusual for it not to be logged. 12087

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1 Q. In fact, every time a guest is found  
2 violating any type of rule at Neverland and stopped  
3 and told not to do it, it isn't automatically logged  
4 in, is it?

5 A. That's correct. It's left up to the  
6 supervisor whether it gets --

7 Q. Would it be accurate to say that  
8 percentagewise, when guests or their children are  
9 caught violating some rule at Neverland, most of  
10 those never get logged in anyplace, correct?

11 MR. SNEDDON: I'm going to object to the  
12 question. It calls for speculation.

13 MR. MESEREAU: It's cross-examination.

14 MR. SNEDDON: And doesn't deal with the  
15 subject matter.

16 THE COURT: Just a moment.

17 Overruled. It calls for custom and habit.

18 Go ahead.

19 Q. BY MR. MESEREAU: I now don't remember if  
20 you actually --

21 THE COURT: I'll have it read back.

22 MR. MESEREAU: I'm sorry.

23 (Record read.)

24 THE WITNESS: I couldn't -- I couldn't  
25 speculate on whether -- on a percentagewise. I  
26 mean, personally, if something were to come to my  
27 attention, it would be logged in. But that's just

28 my personal -- you know, I wouldn't know -- as far 12088

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1 as somebody else dealing with something that happens  
2 like that, I wouldn't have any knowledge of that.

3 Q. BY MR. MESEREAU: Wouldn't you agree that  
4 other security personnel often did not log things in  
5 that they thought were violative of a rule?

6 A. I mean, that's a fair assumption. That's a  
7 fair assumption. I wouldn't -- again, if it's  
8 something that I would -- you know, that I thought  
9 was pertinent, I would log it in. Or I would have  
10 whoever I was supervising log it in. But, you know,  
11 it's possible, sure.

12 Q. Now, were you given a course on when to log  
13 something in?

14 A. No, sir.

15 Q. Was anybody given a course about when they  
16 should put something into the logs if they see a  
17 rule being violated?

18 A. Not that I'm aware of.

19 Q. Is the decision to log something in pretty  
20 much up to the individual who sees the violation?

21 A. That's correct. Or the supervisor. Like I  
22 said, more times than not it would be the  
23 supervisor's discretion whether it should be logged  
24 in.

25 Q. If you're going to log something in, what do  
26 you have to do?

27 A. As far as?

28 Q. Where do you go to log it in? 12089

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1 A. The front gate. You would call the front  
2 gate and they would log it in the logbook there, and  
3 then you'd also do a log at our shack area.

4 Q. All right. Now, if you're doing a perimeter  
5 search, and you find someone -- say you found a  
6 visitor wandering around the property where you  
7 didn't want them to be - okay? - and you said, "Why  
8 don't you go back to the main house. You shouldn't  
9 be here. This is 2800 acres of property, and you  
10 don't want to get lost," or whatever, you would have  
11 to drive a distance, possibly, to log that in,  
12 correct?

13 A. Yeah, you'd have to drive back to the main  
14 house area to log that in, or just call it in to the  
15 front gate.

16 Q. And while you were working at Neverland, do  
17 you recall any situations where somebody brought to  
18 your attention that some child had violated a rule  
19 and you never, ever saw that logged in?

20 A. Yeah, that's fair to say.

21 MR. MESEREAU: No further questions.

22

23 REDIRECT EXAMINATION

24 BY MR. SNEDDON:

25 Q. Mr. Meridith, I'm not talking about  
26 violating any rule at the ranch. I'm talking about  
27 an underage child driving a vehicle on the ranch,

28 okay? 12090

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1 A. Yes, sir.

2 Q. And in your experience, would that be  
3 something that would be logged in or officials to be  
4 notified?

5 A. Absolutely.

6 Q. The ranch has -- is very safety conscious,  
7 is it not?

8 A. Yes, it is.

9 Q. And they try to minimize the amount of  
10 liability or risk that can occur from the many  
11 guests that occur at the ranch; isn't that correct?

12 A. Yes.

13 Q. And the fact that an underage child would be  
14 allowed into a vehicle and to drive it without  
15 supervision would be something that would be a very  
16 serious violation of the ranch protocol, would it  
17 not?

18 A. I would think so, yes.

19 MR. SNEDDON: Thank you. No further  
20 questions.

21 MR. MESEREAU: No further questions.

22 THE COURT: All right. You may step down.

23 Thank you.

24 MR. AUCHINCLOSS: Call Jesus Salas to the  
25 stand.

26 THE COURT: You're recalling him. He's  
27 already testified.

28 MR. AUCHINCLOSS: Yes, he has, Your Honor. 12091

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1 THE COURT: You may be seated. You're still  
2 under oath.

3

4 JESUS SALAS

5 Having been previously sworn, resumed the  
6 stand and testified further as follows:

7

8 DIRECT EXAMINATION

9 BY MR. AUCHINCLOSS:

10 Q. Good afternoon, Mr. Salas.

11 A. Good afternoon.

12 Q. You have previously testified in this case  
13 that you were the house manager during the period of  
14 2003 at Neverland Ranch, correct?

15 A. That is correct.

16 Q. And during the period of February-March  
17 2003, how often were you at Neverland Ranch?

18 A. I would say I was there like for a couple of  
19 weeks.

20 Q. Okay. Did you -- were you working in the  
21 month of February?

22 A. Yes, I was.

23 Q. How many days a week were you working in  
24 February?

25 A. Well, I was working pretty much every day.

26 Q. Every day?

27 A. Uh-huh.

28 Q. Even weekends? 12092

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1 A. Even weekends.

2 Q. And what about in the beginning of March?

3 Were you working in March?

4 A. Yes, I was.

5 Q. How many days a week were you working in

6 March?

7 A. It was about the same.

8 Q. Okay. So you were working without days off

9 during that period of time?

10 A. Well, I had some days off, but, you know,

11 pretty much I was busy most of the time, yes.

12 Q. Would you ever spend the night at Neverland?

13 A. Yes, I did.

14 Q. How often during that period of February-

15 March 2003?

16 A. I would say I spent more time during the

17 month of March.

18 Q. Okay. As far as spending the night there?

19 A. Yes.

20 Q. In the first couple of weeks of March, have

21 you had a chance to review the logs concerning your

22 attendance at Neverland Ranch?

23 A. Yes, I have.

24 Q. And how often were you spending the night

25 during the first couple of weeks in March?

26 A. It was about a week and a half, couple weeks

27 that I was spending -- staying there over the night.

28 Q. During the first couple of weeks? 12093

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1 A. That's correct, yes.

2 Q. All right. During your period of -- during  
3 the period of time that you worked at Neverland  
4 Ranch, and I believe you said you've worked there  
5 for quite a few years; is that correct?

6 A. That is correct, yes.

7 Q. Going back to what year?

8 A. I'm sorry?

9 Q. Going back to what year? When did you start  
10 working at Neverland Ranch?

11 A. I started working there in '83.

12 Q. Okay. So before Mr. Jackson purchased the  
13 ranch you were working there?

14 A. That is correct, yes.

15 Q. Did you ever witness children, underage  
16 children, driving motor vehicles at Neverland Ranch?

17 A. No. I never --

18 Q. Did you ever hear that underage children  
19 were driving motor vehicles at Neverland Ranch?

20 A. No. Never heard anything about -- nobody  
21 ever reported anything to me.

22 Q. Did you ever report to anybody that underage  
23 children were driving vehicles at Neverland Ranch?

24 A. No.

25 Q. You never told Joe Marcus anything like  
26 that?

27 A. I never told Joe Marcus.

28 Q. While you were house manager -- let me just 12094

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1 refresh my memory. When did you start your duties  
2 as house manager for Mr. Jackson?

3 A. When?

4 Q. When. When did you become house manager?

5 A. Oh, that was 2002, I believe.

6 Q. All right. During the period of time that  
7 you were house manager at Neverland, did you have an  
8 office in the main residence?

9 A. Yes, I did.

10 Q. Did you have a desk in that office?

11 A. Yes.

12 Q. Did you ever keep money, cash money, in that  
13 desk?

14 A. No. Never kept any money there.

15 Q. Did you ever have -- so was there ever a  
16 time when you were missing money, where money was  
17 taken from your desk or from your office area at  
18 Neverland Ranch?

19 A. Never lost any money, no.

20 Q. During the time that the Arvizos were  
21 guests at Neverland Ranch, did you ever keep  
22 anything that -- maybe a paperweight of some sort,  
23 something that looked like a crystal made of plastic  
24 or glass? Did you ever have anything like that in  
25 your office or your desk?

26 A. Not that I can remember, no.

27 Q. Did you ever have anything like that that

28 you found to be missing -- 12095

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1 A. No.

2 Q. -- in your office or desk during the period  
3 of time that the Arvizos stayed there?

4 A. No, not at all.

5 Q. During the time that you were house manager  
6 and the Arvizos were staying at Neverland Ranch, did  
7 you ever receive a report of any kind from a chef  
8 working in the kitchen that money had been removed  
9 from a drawer or from the kitchen area that belonged  
10 to one of the chefs?

11 A. No. Never was reported to me.

12 Q. Did Angel Vivanco specifically ever tell you  
13 that money was taken from the kitchen area by one of  
14 the guests?

15 A. No. Never told me anything.

16 Q. During the time that you were house manager  
17 at Neverland and the Arvizos were staying there or  
18 at any time, did Angel Vivanco ever tell you of an  
19 incident where Star Arvizo was playing around with a  
20 knife involving Mr. Vivanco?

21 A. No. Never was reported to me.

22 Q. You have previously testified that one night  
23 you helped the Arvizos to leave Neverland Ranch,  
24 that you drove them to their home. Do you remember  
25 testifying about that?

26 A. That is correct, yes.

27 Q. The night that you drove the Arvizo family

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28 from Neverland Ranch, did you ever notify Joe Marcus 12096

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1 that you were leaving Neverland with the Arvizo  
2 family?

3 A. No, I didn't never talk to Joe Marcus that  
4 night.

5 Q. Did you ever notify anybody to tell Joe  
6 Marcus that you were leaving Neverland with the  
7 Arvizo family?

8 A. No, I didn't.

9 Q. Never had a conversation with him that  
10 evening?

11 A. No.

12 Q. During the period of February and March of  
13 2003, you remember that the Arvizo family spent  
14 quite a bit of time at Neverland, true?

15 A. That is correct, yes.

16 Q. Can you characterize in a percentage basis  
17 the number of nights during that period that the  
18 Arvizo children spent the night in Mr. Jackson's  
19 bedroom?

20 MR. MESEREAU: Objection; foundation.

21 THE COURT: Sustained.

22 Q. BY MR. AUCHINCLOSS: Were you aware whether  
23 or not the Arvizo children ever spent the night in  
24 Mr. Jackson's bedroom?

25 MR. MESEREAU: Objection; foundation.

26 THE COURT: Sustained.

27 Q. BY MR. AUCHINCLOSS: Did you ever personally

28 witness the fact that the Arvizo family would spend 12097

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1 the night in Michael Jackson's bedroom?

2 MR. MESEREAU: Same objection.

3 THE COURT: Overruled.

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

5 A. Yes.

6 Q. As house manager, would you often -- how

7 late would you stay before you went home at night?

8 A. Varies. Sometimes it was one o'clock, two

9 o'clock, three o'clock in the morning.

10 Q. And when you would leave the property, would

11 you generally be aware of the location of individual

12 guests who were in the main residence?

13 A. I would say yes.

14 Q. Okay. Was that part of your job, to be

15 somewhat aware of what the guests were doing inside

16 the main house? Not what they were doing, but I

17 should say their various locations?

18 A. Well, it was necessary for me to know where

19 they were so I can notify the security for safety

20 reasons.

21 Q. Okay.

22 A. Yes.

23 Q. And based upon your personal experience --

24 let me back up.

25 So during that period of time when -- let's

26 say in the evening hours and in the early morning

27 hours when you were staying late at Neverland Ranch,

28 would you frequently -- would you generally stay 12098

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1 around the main residence?

2 A. Yes.

3 Q. Okay. Would you be inside the main

4 residence?

5 A. I was inside there.

6 Q. And that's where your office was, correct?

7 A. That is correct, yes.

8 Q. So were you personally aware -- during this

9 period of time, February-March, when the Arvizos

10 were visiting Neverland Ranch, were you generally

11 aware of their location, the location that the

12 Arvizo boys slept in?

13 MR. MESEREAU: Objection; foundation.

14 THE COURT: Overruled.

15 You may answer.

16 THE WITNESS: Yes, I was aware.

17 Q. BY MR. AUCHINCLOSS: And can you

18 characterize, based upon your own personal

19 observations, the -- on a percentage basis the

20 number of nights you would estimate that the Arvizo

21 boys spent in Michael Jackson's bedroom during that

22 period of time that they were visiting in March and

23 February of 2003?

24 MR. MESEREAU: Objection; foundation.

25 THE COURT: Overruled.

26 You may answer.

27 THE WITNESS: I would say they spent 90

28 percent of the time. 12099

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1 Q. BY MR. AUCHINCLOSS: Mr. Salas, during that  
2 same period of time, focusing again in 2003 -- I  
3 believe you said that you left your employment at  
4 Neverland sometime during the summer of that year;  
5 is that correct?

6 A. That is correct, yes.

7 Q. During that period of time of 2003, before  
8 you left your employment, did you ever see Michael  
9 Jackson when he was in an intoxicated state?

10 MR. MESEREAU: Objection. Beyond the scope;  
11 improper rebuttal.

12 THE COURT: Overruled.

13 You may answer.

14 THE WITNESS: Yes, I did.

15 Q. BY MR. AUCHINCLOSS: How often would you see  
16 Mr. Jackson in a condition that you would  
17 characterize as intoxicated during that period of  
18 time?

19 MR. MESEREAU: Objection. Foundation;  
20 relevance.

21 THE COURT: Overruled.

22 You may answer.

23 THE WITNESS: It was quite a few times.

24 Q. BY MR. AUCHINCLOSS: Did you ever see him  
25 intoxicated in the presence of his own children?

26 A. Yes, I did. Yes.

27 MR. MESEREAU: Objection; relevance.





1 THE WITNESS: Yes.

2 Q. BY MR. AUCHINCLOSS: I didn't hear.

3 A. I said, yes, I did.

4 Q. How often did you see him intoxicated in the  
5 presence of his own children?

6 MR. MESEREAU: Objection; relevance.

7 THE COURT: Overruled.

8 You may answer.

9 THE WITNESS: My belief, it was, say, about  
10 three times.

11 Q. BY MR. AUCHINCLOSS: Did you ever see him  
12 intoxicated, in such an intoxicated condition that  
13 you had a concern as to whether or not he could  
14 properly and responsibly care for his children?

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

17 THE COURT: Overruled.

18 You may answer.

19 THE WITNESS: Yes, I -- I did.

20 Q. BY MR. AUCHINCLOSS: And what was your  
21 opinion about that?

22 MR. MESEREAU: Objection; irrelevant  
23 opinion.

24 THE COURT: Overruled.

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

26 A. To me, it wasn't -- it wasn't -- it wasn't  
27 safe for the skids to be around him.

28 MR. AUCHINCLOSS: All right. Thank you, Mr. 12101

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1 Salas.

2

3 CROSS-EXAMINATION

4 BY MR. MESEREAU:

5 Q. Mr. Salas, you say you've seen Mr. Jackson  
6 intoxicated maybe three times during that period?

7 A. That is correct, in the way that I thought  
8 it wasn't safe for him and his family.

9 Q. Was a nanny around?

10 A. Yes, it was.

11 Q. In fact, there was a nanny around taking  
12 care of his children, correct?

13 A. That is correct, except when he used to take  
14 them to his room, yes.

15 Q. Okay. And have you ever been intoxicated in  
16 your house?

17 A. Oh, yes.

18 Q. Were your children there?

19 A. Yes.

20 MR. AUCHINCLOSS: Objection; irrelevant.

21 THE COURT: The answer is in. Next question.

22 Q. BY MR. MESEREAU: Now, you say you saw the  
23 Arvizo children in Michael Jackson's room, right?

24 A. That is correct.

25 Q. Were you in the room with them?

26 A. I was not in the room with them.

27 Q. Pretty big room area, isn't it?

28 A. Yes, it is. 12102

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1 Q. It's two levels?

2 A. That is correct, yes.

3 Q. And people sometimes sleep on the lower

4 level, right?

5 A. True.

6 Q. Sometimes people sleep on the higher level,

7 right?

8 A. That is correct, yes.

9 Q. In fact, Mr. Jackson has had a lot of people

10 in and out, correct?

11 A. Yes.

12 Q. You don't know where anyone was sleeping

13 when the Arvizo children were in that area, right?

14 A. Actually, I knew where they were staying.

15 Q. Well, they were staying in that large area,

16 correct?

17 A. Right.

18 Q. You testified earlier at one point you saw

19 them on the lower level, right?

20 A. That's correct, yes.

21 Q. The lower level below Michael Jackson's bed,

22 true?

23 A. True.

24 Q. His bed's upstairs, and you saw them

25 sleeping downstairs, right, one time?

26 A. That is right, yes.

27 Q. Now, was it part of your job to normally go

28 into his room? 12103

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1 A. Only when he asked me or he needed

2 something.

3 Q. And if he asked you to bring him something,

4 you would open the door and go in, right?

5 A. Yes.

6 Q. Okay. And there are other people he would

7 ask to come in his room and bring him things, right?

8 A. That is true, yes.

9 Q. Now, the prosecutor asked you about whether

10 or not Angel Vivanco ever reported a knife incident

11 to you, correct?

12 A. Correct.

13 Q. Were you aware that he never said he

14 reported it to you; he said he reported it to Rudy

15 Lozano?

16 A. I wasn't aware of that. Never was reported

17 to me.

18 Q. Who is Rudy Lozano?

19 A. He is the chef.

20 Q. Okay. He was Mr. Vivanco's direct

21 supervisor, true?

22 A. Yes. In the kitchen area, yes. But I was

23 responsible for all of them.

24 Q. Okay. Now, did you know that Star Arvizo

25 pulled a knife on Kiki Fournier one time?

26 MR. AUCHINCLOSS: Objection. Irrelevant; no

27 foundation.





1 You may answer.

2 Q. BY MR. MESEREAU: Did you know that?

3 A. I was not aware of that.

4 Q. So she didn't report that to you?

5 A. No.

6 Q. Not everybody always reported to you  
7 problems that the Arvizo children caused at  
8 Neverland, right?

9 MR. AUCHINCLOSS: Objection; argumentative.

10 THE COURT: Overruled.

11 You may answer.

12 THE WITNESS: Well, I'm just finding that  
13 out.

14 Q. BY MR. MESEREAU: Yeah. Did anyone ever  
15 report to you that Star was found with an adult  
16 magazine that he said he brought from his own home?

17 MR. AUCHINCLOSS: Objection; argumentative.

18 THE COURT: Overruled.

19 Q. BY MR. MESEREAU: Was that ever reported to  
20 you?

21 A. Never was reported to me, no.

22 Q. Did anyone ever report to you that Star and  
23 Gavin Arvizo were caught masturbating in the guest  
24 unit?

25 MR. AUCHINCLOSS: Objection; argumentative.

26 THE COURT: Overruled.

27 Q. BY MR. MESEREAU: Was that reported to you?

28 A. No, it wasn't. 12105

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1 Q. Was it ever reported to you that Star Arvizo  
2 went into the control room of the amusement park and  
3 wrote the words "Suck Dick" on the wall? Anyone  
4 report that to you?

5 A. No. Never was reported to me.

6 Q. Was it reported to you that one of the  
7 security guards caught Star and Gavin Arvizo in the  
8 wine cellar alone with a half-filled bottle of wine?

9 A. No, that was never reported to me either.

10 Q. Was it reported to you that Gavin Arvizo  
11 told Angel Vivanco, "You put alcohol in my milkshake  
12 or I'll get you fired"?

13 A. No, it wasn't.

14 MR. AUCHINCLOSS: Objection; misstates the  
15 evidence.

16 THE COURT: Sustained.

17 MR. AUCHINCLOSS: And argumentative.

18 THE COURT: Misstates the evidence, sustained.

19 MR. MESEREAU: Excuse me. I'll rephrase it.

20 My mistake.

21 Q. Was it ever reported to you Star Arvizo told  
22 Angel Vivanco, "You put some alcoholic beverages in  
23 my milkshake or I'll get you fired"?

24 A. No, it was never reported to me.

25 Q. Was it ever reported to you that Star and  
26 Gavin used to spit on employees when they rode the  
27 amusement park rides?



1 THE COURT: Overruled.

2 THE WITNESS: No. Never was reported to me

3 either.

4 Q. BY MR. MESEREAU: Was it ever reported to

5 you that Star and Gavin Arvizo would take their

6 shoes and throw them at people from the amusement

7 park rides?

8 A. Never heard that either.

9 Q. Was it ever reported to you that Star and --

10 Star and Gavin Arvizo made an absolute mess out of

11 their bedrooms in the guest quarters?

12 A. Not that I can remember, no.

13 Q. Was it ever reported to you that Star and

14 Gavin Arvizo used to search the television for adult

15 films --

16 MR. AUCHINCLOSS: Objection.

17 Q. BY MR. MESEREAU: -- at their guest unit?

18 MR. AUCHINCLOSS: Assumes facts not in

19 evidence.

20 THE COURT: Sustained.

21 Q. BY MR. MESEREAU: Not everybody reports

22 every violation of a guest to you, do they?

23 A. Well, I guess not.

24 Q. Now, you said you learned a lot of things

25 weren't reported to you, right?

26 A. Yes.

27 Q. Okay. And where have you learned that from?

28 A. Well, being part of responsibility. 12107

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1 Q. Now, there are drawers in the kitchen,

2 correct?

3 A. There are what? I'm sorry.

4 Q. Drawers in the kitchen, right?

5 A. Yes.

6 Q. And certainly someone in the kitchen could

7 put money, if they wanted, in one of the drawers

8 temporarily, couldn't they?

9 A. I believe so, yes.

10 Q. And not everybody would report that to you,

11 would they?

12 A. I guess not necessarily, no.

13 Q. And if one of the Arvizo children stold

14 money from a drawer in the kitchen, you wouldn't

15 necessarily find out about it, would you?

16 A. Not if they don't tell me.

17 Q. And if Angel Vivanco thought his job was in

18 jeopardy if he reported it, you might not hear,

19 right?

20 MR. AUCHINCLOSS: Objection; argumentative.

21 THE COURT: Sustained.

22 MR. AUCHINCLOSS: Assumes facts not in

23 evidence.

24 Q. BY MR. MESEREAU: Now, have you looked at

25 any records to determine whether or not you called

26 Joe Marcus the night you drove Janet Arvizo from the

27 ranch?

28 A. No, I never -- no. 12108

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1 Q. Would it refresh your recollection if I  
2 showed you a phone record showing a phone call on  
3 the night of February 12th, time, 12:55 a.m., to Joe  
4 Marcus from a ranch number?

5 A. No, I can tell you, because Joe wasn't even  
6 at the ranch that day.

7 Q. Do you know why anyone would be calling his  
8 number?

9 A. I have no idea, no.

10 Q. Where was he at that point, do you know?

11 A. Not sure, but I believe he was at home.

12 Q. Okay. Do you know who would have called his  
13 number at 12:55 a.m. on Wednesday, February 12th --

14 A. No, I don't.

15 Q. -- 2003? If I showed you the record, would  
16 it refresh your recollection at all?

17 A. Probably not.

18 Q. Okay. Okay. Now, you said something about  
19 being at the ranch for a couple of weeks during that  
20 time period; is that right?

21 A. That's correct, yes.

22 Q. And what did you mean by "a couple of  
23 weeks"?

24 A. I mean to spend the night, most of the  
25 nights there.

26 Q. And are you talking about working all day  
27 and all night, or just all night?

28 A. No, talking about working all day and all 12109

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1 night.

2 Q. Okay. Okay. And that's in the main

3 residence?

4 A. Yes.

5 Q. Well, if you're working all day or all

6 night, or both, in the main residence, are you

7 necessarily going to see if somebody drives a

8 vehicle?

9 MR. AUCHINCLOSS: Objection; argumentative.

10 THE COURT: Sustained.

11 Q. BY MR. MESEREAU: You're not always looking

12 at the vehicles, are you, when you do your work?

13 A. Absolutely not, no. That was not my job to

14 keep an eye on them.

15 Q. And that's a very big house, right?

16 A. It's true. Very big -- big house.

17 Q. And what kind of work were you doing in the

18 house at that point in time?

19 A. Well, it was different. Many things. Just

20 making sure that the house was clean; that we had

21 what the guests needed. And it was not just that.

22 It was just also driving the limousine different

23 areas. It could be picking up people, dropping off

24 people. So I was not always there at the ranch.

25 Q. And if you're not always there at the ranch,

26 you couldn't possibly always know if someone's

27 driving a vehicle on the ranch, correct?

28 A. That is correct. 12110

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1 MR. AUCHINCLOSS: Objection; argumentative.

2 THE COURT: Sustained.

3 Q. BY MR. MESEREAU: Were you always on the  
4 ranch during those weeks that the prosecutor asked  
5 you questions about?

6 A. Well, once again, I was not always there.

7 Like I said, I was always driving somebody somewhere  
8 else.

9 Q. Okay. Where would you drive people to?

10 A. I drove people to L.A., pick up people from  
11 L.A., Burbank. I mean -- yes, Burbank. Santa  
12 Barbara, you know.

13 Q. And how often would you drive people off the  
14 ranch to L.A., or Burbank, or Santa Barbara?

15 A. Well, it depends. I mean, it was -- it was  
16 to the point that I was driving people, I mean,  
17 almost every other day or every day during the  
18 Christmas season.

19 Q. And if you're driving people off the ranch  
20 to L.A. and Burbank and Santa Barbara, and you're  
21 gone every day or every other day, would it be  
22 reasonable to say you're not going to be looking at  
23 who's driving a vehicle on the ranch?

24 MR. AUCHINCLOSS: Objection; argumentative.

25 THE COURT: Overruled.

26 You may answer.

27 THE WITNESS: That is correct.

28 Q. BY MR. MESEREAU: And are you saying that 12111

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1 during that period of time, you were probably more  
2 off the ranch than on it while you were working?

3 A. Not necessarily, because if it was -- it  
4 depends on the area that I was picking up people.

5 It could have been two, three hours, four hours,  
6 five hours. But I was -- you know, I spent a lot of  
7 time at the ranch also.

8 Q. When you drove to Los Angeles, typically how  
9 long would it take you from the moment you left the  
10 ranch till the moment you returned?

11 A. Talking five hours, six hours.

12 Q. Okay. Now, were you the primary person who  
13 would drive people off the ranch?

14 A. No. It was another driver before I started  
15 to do that, yes.

16 Q. Who would decide whether you were going to  
17 drive someone off the ranch?

18 MR. AUCHINCLOSS: I'm going to object as  
19 beyond the scope.

20 THE COURT: Sustained.

21 Q. BY MR. MESEREAU: The prosecutor asked you  
22 questions about your office at Neverland, okay?

23 A. Right.

24 Q. And where is that office located?

25 A. It is located on the back of the house.

26 When you first go in the main entry in the back, it  
27 is the first room on your left side.

28 Q. And is that very close to the kitchen? 12112

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1 A. It's just a wall dividing that.

2 Q. Is there a door to that office?

3 A. No, it has no door.

4 Q. In fact, people can go in and out of that  
5 office very freely, correct?

6 A. That is correct, yes.

7 Q. In fact, you pass that office when you're  
8 coming in from the back, right?

9 A. Correct, yes.

10 Q. You pass that office if you're leaving the  
11 house from the back, right?

12 A. That is correct, yes.

13 Q. And what do you find in that office?

14 A. There's videos. There's -- I mean, there's  
15 all kinds of stuff. Glasses. I mean, stuff that is  
16 there that belongs to Mr. Jackson.

17 Q. There are phones, right?

18 A. There's a phone, yes.

19 Q. Virtually anyone can walk in or out of that  
20 office, right?

21 A. Yes.

22 Q. You were not the only one using that office  
23 at that point in time, right?

24 A. No, because everybody can go in and use it.

25 Q. Were you the only one using the drawers in  
26 that office at that point in time?

27 A. No, not necessarily.

28 Q. In fact, other people used those drawers and 12113

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1 didn't tell you what they put in them, right?

2 A. Well, I know pretty much I knew what was in  
3 those drawers.

4 Q. Well, if you were on a drive to L.A. and  
5 back, you wouldn't know who was in or out of that  
6 office, right?

7 MR. AUCHINCLOSS: Objection; argumentative.

8 THE COURT: Sustained.

9 MR. MESEREAU: No further questions.

10

11 REDIRECT EXAMINATION

12 BY MR. AUCHINCLOSS:

13 Q. Mr. Salas, I wanted to just make sure I  
14 understood one thing about your testimony correctly.

15 Mr. Mesereau asked you at the beginning of  
16 his cross-examination if you saw Mr. Jackson  
17 intoxicated only three times. Is that accurate,  
18 that you saw him intoxicated only three times?

19 MR. MESEREAU: Your Honor, I limited that to  
20 the time period.

21 MR. AUCHINCLOSS: Okay. Let me rephrase.

22 Q. Let's say during the last -- during the year  
23 2003, how often did you see Mr. Jackson intoxicated?

24 MR. MESEREAU: Objection; foundation.

25 THE COURT: Overruled.

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

27 A. Lately, it was -- it was a lot. I mean, I

28 would say it was -- it became to the point that he 12114

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1 was intoxicated a lot.

2 Q. How often in a week?

3 A. I'll say, you know, four times maybe, or  
4 more than that.

5 Q. And Mr. Mesereau asked you a number of  
6 questions about whether certain things were reported  
7 to you, such as children asking for vodka in a  
8 drink. That was never reported to you?

9 A. That was never reported to me, no.

10 Q. Or children writing something nasty on a  
11 wall. That was never reported to you?

12 A. That is correct.

13 Q. Now, do the amusement park operators report  
14 to you as the house manager?

15 A. No, they never reported it to me.

16 Q. So I believe your former testimony is that  
17 only the maids would report to you, and the chefs,  
18 the people who work in the house?

19 A. Yes.

20 Q. And can you tell me, is there a general rule  
21 concerning giving children what they ask for at  
22 Neverland?

23 MR. MESEREAU: Objection; beyond the scope.

24 THE COURT: Sustained.

25 Q. BY MR. AUCHINCLOSS: Well, if a child asks  
26 for something like vodka from somebody, is that  
27 something that would necessarily be reported?



1 beyond the scope.

2 THE COURT: Overruled.

3 Q. BY MR. AUCHINCLOSS: I mean, is that  
4 something that you've seen reported before?

5 A. Well, I would say that it had to be  
6 reported.

7 Q. I'm sorry?

8 A. It had to be reported if there was something  
9 like that, yes.

10 Q. And did you ever see a report of that  
11 nature?

12 A. Never got any reports.

13 Q. Then how do you know it had to be reported?

14 A. Well, I'm saying because if it's a kid, and  
15 the kid is asking for a drink, you know, somebody  
16 needs to tell somebody.

17 Q. So that's the type of thing that would have  
18 been reported if it happened?

19 A. Absolutely, yes.

20 MR. AUCHINCLOSS: Thank you. No further  
21 questions.

22 MR. MESEREAU: No further questions.

23 THE COURT: All right. Thank you. You may  
24 step down.

25 Call your next witness.

26 MR. AUCHINCLOSS: Call Vic Alvarez.

27 THE COURT: Come forward, please, to the

28 witness stand. You may be seated. You're still 12116

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1 under oath.

2 THE WITNESS: Thank you, Your Honor.

3

4 VICTOR ALVAREZ

5 Having been previously sworn, resumed the

6 stand and testified further as follows:

7

8 DIRECT EXAMINATION

9 BY MR. AUCHINCLOSS:

10 Q. Good afternoon, Mr. Alvarez.

11 A. Good afternoon.

12 Q. I should say "Detective Alvarez."

13 Did you interview an employee of Neverland

14 Ranch by the name of Julio Avila?

15 A. I did.

16 Q. And did that interview take place on March

17 21st, 2005?

18 A. Yes.

19 Q. All right. And why did you interview Mr.

20 Avila on that date?

21 A. I had received a defense interview that had

22 been taken by a private investigator.

23 Q. And did you go to confirm some of the

24 information that you received in that report?

25 A. I did.

26 Q. Did you ask Mr. Avila some questions about

27 the Arvizo family operating one of the amusement

28 park rides at Neverland Ranch? 12117

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1 A. Yes.

2 Q. What did he tell you?

3 A. He said that -- I asked him in particular  
4 the ride, I believe it was the swing, how it  
5 operated. He said it had an "off" and "on" button,  
6 and that Star had started the ride after watching  
7 him operate it.

8 Q. Did he tell you which Arvizo children were  
9 present when that ride was being operated?

10 A. Yes, he did.

11 Q. Who was present?

12 A. He said all three were present.

13 Q. Did he tell you whether or not there were  
14 any other children who were in the amusement park  
15 area during that time?

16 A. Only the three children were present.

17 Q. There were no other children present?

18 A. No.

19 MR. SANGER: Objection; leading.

20 THE COURT: Overruled.

21 Q. BY MR. AUCHINCLOSS: Did he say anything  
22 about operating a Zipper ride immediately before he  
23 went over and stopped the Arvizo children from  
24 operating that ride?

25 A. Yes.

26 Q. Did he say who he was operating that Zipper  
27 ride for?



1 Q. Did you ask him about the Arvizo children  
2 and their behavior in general?

3 A. Yes.

4 Q. Did you ask him about whether or not they  
5 crashed any carts, or did he give you any  
6 information about that?

7 A. Yes. He -- I believe he did say that they  
8 would ride the carts recklessly, but he said all the  
9 kids -- I think he was pretty general about all the  
10 kids ride the carts recklessly.

11 MR. SANGER: I'm going to move to strike  
12 after, "Yes." He said they did. Nonresponsive.

13 THE COURT: Stricken; nonresponsive. The  
14 answer is, "Yes."

15 MR. AUCHINCLOSS: That's fine.

16 Q. Did he say anything about how all the kids  
17 operated carts at Neverland?

18 A. He did.

19 MR. SANGER: Objection; relevance.

20 THE COURT: Overruled.

21 Q. BY MR. AUCHINCLOSS: What did he tell you  
22 about that?

23 A. He said that all the kids ride the carts  
24 recklessly.

25 Q. Did he tell you anything in general about  
26 the behavior of children who are guests at  
27 Neverland?

28 A. I asked him. 12119

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1 Q. All right. And did he answer you?

2 A. Yes.

3 Q. What did he tell you?

4 A. He said that basically the kids are free to  
5 do whatever they want. And I asked him, "Do they  
6 pretty much run amuck here?" And he said, "Yes."

7 Q. At some time during your interview, did he  
8 ever express some confusion as to whether or not he  
9 was talking about the behavior or misbehavior of the  
10 Arvizo children as opposed to the Cascio children?

11 MR. SANGER: Objection; calls for a  
12 conclusion without foundation.

13 THE COURT: Sustained.

14 Q. BY MR. AUCHINCLOSS: Did he ever express to  
15 you any indication that he didn't understand he was  
16 talking -- you were talking about the Arvizo  
17 children?

18 A. Yes.

19 Q. And how did he express that?

20 MR. SANGER: I'm going to object. I may  
21 have to object to the last question in order to make  
22 it correct, so I'd move to strike the answer for the  
23 purpose of objecting that it calls for a conclusion  
24 without a foundation.

25 THE COURT: Overruled.

26 You may answer.

27 THE WITNESS: The question again, please?

28 Q. BY MR. AUCHINCLOSS: The question was, how 12120

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1 did he express to you any confusion he had over  
2 which family you were trying to ask him questions  
3 about?

4 A. He did not know the sister's name, and he  
5 was confusing names of the two families.

6 Q. Did he ever say anything to you about where  
7 he believed the family that was -- that you were  
8 asking questions about, did he ever indicate where  
9 he believed they were from?

10 A. He just said they were not from California.

11 Q. Did he ever indicate to you whether or not  
12 he filed reports on any of this information that he  
13 was giving you?

14 A. He did not file any reports.

15 Q. Did he ever indicate to you whether or not  
16 he had knowledge that Mr. Jackson possessed erotic  
17 materials, adult erotic materials in his bedroom?

18 A. Yes.

19 Q. What did he say?

20 MR. SANGER: I'm going to object. This is  
21 without foundation.

22 THE COURT: Overruled.

23 You may answer.

24 MR. SANGER: Well, I'm -- okay.

25 THE WITNESS: We were --

26 MR. SANGER: It seems to me there should be  
27 a foundation first as to how this witness would have

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1 MR. AUCHINCLOSS: I'll object to the  
2 speaking objection. This is impeachment of the  
3 testimony.

4 THE COURT: The objection was overruled. Go  
5 ahead.

6 THE WITNESS: There was mention of adult  
7 material and where it had come from. And I asked  
8 him if it came from -- "Could it have possibly come  
9 from Mr. Jackson's bedroom?" at which time he said,  
10 "Yes, it could have" --

11 MR. SANGER: I'm going to object and move to  
12 strike. That's just based on speculation. It's not  
13 impeachment.

14 MR. AUCHINCLOSS: I don't think he's  
15 finished answering the question.

16 THE COURT: Are you finished? Had you  
17 finished answering the question?

18 THE WITNESS: No, Your Honor.

19 THE COURT: All right. Go ahead and finish.

20 THE WITNESS: He said, "Yes, it could have  
21 come from the bedroom."

22 Q. BY MR. AUCHINCLOSS: And did he say why?

23 A. He was aware that there was this type of  
24 material in the bedroom.

25 MR. SANGER: Your Honor, it's improper  
26 impeachment if there's no foundation for the  
27 testimony, the hearsay. I object.

28 THE COURT: I'll sustain that objection and 12122

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1 strike his answer.

2 MR. AUCHINCLOSS: I believe -- well --

3 THE COURT: Being aware lacks foundation,

4 personal knowledge.

5 MR. AUCHINCLOSS: We did -- well, I could

6 ask to tell you at sidebar that there was specific

7 testimony regarding this that goes to this

8 impeachment, irrespective of foundation.

9 MR. SANGER: I mean, I know what it is, if

10 there's any question in the Court's mind.

11 THE COURT: Well, come forward.

12 (Discussion held off the record at sidebar.)

13 THE COURT: I'm going to strike this

14 witness's testimony concerning what knowledge Mr.

15 Avila had about adult material, and I'm going -- at

16 the ranch, and I'm going to base that ruling on the

17 fact that there is insufficient foundation for that

18 testimony, so the jury's ordered to disregard that

19 testimony.

20 MR. AUCHINCLOSS: Thank you, Your Honor.

21 Q. Mr. Alvarez, during this interview that you

22 had with Mr. Avila, did you ask him generally about

23 the behavior of the Arvizo children at the ranch?

24 A. I did.

25 Q. Did he ever mention to you anything about

26 the Arvizo children misbehaving using the quads?

27 A. No.

28 Q. Lastly, did you attempt to contact Chris 12123

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1 Tucker as a witness in this case?

2 A. I did.

3 Q. On how many occasions?

4 A. Three different occasions.

5 Q. And how did you go about doing that?

6 A. Mr. Tucker lives in the L.A. County area.

7 It's a gated community. So every time you pull up

8 to the guard shack, they ask you who you are and

9 what your business is. So I would identify myself

10 as a detective with the sheriff's department. I had

11 his address. The guard takes down the license plate

12 of your vehicle, and I went to his residence.

13 Q. So you actually made it through the gated

14 entry?

15 A. I did.

16 Q. Did you go to his residence?

17 A. I did.

18 Q. Is his residence gated?

19 A. No.

20 Q. Did you go to his front door?

21 A. I took pictures of his residence, and then I

22 went to his front door.

23 Q. Did you ever make contact with anybody at

24 Mr. Tucker's residence?

25 A. No, I didn't.

26 Q. Did you leave your business card?

27 A. I did.

28 Q. Did you write any notes on that card? 12124

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1 A. I did.

2 Q. What did you leave as a note?

3 A. On -- my business card has my name, my  
4 title, and phone numbers. And I would put on the  
5 bottom "Over," and on the back side, I wrote,  
6 "Please call me," and I'd put my cell phone down on  
7 it.

8 Q. You did this on how many occasions?

9 A. Three different occasions. I would leave a  
10 card on the front door and the mailbox.

11 Q. Each time?

12 A. Yes.

13 Q. Did you ever make contact with Mr. Tucker's  
14 attorney?

15 A. I did.

16 Q. On how many occasions?

17 A. I believe it was one time.

18 Q. And did you request of Mr. Tucker's attorney  
19 that Mr. Tucker contact you and allow you to  
20 interview him?

21 A. I did.

22 Q. Have you ever received any calls from Mr.  
23 Tucker or his attorney to set up an interview for  
24 the purposes of this case?

25 A. No.

26 MR. AUCHINCLOSS: Thank you. No further  
27 questions.

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1 CROSS-EXAMINATION

2 BY MR. SANGER:

3 Q. Detective Alvarez, first of all, with regard  
4 to Chris Tucker, how many times did you go to the  
5 actual residence of Mr. Tucker?

6 A. Three times.

7 Q. Three times to the front gate?

8 A. To the front door of his residence.

9 Q. Okay. So you went to the gate, and three  
10 separate times you were allowed to go through the  
11 gate to go to his front door?

12 A. Yes. Actually, after the first time, the  
13 guard knew me and just waved at me.

14 Q. I didn't ask that. I asked did you go to  
15 his front door?

16 A. I went to his front door of his residence,  
17 not of the guard shack.

18 Q. Okay. That's what I'm asking. You went to  
19 the front door of his residence?

20 A. Yes.

21 Q. And you're saying he was not there or nobody  
22 answered the door each of the three times?

23 A. That's correct.

24 Q. So the guards did not get permission to let  
25 you through from Mr. Tucker. They let you through  
26 because you showed a badge and said you had business  
27 there?

28 A. That's correct. 12126

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1 Q. Were you ever on the property at any time  
2 when you saw Chris Tucker's mother?

3 A. No.

4 Q. And you believed you went to the correct  
5 house?

6 A. Yes.

7 Q. You took pictures of it?

8 A. I did.

9 Q. All right. Now, with regard to Mr. Tucker's  
10 lawyer -- let me withdraw that.

11 First of all, on one of those occasions you  
12 left a card; is that correct?

13 A. No, I said on three occasions I left a card.

14 Q. All three occasions you left a card?

15 A. Yes, I did.

16 Q. In response to having a card left, on one  
17 occasion you got a call back from Chris Tucker's  
18 lawyer; is that correct?

19 A. No.

20 Q. You called Chris Tucker's lawyer yourself?

21 A. I did.

22 Q. How did you know who his lawyer was?

23 A. I believe it was given to me by one of my  
24 supervisors.

25 Q. Okay. Do you know if Chris Tucker's lawyer  
26 called to say, "I'm Chris Tucker's lawyer"?

27 A. I spoke to him.

28 Q. Okay. Before you spoke to him. 12127

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1 A. Okay.

2 Q. Before you spoke to him, one of your  
3 supervisors gave you a name and said, "Here's his  
4 lawyer," right?

5 A. Correct.

6 Q. And then you called him up?

7 A. Correct.

8 Q. All right. Now, and then Mr. Tucker -- Mr.  
9 Tucker's lawyer, do you remember his name?

10 A. I don't.

11 Q. Is that Mr. Sweeney, by any chance, or is it  
12 somebody else?

13 A. The name sounds familiar, but I can't  
14 positively say that that was his attorney.

15 Q. Okay. Do you know how many attorneys Mr.  
16 Tucker has?

17 A. I don't.

18 Q. Okay. Now, you've been around for some time  
19 working in the courts as well as being on the street  
20 and being a detective, correct?

21 A. Yes.

22 Q. All right. You're aware that people who are  
23 movie stars or celebrities tend to have a number of  
24 different lawyers; is that correct?

25 A. Yes.

26 MR. AUCHINCLOSS: Objection. Relevancy and  
27 assumes facts.

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1 Q. BY MR. SANGER: When you talked to this  
2 lawyer - you can't remember his name - do you recall  
3 what capacity he was calling you back in? Did he  
4 tell you, "I'm an entertainment lawyer," or a --

5 A. He didn't call me back. I actually made  
6 contact with him when I called him.

7 Q. I'm sorry. I think you said that. It gets  
8 to be this time of day and sometimes --

9 A. I understand.

10 Q. I missed that. In any event, you called  
11 him?

12 A. Yes.

13 Q. Did he tell you what his capacity was? "I'm  
14 Mr. Tucker's entertainment lawyer," or "I'm a lawyer  
15 who" --

16 A. "I'm Mr. Tucker's lawyer. What can I do for  
17 you?"

18 Q. And you had asked to have a meeting with Mr.  
19 Tucker?

20 A. I asked him if -- well, I told him who I  
21 was, and I told him I would like to interview his  
22 client.

23 Q. Okay. All right. And did you call him back  
24 after that?

25 A. No.

26 Q. So you called him one time, and that was it?

27 A. He told me Mr. Tucker had nothing to say.

28 Q. Okay. Did you call him that one time and 12129

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1 that was it?

2 A. There's no reason for me to call him back  
3 after that comment.

4 Q. I see.

5 Did you go out to Mr. Tucker's house before  
6 or after you had that conversation with this lawyer  
7 who said, "Mr. Tucker has nothing to say"?

8 A. This was after.

9 Q. The call was after? Or the visits were  
10 after?

11 A. The visits were after.

12 Q. The visits. So after Mr. Tucker's lawyer  
13 said he has nothing to say to law enforcement, you  
14 then went to his house three times and left cards?

15 A. When I called his attorney, it was early on  
16 in the investigation, and I would say it was  
17 probably in '04 sometime. When I went to Mr.  
18 Tucker's residence, it was earlier this year.

19 Q. All right. Now, having said all of that, a  
20 person has absolutely no obligation to speak to you  
21 under the law of California; isn't that right?

22 MR. AUCHINCLOSS: Objection. Argumentative;  
23 relevance.

24 THE COURT: Overruled.

25 THE WITNESS: That's true.

26 Q. BY MR. SANGER: Okay. And this is not the  
27 first witness who has refused to talk to you?

28 A. I wanted to talk to him. I didn't want to 12130

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1 talk to his attorney.

2 Q. My question was, this is not the first  
3 witness, in your experience as a law enforcement  
4 officer, who has refused to talk to you, is it?

5 MR. AUCHINCLOSS: Same objection.

6 THE COURT: Sustained.

7 Q. BY MR. MESEREAU: All right. Do you think  
8 it's possible that people who know Michael Jackson  
9 feel that the Santa Barbara Sheriff's Department is  
10 on a witch hunt?

11 MR. AUCHINCLOSS: Objection, Your Honor.

12 Argumentative.

13 THE COURT: Sustained.

14 Q. BY MR. SANGER: All right. Let me ask you  
15 about the interview you had with Mr. Avila.  
16 Now, this interview took place on March the  
17 12th, I think it was?

18 A. 21st.

19 Q. I'm sorry, March the 21st. Okay. March the  
20 21st of this year, correct?

21 A. Yes.

22 Q. And that was after Mr. Avila had already  
23 been interviewed and submitted a declaration; is  
24 that correct?

25 A. Three months after.

26 Q. Okay. So you were aware of basically what  
27 he had to say by the time you went to see him; is

28 that correct? 12131

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1 A. Well, I knew what was on the report. I

2 didn't know what he had to say.

3 Q. All right. Now, when you went out to talk  
4 to Mr. Avila, where did you meet him, by the way?

5 A. I went to his residence.

6 Q. Okay. It was about 1:30 in the afternoon?

7 A. Yes.

8 Q. And you took the prior interview and  
9 declaration with you; is that correct?

10 A. I did.

11 Q. Was the prior interview with the sheriff's  
12 department?

13 A. I took the prior interview that he had done  
14 with the private investigator.

15 Q. So there was a private investigator's  
16 interview, and then a declaration that was prepared  
17 and he signed under penalty of perjury; is that  
18 correct?

19 A. It was a declaration that I had in my hand.

20 Q. So --

21 A. Because --

22 Q. Go ahead.

23 A. I suppose -- go ahead.

24 Q. Let me ask another question. Let's just  
25 clear that up, clear this up.

26 When you say he had a prior interview with  
27 you, you had a report of an interview by a private

28 investigator; is that correct? 12132

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1 A. Yes. I don't think we had interviewed him  
2 prior, our department.

3 Q. And then -- that was my original question.

4 Fine.

5 And then you had a declaration that Mr.

6 Avila had signed under penalty of perjury?

7 A. All I had was a declaration with a signature  
8 at the bottom.

9 Q. In your report, you said you spoke to Mr.  
10 Avila concerning a prior interview and declaration.

11 So your reference is to --

12 A. The one piece of paper that I had in my  
13 hand.

14 Q. So you believe that the declaration was a  
15 result of the prior interview. Was that the  
16 reference there?

17 A. Yes.

18 Q. All right. Fine. Most of -- almost all of  
19 what you went over with Mr. Avila was, in fact,  
20 consistent with his declaration, was it not?

21 A. I don't agree with that.

22 Q. All right. He said he worked as a ride  
23 attendant in the amusement park at Neverland Ranch;  
24 is that correct?

25 MR. AUCHINCLOSS: I'm going to object to  
26 counsel reading the interview into the record.

27 MR. SANGER: This isn't the interview. This

28 is the report of the interview, but I'm hitting 12133

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1 particular points.

2 Sorry to respond.

3 THE COURT: The objection is overruled.

4 Q. BY MR. SANGER: Do you have the question in  
5 mind?

6 A. No, I don't.

7 Q. I'll ask it again. Mr. Avila told you that  
8 he worked as a ride attendant in the amusement park  
9 area of Neverland Ranch, correct?

10 A. No, he didn't.

11 Q. Did he tell you -- well, he didn't say that?

12 A. He said he was a security guard, but used to  
13 be a ride attendant.

14 Q. What I asked you was, did he tell you he  
15 worked as a ride attendant in the amusement park  
16 area?

17 A. Prior.

18 THE COURT: Well, wait a minute. I'm going  
19 to go back, here. I'm going to sustain the  
20 objection. There's no sense in going through and  
21 asking those kind of questions. Let's move along.

22 MR. SANGER: All right.

23 THE COURT: The parts that, he's right, that  
24 they agree upon is not relevant. The parts they  
25 don't agree on is.

26 MR. SANGER: Well, prior consistent  
27 statements --

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1 MR. SANGER: No? All right.

2 Q. You indicated that there was an issue  
3 about -- or let me put it this way: You testified,  
4 in response to questions from Mr. Auchincloss, that  
5 there were -- he had made some statements about who  
6 was present at the ranch at the time that he was  
7 operating some rides while the Arvizo children were  
8 there?

9 A. Yes.

10 Q. All right. Now, one thing, if I may, he did  
11 tell you he was a ride attendant at that time?

12 A. At that time.

13 Q. Okay. And when the Arvizo children were  
14 there, he told you about the time that Star Arvizo  
15 went over and started the swing ride; is that  
16 correct?

17 A. Correct.

18 Q. All right. And he said that -- you asked  
19 him who was present when Star did that, and he said  
20 that he couldn't remember the name of the sister at  
21 that point; is that correct?

22 A. Right.

23 Q. But he said -- he said Star and Gavin. He's  
24 the one that gave the names "Star" and "Gavin,"  
25 correct?

26 THE COURT: Aren't you just doing what I've  
27 asked you not to do?

28 MR. SANGER: Well, this is the particular 12135

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1 area that he was talking about, who was present, and

2 I believe the issue was --

3 THE COURT: You can ask those questions.

4 What I don't want you doing is to read the report

5 and ask him if that's right. The question of

6 whether he said Star and Gavin were there is a

7 legitimate question, but you're doing exactly what I

8 asked you not to do.

9 MR. SANGER: Okay. I'm sorry. I will not

10 look at it. I will try to do it this way.

11 THE COURT: It's one thing to ask him the

12 facts. It's another to ask him whether he agrees

13 with statements in the report. And you continue to

14 ask him whether or not he agrees with statements in

15 the report, which is what I don't want you to do.

16 MR. SANGER: Very well.

17 Q. So, Mr. Avila told you that Star was the one

18 who tried to start the ride, correct?

19 A. Yes.

20 Q. And he told you he couldn't remember the

21 sister's name, but he said the sister was there; is

22 that correct?

23 A. Yes.

24 Q. And then he also told you Gavin was present,

25 correct?

26 A. I don't know if he actually mentioned his

27 name.

28 Q. Now, you asked him if anybody else was 12136

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1 present, right?

2 A. Yes.

3 Q. He told you he couldn't remember whether or  
4 not other children were present at the ranch; isn't  
5 that correct?

6 A. He told me there was nobody else present.

7 Q. Where?

8 A. At the rides, at the amusement park.

9 Q. My question was, did he tell you he couldn't  
10 remember whether or not other children were at the  
11 ranch, were staying at the ranch at that time?

12 MR. AUCHINCLOSS: Objection; relevancy.

13 THE COURT: Overruled.

14 THE WITNESS: Possibly.

15 Q. BY MR. SANGER: Would it refresh your  
16 recollection to look at your report?

17 A. Sure.

18 Q. Do you have your report with you?

19 A. I do.

20 Q. I'd like you to look at page two at the  
21 bottom. Read it to yourself and see if that --

22 A. That's correct.

23 Q. Okay. Thank you.

24 Now, you asked him also -- you talked about  
25 the Arvizo children being destructive at the ranch,  
26 something to that effect?

27 A. Yes.

28 Q. All right. Isn't it a fact that Mr. Avila 12137

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1 told you that other children would do things, but it  
2 seemed like the Arvizo children did this more often  
3 than other children?

4 That's offered for impeachment. I'm not --

5 THE COURT: I understand.

6 MR. SANGER: Okay.

7 THE WITNESS: Possibly, but there was more  
8 to it than that.

9 Q. BY MR. SANGER: I'd ask you to look at page  
10 three of your report and see if that refreshes your  
11 recollection.

12 A. Yes.

13 Q. Okay. And in fact, does that refresh your  
14 recollection that he said, quote, "But it seemed  
15 seemed like the Arvizo children did this more often  
16 than other children," close quote?

17 A. That's correct.

18 Q. When you put quotes in a report, that is a  
19 direct verbatim quote from what the person actually  
20 said to you; is that correct?

21 A. That's why I do that.

22 Q. Yeah.

23 May I have just a moment here, Your Honor?

24 THE COURT: Okay.

25 Q. BY MR. SANGER: And did Mr. Avila relate to  
26 you that Star Arvizo had written some obscene words  
27 on the wall in one of the control rooms?

28 A. Yes. 12138

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1 Q. And he used the name "Star," correct?

2 A. Yes.

3 MR. AUCHINCLOSS: I'll object as beyond the  
4 scope.

5 THE COURT: Sustained.

6 Q. BY MR. SANGER: All right. And then what --

7 let me put it this way and see: On that last issue

8 about the writing something obscene on the wall, was

9 there any hesitation when Mr. Avila told you the

10 name of the person that did it?

11 MR. AUCHINCLOSS: Same objection.

12 THE COURT: Overruled.

13 THE WITNESS: No.

14 MR. SANGER: And may I ask, then, the name

15 of the person?

16 Q. What was the name of the person he gave you

17 who did it?

18 A. Star.

19 Q. Okay. Thank you.

20 And with regard to the pornographic

21 magazines, did Mr. Avila tell you the name of the

22 child who had the pornographic magazines that he

23 brought from home?

24 MR. AUCHINCLOSS: Objection; beyond the

25 scope.

26 THE COURT: Overruled.

27 THE WITNESS: It's "magazine."

28 Q. BY MR. SANGER: Or "magazine." All right. 12139

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1 I'll accept that for now, but did he tell you the  
2 name of the person who did that?

3 A. Yes.

4 Q. Who was it?

5 A. Star.

6 Q. I'm sorry?

7 A. Star.

8 Q. And if you look at the bottom of page four --

9 let me ask you if that helps refresh your  
10 recollection as to whether or not Star had  
11 pornographic "magazines" as opposed to a "magazine."

12 MR. AUCHINCLOSS: Objection; beyond the  
13 scope.

14 THE COURT: Overruled.

15 THE WITNESS: I can explain that, but it  
16 does say "magazines."

17 Q. BY MR. SANGER: So your reference, though --  
18 your understanding was he was talking about Star  
19 having one magazine in his pocket or one magazine in  
20 his possession that he said he brought from home?

21 A. I was referring to what was written in the  
22 investigative report from the private investigator,  
23 and it said "magazines."

24 Q. Okay.

25 A. And that's what I thought, it was magazines.

26 Q. So when you asked him about that, he said  
27 Star told him that he brought the pornographic

28 magazines from home; is that correct? 12140

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1 A. Yes.

2 Q. And then you clarified with Mr. Avila that  
3 he had seen one magazine in Star's possession; is  
4 that correct?

5 A. Yes.

6 Q. All right. Now, you said something else  
7 about, "Did Mr. Avila ever tell you about the  
8 quads?" I don't have the exact quote, but it was  
9 something to that effect, and you said, "No, he  
10 didn't."

11 Do you remember that question and answer?

12 A. Yes.

13 Q. Did you ever ask Mr. Avila about the quads?

14 A. No.

15 MR. SANGER: No further questions.

16

17 REDIRECT EXAMINATION

18 BY MR. AUCHINCLOSS:

19 Q. Just one question. Detective Alvarez, when  
20 Mr. Avila was describing the issues concerning the  
21 writing of the information on the control room, I  
22 believe it was a control door of some type --

23 A. Yes.

24 Q. -- and when he was referring to the issue  
25 regarding pornographic magazines or a magazine, was  
26 this after or before the confusion was cleared up  
27 about which family you were talking about with Mr.

28 Avila? 12141

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1 MR. SANGER: I object. That misstates the  
2 evidence; assumes facts not in evidence.

3 THE COURT: It's a difficult question.

4 MR. AUCHINCLOSS: Yeah, I can rephrase it.

5 Maybe make it a little simpler.

6 Q. You previously mentioned that there was some  
7 discussion between you and Mr. Avila regarding  
8 whether or not you were talking about the Arvizo  
9 family or the Cascio family, correct?

10 A. Correct.

11 Q. Did that discussion take place before or  
12 after you talked to him about the magazine?

13 A. That was before.

14 Q. Did that discussion take place before or  
15 after you talked to him about the writing that Star  
16 did?

17 A. As far as which family it was, it was  
18 before.

19 Q. Okay. So you had already had a discussion  
20 about the individual names of the children before  
21 you spoke to him about those two incidents?

22 A. Yes.

23 MR. SANGER: Objection.

24 MR. AUCHINCLOSS: All right.

25 MR. SANGER: Objection. It's argumentative  
26 and misstates the evidence.

27 THE COURT: All right. Overruled. The

28 answer is in. 12142

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1 MR. AUCHINCLOSS: Thank you. No further  
2 questions.

3 THE BAILIFF: Judge, it's --

4

5 RE-CROSS-EXAMINATION

6 BY MR. SANGER:

7 Q. Here's what I'm getting at: The original  
8 discussion, when you first started, you were asking  
9 him if he was talking about the Cascios or the  
10 Arvizos. Do you remember that?

11 A. Yes.

12 Q. And he told you that he was talking about  
13 the Arvizos, and they were more destructive than the  
14 Cascios, correct?

15 A. I think he said "than other kids." He  
16 didn't specify.

17 Q. And he said he recalled the Arvizo boys were  
18 the ones throwing things and spitting at employees  
19 from the rides?

20 MR. AUCHINCLOSS: Objection; beyond the  
21 scope.

22 MR. SANGER: That's the place where he  
23 was --

24 MR. AUCHINCLOSS: Objection; speaking.

25 MR. SANGER: -- clarifying it.

26 THE COURT: Go ahead. You may answer that.

27 THE WITNESS: Repeat your question.

28 Q. BY MR. SANGER: During this conversation, he 12143

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1 told you that he recalled the Arvizo boys throwing  
2 things and spitting at employees while on the rides,  
3 correct?

4 A. Yes.

5 Q. And he told you that the Arvizo boys would  
6 throw their shoes off the top of the Ferris wheel,  
7 correct?

8 A. Yes.

9 Q. And then he said that the Cascio children  
10 were also active, but not as active as the Arvizo  
11 boys, correct?

12 A. Yes.

13 Q. And thereafter, when he -- when he talked  
14 about -- let me withdraw that.

15 At all times when he talked about Star and  
16 Gavin, he used their first names as "Star" and  
17 "Gavin," correct?

18 A. Not at first, no.

19 Q. The very beginning of your interview with  
20 him, he told you -- let me withdraw that.

21 Before that conversation we just had about  
22 who was more active, the Arvizos or the Cascios, he  
23 had told you specifically that Star Arvizo was the  
24 one that started the swing ride, correct?

25 A. I don't recall if he used the name, but he  
26 did say the younger of the two brothers.

27 THE COURT: Let's -- just a minute. I'm

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28 letting this go on, but the reason is, I understand 12144

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1 this is the last witness we have today, right?

2 MR. SNEDDON: Yes.

3 THE COURT: I don't want to take a break and  
4 come back for one question if we're going to release  
5 the jury. That's why I'm sitting here, just so  
6 everyone understands. "Everyone" being the jury.

7 MR. SANGER: With that kind of pressure, I  
8 have no further questions.

9 MR. AUCHINCLOSS: No.

10 THE COURT: All right. You may step down.

11 THE WITNESS: Thank you, Your Honor.

12 THE COURT: So that is the last witness,  
13 right?

14 MR. SNEDDON: It is, Your Honor.

15 THE COURT: For today. We have witnesses  
16 tomorrow.

17 MR. SNEDDON: We do. And can I request the  
18 Court stay on the bench after the jury leaves?

19 THE COURT: Yes.

20 (To the jury) So I'm going to excuse you  
21 now for the rest of the day and we'll see you  
22 tomorrow morning at 8:30.

23 What, did they lock you out?

24 AN ALTERNATE JUROR: Roadblock.

25

26 (The following proceedings were held in  
27 open court outside the presence and hearing of the

28 jury:) 12145

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1

2 THE COURT: All right. The door's closed.

3 MR. SNEDDON: Thank you, Your Honor. I

4 appreciate that.

5 I wanted to have the Court remain just

6 briefly because I wanted the Court to have an

7 opportunity -- we intend to move the Court tomorrow

8 morning, as part of our evidence, to play the

9 videotape interview, the initial interview with

10 Gavin Arvizo which occurred in July of 2003. And I

11 wanted to have the exhibit marked, and I'm sure the

12 Court would like to look at it in advance in order

13 to make a ruling. I shouldn't say I'm sure you

14 would like to, but I'm sure the Court would feel

15 compelled to do that.

16 And the video is about an hour long, and

17 there are -- if the Court could make a note that

18 when the video gets to, on a timer, 49 minutes and

19 50 seconds, that there is a portion that we would

20 propose be deleted, up to 51 minutes and 45 seconds.

21 And then that the videotape be terminated at one

22 minute and four seconds -- I'm sorry, one hour and

23 four minutes and ten seconds. The actual length is

24 one hour and four minutes and 30 seconds. We feel

25 that the materials contained within the time frame

26 that we've delineated would not be appropriate and

27 would be, in our view, prejudicial and so we're

28 taking them out on our own. 12146

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1 But we would like to play it. We believe  
2 that the tape is relevant on the issues of prior  
3 consistent statements made by Gavin Arvizo, and we  
4 believe it is also relevant, particularly relevant,  
5 on the issue of whether or not the testimony of the  
6 child was scripted.

7 They put a witness on, Mrs. Holzer -- Miss  
8 Holzer, to indicate that Mrs. Arvizo was in the  
9 habit and custom of having her kids script things,  
10 and there's been other indications by the defense  
11 throughout this trial that this whole thing was  
12 scripted by the mother. And I believe that this is  
13 relevant evidence on that issue for the jury in  
14 rebuttal to rebut that evidence that's been put on  
15 by the defense.

16 And that's our offer of proof, and I would  
17 like to have this marked as next in order, and if  
18 the clerk could help me -- actually, I have some  
19 tags.

20 MR. SANGER: While that's being marked,  
21 unless Mr. Sneddon has another comment, could I be  
22 heard on that briefly?

23 I have no idea what occurs during the deleted  
24 sections, so I have no opportunity to speak to that  
25 at this precise moment.

26 However, this is just the kind of rebuttal  
27 that is designed to be dramatic, and it's just what

28 the Supreme Court said should not occur. It's a way 12147

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1 to have Gavin Arvizo come back and testify, in  
2 essence, without cross-examination one more time in  
3 front of the jury right at the end of the case to  
4 bolster what is, I think, quite a weak case with  
5 quite a bit of impeachment as to this family.  
6 And if they wanted to play this tape, they  
7 could have played it previously, because the  
8 impeachment occurred during the prosecutions's case.

9 It continued during the defense case, but the  
10 impeachment was substantial during the prosecution  
11 case, and there's no reason why they couldn't have  
12 played it then and said, "Well, if you're going to  
13 suggest he made this up," you know, "let's play this  
14 tape."

15 And I'd remind the Court that we had police  
16 officers up on the stand who -- I believe Detective  
17 Robel and Detective Zelis, and we went over specific  
18 statements that were made in this interview that  
19 they now want to play. They held it. Instead of  
20 playing it at that time and saying, "Okay, we'll  
21 show you what it said," now they've held it until  
22 rebuttal to play it, and that's improper rebuttal.  
23 That's the kind of dramatic thing that should not be  
24 permitted.

25 The fact that there was other impeachment of  
26 Janet Arvizo during the defense case is hardly a  
27 reason to bring in this tape, when the actual

28 impeachment of Gavin Arvizo occurred during the 12148

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1 case-in-chief. So we would strongly object on that.  
2 And also, of course, it could well -- I  
3 mean, we have to go back and look at it. I'm not  
4 saying this is a promise or a threat. I'm just  
5 saying it's -- as a lawyer, if we look at this, if  
6 this sort of thing starts to come in, obviously we  
7 may be playing other excerpts from other things,  
8 and, you know, he was interviewed several times,  
9 made several inconsistent statements over a period  
10 of time, depending on whether or not law enforcement  
11 knew of the rebuttal video and other things that  
12 have been brought out. And so we may have to play  
13 other parts or ask leave to play other parts.  
14 I think it's too late. They had their  
15 opportunity, didn't take it. They can't do it now  
16 just for dramatic effect.

17 MR. SNEDDON: Judge, I take exception to  
18 what Mr. Sanger says, first of all, about the status  
19 of the evidence in this case, that we could have  
20 played this tape in our case-in-chief, because I  
21 don't think we could have. And second of all, I  
22 don't know it was at that point where the defense  
23 had raised, through evidence, the fabrication issue  
24 and the scripted issue.

25 And they have made a big deal about this and  
26 this family, and I think after the Court sees this  
27 videotape, it will see, as the jury should have the

28 opportunity to see in a case of this importance, 12149

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1 that this was far from videotape -- scripted, and we  
2 welcome Mr. Sanger to put on any other kind of  
3 videos that he wants. There's only one other one,  
4 it was a short one, with regard to the victim in  
5 this case, but we believe that the case that the  
6 defense has put on has raised this as an issue to  
7 the point where we feel we now are entitled, under  
8 the Evidence Code, to present it.

9 And this wasn't an issue we created. This  
10 is an issue they created. And they created it  
11 through their witnesses, not through ours. And it  
12 seems a little unfair, having sat through hours of  
13 outtakes and minute -- minutes of puff pieces about  
14 the ranch and some of the other videos that the  
15 defense was allowed to put on in their defense, that  
16 we can't now put on a piece of evidence that goes  
17 right to the heart of this case and to the heart of  
18 their defense.

19 And so I would ask the Court -- and we can  
20 talk about it after you see it, but I think you'll  
21 see what we're talking about, and I've had it marked  
22 as People's 900 for identification purposes, and --

23 THE COURT: That's a DVD, is it?

24 MR. SNEDDON: It is, Your Honor, a DVD.

25 MR. SANGER: Your Honor, I realize  
26 ordinarily it's argument, rebuttal, argument, but --  
27 or response, rebuttal. In other words, I usually

28 don't get another chance, but could I respond to one 12150

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1 thing particularly? I want to make a legal point,  
2 if I could.

3 THE COURT: All right. One point.

4 MR. SNEDDON: I wasn't finished.

5 MR. SANGER: Oh, I'm sorry.

6 MR. SNEDDON: I wanted to alert the Court to  
7 one other thing, Your Honor, with regard to the  
8 video.

9 The sound on the video on this particular  
10 DVD, the sound is not the greatest, and it may be  
11 that you need amplification. The courtroom will be  
12 no problem. Everybody can hear it. But I know when  
13 you listen to it on the DVD, you may have to use  
14 headphones to hear it, or maybe your computer can  
15 jack up the sound, but I wanted to alert you to  
16 that.

17 If that's a problem, we have a VHS version  
18 of it that we can bring over that you can plug in,  
19 and it has no problems. So I wanted to let the  
20 Court know that.

21 I'm sorry, Counsel.

22 MR. SANGER: On that last point, VHS or  
23 otherwise, it just needs to be marked for  
24 identification, whatever it is, so we know what  
25 we're talking about.

26 The legal point is, in addition to what I've  
27 already said about the dramatic effect, there's also

28 a confrontation issue with regard to this, and I 12151

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1 think under Crawford, which is still law that is  
2 developing from the United States Supreme Court, I  
3 think under Crawford, the confrontation issue here  
4 would involve a constitutional right of the  
5 defendant.

6 This witness, had it been brought out while  
7 he was in the case-in-chief, we could have -- maybe  
8 could have dealt with it. And even then, it would  
9 only be -- it could only be offered for prior  
10 consistent statements where inconsistent statements  
11 were offered, it seems to me.

12 But to bring it out now really denies the  
13 right of confrontation. So --

14 THE COURT: Okay.

15 MR. SANGER: I take it the Court's going to  
16 watch it, or listen to it, or -- I don't know.

17 THE COURT: Well, do you think I should just  
18 rule out of hand? Just deny playing it and not know  
19 what it says?

20 MR. SANGER: Not necessarily, but I think  
21 the offer from the prosecution was such that I think  
22 the Court knows it's a long video of the complaining  
23 witness, so I suppose you could rule based on that  
24 alone, but that's why I said I assume the Court's  
25 going to watch it.

26 THE COURT: All right.

27 All right. Let me -- on another issue here,

28 looking at your witness list here for tomorrow, it 12152

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1 looks like you also put "slash Friday." Is that  
2 your thinking? This is going to go into Friday?

3 MR. SNEDDON: No, I really think -- most of  
4 those witnesses are very short, Your Honor, and of  
5 course I can't account for cross-examination and  
6 who's doing it, but I really -- I think there's  
7 every reason to believe we will finish on Thursday,  
8 and maybe it could flop over, Your Honor. You know  
9 how it is in trial. But our expectation is that  
10 some of these people are like some of these  
11 witnesses today, like we ask three or four questions  
12 and that's it. And several of them have to do  
13 simply with establishing the records, custodian of  
14 records, that we want to ask a couple of questions  
15 about.

16 But frankly, I don't -- the only one that's  
17 problematic is Mr. Geragos, and that involves a  
18 discussion that I need to have with counsel on some  
19 of those e-mails about whether -- you know, his  
20 establishing the foundation for some of those.  
21 But I'm telling the Court that we are doing the best  
22 we can to try to get this done tomorrow. And that's  
23 all I can promise you.

24 THE COURT: Okay.

25 MR. SANGER: Now, in that --

26 MR. SNEDDON: Could I --

27 MR. SANGER: In that regard, before we

28 change to another subject, and I'll just sit here if 12153

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1 that's all right, depending on what the Court does  
2 with this tape, if the Court allows the tape to be  
3 played, we will then want to have Gavin Arvizo  
4 available for surrebuttal. And if the prosecution's  
5 going to rest on Thursday, rest their rebuttal on  
6 Thursday or early Friday, he would be one of the  
7 witnesses we would -- I believe right now we would  
8 want to call.

9 Obviously, this is a fairly spontaneous  
10 decision, but I believe that's the case, and we were  
11 required -- and appreciate also the courtesy. We're  
12 required to let the District Attorney know if we  
13 need any of the Arvizos here, rather than subpoena  
14 them directly or contact them directly, so I just  
15 want to let the Court know that's what we are  
16 considering, and they should make arrangements to  
17 have him available, if possible. Or even if it's  
18 not possible, for that matter.

19 MR. SNEDDON: Well, I'm -- we will do what  
20 we promised to do for the Court. And we'll discuss  
21 the relevancy and the appropriateness of that when  
22 we come to that.

23 Judge, could I make one other comment? I  
24 know the court personnel needs to take a break, too,  
25 but I promise it will only take a second, but it's  
26 important in terms of the schedule.

27 We filed a motion with the Court with regard

28 to the limiting instruction on the Bashir outtakes. 12154

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1 Not on the Bashir outtakes, the Hamid outtakes. And  
2 you recall, at the time you agreed to play them, you  
3 said you were deferring the ruling on whether it's  
4 hearsay or whether it was going to be a similar  
5 instruction to the Bashir tape itself.

6 Obviously, if the Court's going to determine  
7 that those outtakes come in for the truth of the  
8 matter stated, we will expand our rebuttal to  
9 confront the questions that were made. I sincerely  
10 believe, in all honesty, that it should -- the jury  
11 should be instructed the same way they were as to  
12 the Bashir tape, and I hope the Court will do that.

13 But I wanted to tell you, if you decide to  
14 do otherwise, I will have to represent to the Court  
15 that our rebuttal would be substantially longer, to  
16 take on some of the issues in those outtakes, as to  
17 the truthfulness of those statements.

18 THE COURT: The instruction that we gave on  
19 the Bashir tape was that it was not being admitted  
20 for the truth of the matter asserted, with the  
21 exception that some statements by the defendant were  
22 being admitted to the truth of the matter asserted,  
23 right?

24 MR. SNEDDON: Except for those admissions  
25 dealing with -- the sleeping with boys admissions.

26 THE COURT: So you're proposing that same  
27 instruction?

28 MR. SNEDDON: Yes, sir, I am. And as a 12155

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1 matter of fact, I read -- I went back last night in  
2 preparation for this, and I actually read your  
3 admonition to the jury, and it strikes me that we  
4 all forgot this; that we were going to tell them --  
5 we were going to tell them what portions, because  
6 you say in your instruction -- you might want to  
7 look at it, but you say in your instruction that you  
8 were going to tell them what portions of that, at a  
9 later time, come in under those auspices, and I  
10 guess we really never did it. We kind of assumed  
11 they would figure that out on their own.  
12 I might just say to the Court, you might  
13 want to look at that to see if you want to give  
14 further clarifying instructions, and we had that  
15 motion where we did cull out, and the Court did cull  
16 out certain parts of that particular video that the  
17 Court did agree could come in for the truth of the  
18 matter, and we might want to highlight that to the  
19 jury so there would be no mistake to the jury what  
20 it is that the Court ruled in that respect.  
21 I do believe that I will -- I do believe  
22 that in the outtakes portion, most of those  
23 admissions by the defendant that you admitted for  
24 the truth of the matter are not in that outtake  
25 part. Both counsel, I believe, probably, we should  
26 review that to make sure that my representation to  
27 the Court is correct. But that is a loose end that

28 I noticed last night when I was preparing for this 12156

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1 thing.

2 THE COURT: I have a note to myself on that  
3 issue, too.

4 MR. SNEDDON: All right. Thank you, Your  
5 Honor.

6 MR. SANGER: We have -- that took more than  
7 a second, but --

8 THE COURT: It was a lawyer's second.

9 MR. SANGER: A lawyer's second. And I'll  
10 just say --

11 THE COURT: It's like a New York minute.

12 MR. SANGER: It's the opposite of that.

13 MR. SNEDDON: See if you can do it in the  
14 same time.

15 MR. SANGER: I can do it in the same amount  
16 of time.

17 First of all, on those issues, we would like  
18 to be heard, and I don't want to press the Court and  
19 the staff while you're waiting for a break, but I  
20 would like to be heard on that motion that was filed  
21 in general, and what portions of the original Bashir  
22 tape should be received by the jury for the truth of  
23 the matter and how that should be presented to the  
24 jury, and then secondly, on the issue of whether or  
25 not the entire outtakes come in for the truth of the  
26 matter asserted as the context of the overall  
27 statements of the defendant.

28 So if the Court wants to hear it now, fine, 12157

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1 but I suspect not.

2 THE COURT: No.

3 MR. SANGER: I'd be happy to address it some

4 other time.

5 THE COURT: Okay.

6 MR. SANGER: And I did have one of those

7 things that really would only take about 45 seconds.

8 I have an exhibit I'd like to mark next in

9 order, and it is a part of the Verizon bill for

10 Neverland Valley Ranch that we received at the same

11 time the prosecution did from the records, or the

12 phone records that were subpoenaed. However, when

13 the prosecution marked their records, they pared

14 them down to the ones they wanted to use, of course,

15 so this has not been admitted yet.

16 Mr. Sneddon agreed that he would not object

17 to the foundation; in other words, that this is a

18 phone bill that was prepared in the ordinary course

19 of business and was presented to the Court under

20 1560 of the Evidence Code. Mr. Sneddon wants to

21 argue relevance. But I'd like to get the first part

22 done, and let the Court know that we then need to

23 argue as to whether or not the jury should see this.

24 THE COURT: You can have that marked, then.

25 MR. SNEDDON: The representation by Mr.

26 Sanger is correct. I waived the foundation, but I

27 don't waive the relevancy and the materiality.

28 Thank you. 12158

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1 THE COURT: All right. We'll recess until  
2 tomorrow morning.

3 MR. SANGER: Thank you, Your Honor.

4 (The proceedings adjourned at 1:20 p.m.)

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1 REPORTER'S CERTIFICATE

2

3

4 THE PEOPLE OF THE STATE OF )

5 CALIFORNIA, )

6 Plaintiff, )

7 -vs- ) No. 1133603

8 MICHAEL JOE JACKSON, )

9 Defendant. )

10

11

12 I, MICHELE MATTSON McNEIL, RPR, CRR, CSR

13 #3304, Official Court Reporter, do hereby certify:

14 That the foregoing pages 12013 through 12159

15 contain a true and correct transcript of the

16 proceedings had in the within and above-entitled

17 matter as by me taken down in shorthand writing at

18 said proceedings on May 25, 2005, and thereafter

19 reduced to typewriting by computer-aided

20 transcription under my direction.

21 DATED: Santa Maria, California,

22 May 25, 2005.

23

24

25

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

27 OFFICIAL COURT REPORTER

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