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1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 IN AND FOR THE COUNTY OF SANTA BARBARA

3 SANTA MARIA BRANCH; COOK STREET DIVISION

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

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6

7 THE PEOPLE OF THE STATE OF)

8 CALIFORNIA,)

9 Plaintiff,)

10 -vs-) No. 1133603

11 MICHAEL JOE JACKSON,)

12 Defendant.)

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17 REPORTER'S TRANSCRIPT OF PROCEEDINGS

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19 FRIDAY, JUNE 3, 2005

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21 8:30 A.M.

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23 (PAGES 12930 THROUGH 13055)

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1 Santa Maria, California

2 Friday, June 3, 2005

3 8:30 a.m.

4

5 THE COURT: Good morning, everyone.

6 COUNSEL AT COUNSEL TABLE: (In unison)

7 Good morning, Your Honor.

8 THE COURT: Mr. Mesereau?

9 MR. MESEREAU: Thank you, Your Honor.

10 Good morning.

11 THE JURY: (In unison) Good morning.

12 MR. MESEREAU: Ladies and gentlemen,

13 yesterday I summed up for you a history of con

14 artists, actors and liars in the Arvizo family. I

15 talked about welfare fraud. I talked about perjury.

16 I talked about the J.C. Penney case. I talked about

17 fake disability claims. Fake food stamp claims.

18 Fake unemployment claims. Signing documents under

19 penalty of perjury that are false. I talked about

20 fake bank accounts.

21 I talked about Janet Arvizo putting her

22 children on stage to do plays about their poverty.

23 I talked about Gavin being an actor.

24 Chris Tucker telling you that he was cunning

25 and smart; that he didn't trust him; that he warned

26 Michael Jackson, "Stay away. Something is wrong

27 with these people."

28 And unfortunately, Michael didn't listen. 12932

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1 With respect to the issue of actors, please
2 consider, additionally, the following:
3 Gavin Arvizo testified that when he went to
4 Neverland to do the Bashir documentary, he thought
5 it was an audition. Janet Arvizo in the rebuttal
6 video testified her children wanted to be in movies.
7 There is evidence that Star wanted to be in a
8 documentary and that's why Michael Jackson did the
9 Neverland documentary that Star narrated.
10 These people wanted to be actors. They
11 wanted to be around celebrities. They are actors.
12 And Paralegal Mary Holzer told you that Janet
13 admitted to her that Gavin knew his lines, Star had
14 trouble, and she was coaching these kids in the J.C.
15 Penney case.
16 I told you that the J.C. Penney case had two
17 primary players, Janet and Gavin. It began with
18 Gavin shoplifting, and his testimony under oath at a
19 very young age buttressed Janet's fraudulent claims.
20 You can't just look at the Arvizo family in
21 terms of Janet's misdeeds. You've got to look at
22 the whole group. You've got to look at broad scams.
23 David, as I said yesterday, was more like a
24 bull in a china shop. He just comes out and says,
25 "Give me money."
26 Janet's much more sophisticated. She gets
27 to know you. She hugs you. She loves you. You're

28 part of her family. And then she tells you a tale 12933

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1 of woe and she gets money.
2 Hamid was the classic example. She tells
3 him her tales of woe, and he writes her a \$2,000
4 check, and he hardly knows her.
5 Now, Mr. Zonen yesterday made a broad
6 statement to you, and you have to take his broad
7 statements and put them under a microscope in the
8 jury room. He said, "Michael Jackson shows adult
9 material to kids."
10 My question to you is, who?
11 Macaulay Culkin never said he showed him
12 anything. Wade Robson never said he showed him
13 anything. Brett Barnes never said he showed him
14 anything. Jordie Chandler didn't testify. And even
15 Jason Francia, who said he was improperly tickled,
16 never testified that Mr. Jackson showed him any
17 adult material.
18 The only people who have come before you to
19 say they were shown adult material by Mr. Jackson
20 are con artists, actors and liars.
21 And the only forensic evidence they had to
22 hang their hat on are fingerprints on some girlie
23 magazines that were owned by Michael Jackson. And
24 you know that everywhere the Arvizo children went,
25 they would rummage through drawers, rummage through
26 the house. They did it at the dentist's office.
27 They did it in Vernee Watson Johnson's home. This

28 is the way they behave. 12934

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1 And unfortunately, Michael was rather lax
2 and generous, as Kiki Fournier said, too generous in
3 letting people run through his room, run through his
4 house, run through Neverland. And he's paying a
5 price for it right now.

6 But it's not a crime.

7 There is a piece of evidence lacking in the
8 prosecution's case that is very significant,
9 particularly with allegations like this. And let me
10 explain what I'm talking about.

11 Typically, in a sex-crimes-type
12 investigation -- and let's face it, in this case,
13 you've had at least 70 officers running everywhere
14 trying to find anything they can on Michael Jackson
15 because he's a mega celebrity.

16 But typically in this kind of investigation,
17 you have what is called a pretext phone call.

18 Typically, the police will get the alleged victim,
19 they will sit with the alleged victim, and they will
20 talk about making a phone call to the person who's
21 suspected of committing the crime. And I'm sure
22 you're familiar with this from television. They
23 will make the phone call. The so-called victim
24 makes the call, and the so-called victim is told to
25 ask certain questions that are incriminating in
26 nature.

27 For example, Gavin could have called Michael

28 Jackson and said, "Why did you improperly touch me? 12935

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1 Why did you do that to me in bed? Why did you touch
2 me that day we were together? Why, when we were in
3 the wine cellar drinking, did you do this or do
4 that?" And typically the police are listening in,
5 and they're recording it, and that becomes their
6 primary evidence.

7 Now, particularly in a case like this, where
8 you have no independent witnesses, with credibility,
9 watching the alleged molestation, and you have no
10 forensic evidence to support it, you would think, if
11 they did anything, it would have been a phone call
12 like that.

13 You know why they didn't do it?

14 Look at that police interview. Gavin
15 refuses. Doesn't want to make a call to Michael
16 Jackson. And Gavin is someone who has been schooled
17 by his parents to very effortlessly call
18 celebrities, one after another, after another, after
19 another. He's not shy about phone calls. He's not
20 shy about contacting Jay Leno, Chris Tucker, Michael
21 Jackson, Suli McCullough, you name it.

22 Why no recorded phone conversation with an
23 incriminating statement from Michael Jackson?

24 Because he knew if he did that, he wouldn't get an
25 incriminating statement, because it didn't happen.

26 Now, they'll probably tell you he was

27 terrified, he was scared, he was traumatized to be

28 on the phone. That's a bunch of baloney. 12936

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1 I'm going to show you Gavin testified on the
2 witness stand that Michael is a nice person, even in
3 this courtroom. He's not afraid of Michael. He's
4 angry that Michael abandoned his family and didn't
5 take care of them for the rest of their life.
6 And as I said yesterday, they put demeanor
7 in issue. The only time you ever saw him get angry
8 was when we talked about what Michael really had
9 done for he and his family and what had happened.
10 And his anger came out when he made the false
11 statement that Michael had done nothing for his
12 family.
13 Remember, he started using this scripted
14 phrase, "In my 11-year-old mind, I believed George
15 Lopez had done more, because he went to the hospital
16 and bought me clothes. In my 11-year-old mind, I
17 thought others had done more because they were at
18 the hospital. In my 11-year-old mind, Michael
19 Jackson hadn't done much for me at all."
20 And I went through all the things he had
21 done. The visits to Neverland, the plane flights,
22 the hotel, the truck, all the blood drives, you name
23 it. The gifts, the watch, the jacket. I've
24 probably forgotten half of them.
25 Michael did all sorts of things for this
26 family. The problem was, they wanted it to
27 continue, and they realized at some point it would

28 not continue. Michael was not going to be their 12937

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1 benefactor for the rest of their life, and that's
2 when all the trouble started.

3 In that police interview, where the
4 prosecution says you watch the demeanor of a victim,
5 you see a victim of molestation act in an
6 inappropriate way, the way you would expect, you
7 will also see someone who's an actor. You see
8 someone who is acting. And you see someone who's
9 hesitant about condemning Michael Jackson, who
10 fundamentally he likes, because he said he liked him
11 right on the witness stand. I'm going to show you.

12 So you've got to look at that tape with
13 skepticism. You've got to look at it and be very
14 careful with what conclusions you draw, because as I
15 said before, Mr. Robel had already decided he wanted
16 a criminal case. He already decided the Arvizos
17 were victims. He knew nothing about their
18 background as con artists, actors and liars.

19 I also said to you, when asked, "What's a
20 bad thing?" Gavin never said, "Lie." Never said,
21 "Cheat." Never said, "Steal." He had to struggle.
22 And he talked about killing people, he talked about
23 breaking things. I went back to the transcript. He
24 talks about breaking a window. He talks about
25 staying awake at night.

26 Now, isn't it normal for a child, when
27 pressed to that extent, "Tell me something else

28 that's wrong. Tell me something else that's wrong. 12938

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1 Tell me something else that's wrong," to say, "Not
2 tell the truth? To lie"?

3 He can't say it, because that's the way he's
4 been raised. And even when he was asked, "How did
5 you learn right from wrong?" he never really had an
6 answer to that. He said, "I kind of figured it out
7 myself." Just look at the tape.

8 Gavin, as Chris Tucker said, cunning, smart.
9 He worried him.

10 And he and Star tried to make it look as if
11 they were innocent little lambs and Michael taught
12 them everything about sex. They didn't know what an
13 erection was until they met Michael. They didn't
14 know what ejaculation was until they met Michael.
15 It's all Michael, Michael, Michael.

16 And I said yesterday, if you convict him of
17 anything, they are going to be multi-millionaires
18 through Attorneys Feldman and Dickerman. It's all
19 set up. They're just waiting. Waiting to
20 celebrate. Waiting to walk into court. Waiting for
21 the biggest con of their careers, right here. They
22 just need you to help them. That's all.

23 You have to look at the changing stories.
24 You have to look at the inconsistent statements by
25 Gavin and Star, because they're the only witnesses
26 to this so-called molestation.

27 And as I said to you yesterday, look at that

28 tape. Gavin says he's being molested after they get 12939

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1 back from Florida. That only changes when they
2 realize what the import, what the effect of the
3 rebuttal tape and the DCFS interview is, where they
4 praise Michael to the hilt, where they say he's
5 wonderful, he never would touch them.
6 They don't change the dates till they
7 realize they told the social workers, in Jay
8 Jackson's apartment, from the DCFS that they were
9 angry about these accusations. Gavin said he was
10 angry about this claim that Michael had touched him.
11 It's only when they realized what this all does that
12 the dates change.
13 He says in that police interview, "I think
14 he touched me five times." He says here it was
15 twice. Everything starts changing.
16 And I'm about to show you some transcript
17 testimony of him which I think will raise even more
18 red flags:
19 "Q. You went to two lawyers and a
20 psychologist, who Larry Feldman referred you to,
21 before you went to any police officer, right?
22 "Yes.
23 "Now, these weren't the first attorneys you
24 ever talked to, correct?
25 "I've talked to other people, other
26 attorneys before."
27 This is a 15-year-old alleged victim whose

28 family has been swimming around lawyers and swimming 12940

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1 around manipulations and swimming around false

2 claims for years.

3 Officer Robel said that Gavin told him that

4 his grandmother made the statement of, "If men don't

5 masturbate, they'll rape a female." But he came

6 into court and said, "Michael Jackson told that to

7 me." He was confronted with that lie. And what was

8 his explanation?

9 "Q. But your grandmother said to you, 'If

10 men don't do it, men might get to a point where

11 they might go ahead and rape a woman,' correct?

12 "Yes. Michael also told me that."

13 Now, what are the chances of his grandmother

14 and Michael telling him, word for word, that

15 identical statement? He's a liar, he's a

16 perjurer, and that's an excuse.

17 This is where he has the discussion with the

18 teacher, where he says, "Michael never touched me,"

19 okay? And I want you not just to look at what he

20 says, okay? I want you to envision and recall how

21 he tried to finesse it on the witness stand:

22 "Okay. And the purpose of the discussion

23 was what, if you know?

24 "A. It was probably about Michael.

25 "Q. Okay. You say 'probably about

26 Michael'?

27 "Uh-huh.

28 "But you're not sure? 12941

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1 "A. I'm not sure that the whole

2 conversation was about...."

3 "Okay. But sometime in that conversation,

4 Dean Albert looked at you in the eye and said,

5 'Are these allegations that Mr. Jackson sexually

6 abused you true,' right?

7 "Uh-huh.

8 "And you said they were not true, right?

9 "Yeah. I told them that Michael didn't do

10 anything to me.

11 "And the second time he asked you, you said

12 to him, 'No, he did not touch me in any sexually

13 inappropriate way,' correct?

14 "A. I don't know.

15 "You don't know?

16 "A. I'm pretty sure I told him that.

17 "Okay.

18 "But, I mean, I don't know how exactly it

19 happened."

20 That's Gavin, in this courtroom on the

21 witness stand, fudging around, finessing how he's

22 going to handle the fact that he went to a teacher

23 and twice said, "Michael Jackson never touched me."

24 Okay. Now, I only put this statement up

25 here because you may recall Davellin got up and

26 said, "All my brother ever did in class was talk

27 when he shouldn't have," okay?

28 And what they were trying to do, because 12942

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1 they've all been scripted by their attorneys, they
2 want you to think that he's a molestation victim,
3 and suddenly became aggressive, and combative, and
4 had disciplinary problems because of the
5 molestation.

6 And Davellin kept saying, "The only problem
7 he had at school was speaking when he shouldn't."

8 We went through a litany of problems with
9 all these teachers. Getting up and singing in the
10 middle of class. Fighting. Remember, he said, "One
11 teacher, I lost respect for him. He sunk down to my
12 level."

13 This is a very precocious disciplinary
14 problem, this person Gavin, not the little lamb they
15 want you to think he is.

16 "Okay. And in summary, you've had some
17 disciplinary problems with Mr. Geraldts, right?

18 "A. I had a lot of disciplinary problems.

19 "Q. What disciplinary problems did you
20 have?

21 "A. I would get into fights sometimes at
22 school."

23 I only put that there because Davellin
24 testified under oath he never got in fights.

25 You know what's interesting? Do you
26 remember, every Arvizo witness said they've never
27 discussed the case with each other. All these

28 Arvizo witnesses said, "We don't talk about Bashir 12943

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1 together."

2 And I looked at Davellin and I said, "Well,
3 how come on that rebuttal video your mother looks at
4 Gavin and says, 'Let's hold hands like you did in
5 Bashir'? How could that happen if she didn't look
6 at the Bashir documentary?"

7 And she had no answer.

8 "Q. Do you remember telling the Santa
9 Barbara sheriffs that Michael Jackson first
10 touched you inappropriately during your last days
11 at Neverland?

12 "Yes."

13 But hasn't he made statements that he was
14 inappropriately touched right after the Miami trip?
15 When did this change? I just told you when
16 it changed. When they realized that these
17 statements were going to haunt them: Brad Miller,
18 the rebuttal video, and the DCFS interview.

19 "Okay. Were you ever personally threatened
20 by anyone associated with Mr. Jackson?

21 "No.

22 That's testimony in this courtroom. Look at
23 the police interview they showed you last week. He
24 says Frank said his mother would be killed.
25 He flip-flops all over the place, because
26 he's a liar.

27 "Q. Do you recall telling them the

28 following, 'We didn't drink a lot'? 12944

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1 "A. No.

2 "Would it refresh your recollection if I
3 show you a transcript from that interview?

4 "Yes."

5 I'm talking about the police interview.

6 Gavin and the Santa Barbara sheriffs.

7 "Q. Mr. Arvizo, have you had a chance to
8 look at that page?

9 "A. Yes.

10 "Q. Does it refresh your recollection
11 about what you told the Santa Barbara sheriffs?

12 "A. Not really.

13 "Q. You told them, "We didn't drink a
14 lot," right?

15 "A. I don't know. It says it on there."

16 Didn't he tell you they drank night after
17 night after night? How many lies does this guy have
18 to tell for you to see what's really going on?

19 "Q. You initially told them you didn't
20 drink a lot?

21 "A. That's true.

22 "Q. So you are saying that at different
23 times you gave Mr. Sneddon different accounts of
24 when the molestation supposedly happened?

25 Witness: "Yes."

26 That's Gavin admitting all the flip-flops,
27 the different stories, the fabrications, the

28 inconsistent ways of describing what happened. He's 12945

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1 not truthful.

2 And as I said yesterday, if you don't
3 believe him beyond a reasonable doubt, if you don't
4 believe Star beyond a reasonable doubt - and wait
5 till you see what's coming up on Star - they're out
6 of the box. It's over.

7 "Q. Until you realized that you were not
8 going to be part of Michael Jackson's family, you
9 never made any allegation of child molestation,
10 correct?

11 "A. I didn't want to be part of his family.
12 I just saw him as a father figure.

13 "Q. Until you left Neverland for the last
14 time, you never made any allegation of child
15 molestation, correct?

16 "A. I didn't tell anyone until I left for
17 the last time, correct.

18 "Q. And you never called the police until
19 after you'd seen two lawyers, right?

20 Witness: "Yes, it wasn't until I saw two
21 lawyers until I told the police what really
22 happened."

23 When you're molested, when your family
24 thinks you're molested, when parents think their
25 child is molested, who do they go to? The police or
26 lawyers?

27 "Q. Let me ask you what you're talking

28 about. Do you think when your mother said 12946

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1 Michael Jackson was honest and told the truth

2 that she was being truthful?

3 "A. Yes. He's a nice man."

4 He said Michael's a nice man right in the

5 courtroom to you under oath.

6 "Q. Mr. Arvizo, you were caught

7 masturbating at Neverland when Michael Jackson

8 wasn't even around, weren't you?

9 "A. No.

10 "Q. You were caught masturbating in a

11 guest quarters, weren't you?

12 "A. No.

13 "Q. No one ever saw you do that?

14 "No.

15 "No one ever talked to you about that?

16 "No one ever talked to me about it."

17 That's false. Rijo didn't come in here and

18 lie under oath. Rijo told the truth.

19 "Q. Was Rijo ever in a guest room with you

20 when you were watching T.V. at Neverland?

21 "A. Um, no. I don't remember really. I

22 mean, I might have hung out with him in a guest

23 room for a minute, but, I mean, I don't remember

24 watching T.V. with him."

25 Lying.

26 "You don't?

27 "No.

28 "Are you saying you don't remember or are 12947

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1 you saying it just didn't happen?

2 "A. I don't think it happened.

3 "Q. Okay. Do you recall ever telling Rijo

4 you wanted to look at adult movies on television

5 at Neverland?

6 "No, I don't remember that.

7 "Ever remember stealing alcohol from Michael

8 Jackson's bedroom when Rijo was present?

9 "No.

10 "Ever remember masturbating in front of

11 Rijo?

12 "No.

13 "Now, earlier in your testimony, you said

14 the only time you ever tasted wine was in

15 church. Do you remember that?

16 "Yes."

17 Does anybody believe that? Do you think he

18 never had had wine except in church? Based upon

19 what you've seen about this family and what they

20 say, and what they do, and how they change their

21 stories, and how they lie under oath with no respect

22 for the oath whatsoever, do you believe that?

23 "Q. Are you telling the jury the only time

24 you tasted wine before you went to Neverland was

25 in a church?

26 "Yes.

27 "Did you ever tell Rijo or anyone else at

28 Neverland that you knew what wine tasted like? 12948

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1 "No, I don't remember telling them that."

2 Does Riyo have a history of fraud and acting

3 and lying? No.

4 Does Gavin Arvizo? You bet.

5 "Q. Mr. Arvizo, when you claim you were

6 inappropriately touched by Mr. Jackson, you claim

7 there were no witnesses watching, correct?

8 "Yes."

9 And I identified that problem yesterday.

10 You got a lying witness, no independent witness

11 supporting it, and no forensics.

12 And by the way, they want you to think these

13 fingerprints on a couple of magazines are bombshell

14 forensic evidence.

15 What are they evidence of? That he looked

16 at Michael's magazines.

17 Are they evidence of any of these crimes?

18 No.

19 No DNA, no semen, no hair, no fiber.

20 Nothing.

21 "Q. Never knew an employee named Shane

22 Meredith at Neverland?

23 "A. If I did, I don't remember that.

24 "Q. He caught you with an open bottle of

25 alcohol at Neverland, didn't he, when Michael

26 Jackson wasn't even around?

27 "A. No."

28 Do you trust him or do you trust Shane 12949

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1 Meridith, who was an impeccable witness? He works
2 at Lompoc. He was a truthful witness, and he had no
3 reason to come in and lie. He doesn't even work at
4 Neverland anymore.

5 "Q. Do you remember ever telling Chris
6 Tucker that you didn't make any money from the
7 fund-raiser?

8 "A. No. Well, what fund-raising?"

9 Look at that.

10 "Q. A fund-raiser for you at The Laugh
11 Factory.

12 "No, no, because we did make money at the
13 Laugh Factory.

14 "Q. Yes. So you never told Chris Tucker,
15 'We didn't make any money from the fund-raiser'?

16 "A. Why would I say that when we did? No,
17 I never said that.

18 "Okay. Do you recall yourself asking Chris
19 Tucker for money?

20 "No."

21 Who do you believe, Chris Tucker or Gavin
22 Arvizo? Why would Chris Tucker come in here to
23 testify and lie? He's one of the most successful
24 actors in the world. He is flying high. He is
25 popular all over the planet. Why does he need to
26 come in here and testify and lie?

27 Do you believe him or do you believe Gavin?

28 Because you got to make a choice. 12950

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1 Now, I want you to watch all of this. This
2 is Star's testimony from the courtroom in front of
3 you, under oath, about these claims:

4 "Okay. Before you testified yesterday, had
5 you ever discussed what you were going to say
6 with your mom?

7 "No.

8 "Before you testified yesterday, had you
9 ever discussed with Gavin what you're going to
10 say?

11 "No.

12 "Before you testified yesterday, had you
13 ever discussed with your sister Davellin what you
14 were going to say?

15 "No.

16 "Have you ever discussed this case with your
17 mom?

18 "No.

19 "Ever discussed this case with Gavin?

20 "No.

21 "Have you ever discussed this case with
22 Davellin?

23 "No.

24 "Never discussed it with your mom before you
25 went" --

26 This is about the J.C. Penney case, by the
27 way.

28 "Never discussed it with your mom before you 12951

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1 went into the deposition, right?

2 "Yes.

3 "Just like you've never discussed the facts
4 of this case with your mom at any time, right?

5 "Yes.

6 "And didn't you say under oath that your
7 mother and dad never fight? That's in the J.C.
8 Penney deposition.

9 "Yes.

10 "Was that true?

11 "Um, I really don't -- sometimes.

12 "I'm sorry. I didn't understand your
13 answer. When you told -- excuse me, let me
14 rephrase. When you stated under oath in the J.C.
15 Penney deposition in the year 2000 that your mom
16 and dad never fight, were you telling the truth?

17 "No.

18 "Did someone tell you to lie in that
19 deposition?

20 "A. I don't remember.

21 "Q. You don't remember at all?

22 "No, it happened a long time ago."

23 Now, this kid's lying at the age of what,
24 nine, ten? He never discussed it with his mother?
25 Nobody told him to lie? Nobody told him what the
26 case is about? It starts with him shoplifting.

27 "Q. You also said in that deposition,

28 under oath, that your dad never hit you. Do you 12952

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1 remember that?

2 "A. Not really.

3 "Q. Would it refresh your recollection if

4 I show you that page?

5 "Sure.

6 "You were asked if your dad ever hit you,

7 and you said, 'Never,' right?

8 "Yes.

9 "Was that the truth?

10 "No.

11 "Did someone ever tell you to lie about that

12 under oath in your deposition in the J.C. Penney

13 case?

14 "A. I really don't remember.

15 "Q. Don't remember at all?

16 "A. No. I don't remember nothing from

17 there."

18 Is he telling you the truth? Do you trust

19 him? Do you trust him beyond a reasonable doubt?

20 Do you trust him to the point where you're going to

21 convict Michael Jackson, take away his freedom and

22 reputation? I don't think so, ladies and gentlemen.

23 These are terrible witnesses.

24 "Q. Have your -- excuse me. Did your

25 father ever coach you about what to say in the

26 J.C. Penney deposition?

27 "No.

28 "Did your mother ever coach you about what 12953

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1 to say in the J.C. Penney deposition?

2 "No."

3 Then who told them to lie? Who told them to
4 lie to get money from J.C. Penney? He's a young
5 kid.

6 "Please tell the jury why you lied under
7 oath.

8 "I don't remember. It was like five years
9 ago. I don't remember nothing.

10 "By the way, do you remember yesterday when
11 you told the jury that on that plane you looked
12 at a soda can that Michael Jackson had, and you
13 saw a red ring around it?

14 "A. Yes."

15 Remember that testimony?

16 "Q. You told that to the police in one of
17 your interviews also, didn't you?

18 "I think so.

19 "Q. You also told the police that you
20 looked in the can and saw white wine, correct?

21 "A. When?

22 "Q. When you told them there was a red
23 ring around the can, you then told them that you
24 looked in the can and saw white wine, remember?

25 "A. I don't remember saying that.

26 "Would it refresh your recollection if I
27 show you a transcript from a police interview?

1 Look what he says:

2 "The lady might have misheard me.

3 "Excuse me, what did you just say?

4 "A. I never looked into the can.

5 "Q. You said a lady might have misheard
6 you?

7 "A. The -- I don't know what her -- what
8 the --

9 "The court reporter?

10 "Yes.

11 "Oh, you think the court reporter made a
12 mistake?

13 "Yes."

14 Any of you believe that?

15 "Q. Do you recall ever being caught in the
16 wine cellar?

17 "A. The wine cellar doesn't have a
18 combination lock."

19 Look at that answer.

20 "Do you recall ever being caught in the wine
21 cellar drinking wine when Michael Jackson wasn't
22 present?

23 "A. Never."

24 Flat-out lie. Shane Meridith caught them.

25 "Q. Never happened?

26 "A. It -- it's always locked, and it
27 always -- it -- to unlock it, you need a key.

28 There's no combination to get in there. 12955

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1 "Let me repeat my question. Do you recall
2 ever being caught in the wine cellar at Neverland
3 with Gavin drinking wine when Michael Jackson
4 wasn't even there?

5 "No.

6 "Are you saying that never happened?

7 "Yes.

8 "Do you recall ever being caught at any
9 other location in Neverland drinking wine when
10 Michael Jackson wasn't there?

11 "No."

12 And you already heard the witnesses that
13 contradict them. Lies under oath about a
14 fundamental issue in this case. Reasonable doubt
15 all over the place when lying witnesses come in and
16 make these claims.

17 "Okay. That never happened?

18 "A. Yes.

19 "Okay. Now, you just told the jury
20 voluntarily where the key is to get in the wine
21 cellar, right?

22 "A. No, I said that the door -- the wine
23 cellar needed a key to get in there.

24 "And you knew where the key was, correct?

25 "I knew it was in the lounge.

26 "You knew where it was hanging in the
27 lounge, right?

28 "Not exactly. I didn't know where it was 12956

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1 hanging. I just knew it was in the lounge."

2 He always has an out.

3 These kids knew exactly how to get in the
4 wine cellar, and they were caught repeatedly all
5 around Neverland getting into everything.

6 Okay. Another subject:

7 "Had you ever seen any girlie magazines in
8 your life before you say Michael Jackson showed
9 them to you?

10 "Um, no.

11 "Never?

12 "Well, I was only like 11 or 12.

13 "Weren't you caught at Neverland looking in
14 girlie magazines?

15 "I said no.

16 "No one ever caught you and your brother
17 looking at girlie magazines at Neverland?

18 "Never."

19 He was caught by Julio Avila with a girlie
20 magazine in his backpack and said it was from his
21 own home.

22 "Okay. Okay. And your testimony is, until
23 you got to Neverland, you and your brother had
24 never looked at girlie magazines at any time; is
25 that right?

26 "Yes."

27 Flat-out lies. Con artists, actors, liars.

28 Look at this, Star's testimony here: 12957

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1 "You told the police in your first interview
2 you looked at www.pussy.com?
3 "No, I was making an example that I was
4 trying to say. That wasn't the exact site. I'm
5 just saying I was just making an example.
6 "Okay. You also told the police you might
7 have looked at www.teenpussy.com, right?
8 "A. No, I never said that.
9 "You never said that to the sheriffs?"
10 All right. But this is a guy who never
11 learned anything about sex until he met Michael
12 Jackson. You're supposed to buy that beyond a
13 reasonable doubt.
14 This is that stairwell incident, okay?
15 Now, do you remember Gavin said Michael
16 Jackson came out of the bathroom, ran up the stairs,
17 saw the two of them there and ran down and nothing
18 happened? And that's what Mr. Sneddon kept trying
19 to get him to say, something bad happened, and he
20 couldn't remember anything bad happening. He said
21 he barely saw Michael Jackson.
22 But this is what Star says:
23 "And you claim you went up the stairwell" --
24 Excuse me, this is the -- pardon me. This
25 is when he says he saw molestation. This is when he
26 says he saw molestation, and he's the only witness
27 to it, there's nobody else. And he sees his brother

28 touched in bed, and his brother doesn't know what's 12958

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1 going on because he's asleep, remember?

2 "And you claim you went up the stairwell and
3 saw Mr. Jackson and your brother on that bed on
4 two occasions, right?

5 "Yes.

6 "You also told the jury that those lights
7 were off, correct?

8 "Yes.

9 "You told the jury there was a light in the
10 stairwell that was on, but those lights over the
11 bed were off.

12 "Yes.

13 "You've also told the grand jury that you
14 only watched for a couple seconds.

15 "Yes.

16 "So those lights are off. A light on the
17 stairwell is on. You see it for a few seconds,
18 and you run, correct?

19 "A. Yes.

20 "Okay. Both occasions?

21 "Yes."

22 All right. You have a lying witness. He
23 says there's no lighting in the bedroom. He says it
24 happened for a few seconds, and he ran. Nobody
25 corroborates it. And no forensics prove it. And
26 you're supposed to convict Michael Jackson of
27 serious felonies beyond a reasonable doubt on the

28 basis of this guy alone. It's ridiculous. 12959

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1 "Q. Do you remember telling the Santa
2 Barbara Grand Jury when you were asked the
3 question, 'Star, while you were at the ranch, did
4 you have any discussions with your mother
5 about the subject of her wanting to leave the
6 ranch,' and your answer was, 'No'?

7 "A. I remember her saying it to me.
8 Probably don't even remember -- probably didn't
9 even remember at that time.

10 "Would it refresh your recollection if I
11 show you what you told the Santa Barbara Grand
12 Jury?

13 "A. You told me what I said.

14 "Q. Would it refresh your recollection to
15 show you the transcript?

16 "Okay.

17 "May I approach, Your Honor?"

18 And I do.

19 "Does it refresh your recollection about
20 what you told the Santa Barbara Grand Jury under
21 oath?

22 "Yes.

23 "Your answer to the question was, 'No,'
24 correct?

25 "Yes, but probably at the time I didn't
26 remember.

27 "At that time you didn't remember?

28 "Yes. Probably, yes. 12960

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1 "Did you ever talk to your brother or sister
2 about leaving the ranch?
3 "No."
4 Now, they have this conspiracy claim, which
5 I submit is ridiculous. The mother is claiming she
6 was held against her will, the family was falsely
7 imprisoned, they were extorted, they were abducted,
8 they were kidnapped, it was a conspiracy engineered
9 by Michael Jackson. And Star tells the grand jury,
10 "She never talked about anything like that to me,"
11 and then comes into court and tries to tell you the
12 opposite.
13 Why? Do you believe him?
14 Remember this?
15 "You don't recall threatening Kiki with a
16 knife when she confronted you in the kitchen?
17 "No.
18 "Never happened?
19 "No."
20 He pulled a knife on Kiki, and he pulled a
21 knife on Angel Vivanco.
22 Lies under oath.
23 "Now, Prosecutor Sneddon asked you what you
24 meant when you told the grand jury you hadn't
25 seen Michael Jackson touch Gavin's genitals or
26 penis. Do you remember that?
27 "Yes.

28 "And your response to Mr. Sneddon was, 12961

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1 'Well, I was just talking about the dinner

2 table,' right?

3 "Yes.

4 "How come you never mentioned 'dinner table'

5 to the grand jury when you made that statement?

6 "I don't know if they asked me.

7 "Q. Well, let me just go through what you

8 said, okay?

9 "Okay.

10 "'Q. What kind of things?

11 "'Fix his shirt.

12 "'What else?

13 "'He looked like from -- if you are standing

14 in front him, it looked like he's trying to

15 fix his shirt.'" "

16 He is talking about Michael Jackson.

17 "'But it's hard to explain. But he would

18 fix it, like he would touch -- well, it was

19 weird.

20 "He would be touching him a lot?

21 "'Yeah.

22 "Not his genitals, not his penis?

23 "'I never saw that, but I saw it in the

24 paper.'

25 "A. I don't know what I meant by 'paper,'

26 but I was trying to say that I didn't see it that

27 time.

28 "But you never mentioned any kitchen table, 12962

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1 right?

2 "But it wasn't the kitchen table.

3 "But you never mentioned any table at all,

4 correct?

5 "I know."

6 So he says, "I've never seen Michael Jackson

7 touch his genitals or penis." He gets caught. He

8 makes up a story that, "I was only talking about the

9 dinner table," and then he contradicts that story.

10 Are you going to believe this guy?

11 "Q. And in none of your police interviews

12 do you limit that statement about not seeing

13 genitals or penis touched at any table,

14 right?

15 "No.

16 "Q. Today is the first time you ever

17 limited that statement to what you saw at

18 a table, correct?

19 "I don't -- yes.

20 "Q. Now, you've indicated the first time

21 you ever discussed any alleged inappropriate

22 touching by Michael Jackson was with

23 Psychologist Stanley Katz, right?

24 "Yes.

25 "And you have admitted that you gave Stanley

26 Katz a different description than you've given in

27 this courtroom, right?

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1 He admits to inconsistent statements about
2 what happened. And of course he went to Stanley
3 Katz because they first went to Larry Feldman to try
4 and build a molestation case against Michael
5 Jackson, because Larry Feldman had done it many
6 years ago.

7 Now we have Davellin:

8 "Okay. Have you discussed what you were
9 going to say in court with your mother?

10 "No.

11 "Not at all?

12 "A. Not at all.

13 "Did you ever discuss what you were going to
14 say before the Santa Barbara Grand Jury with your
15 mother?

16 "Never.

17 "Never talked about it once?

18 "Never.

19 "Did you discuss what you were going to say
20 in court with either of your brothers?

21 "No.

22 "Just didn't talk to one of them?

23 "No.

24 "At any time?

25 "No.

26 Do you believe any of this?

27 "Did you ever discuss what you were going to

28 say before the Santa Barbara Grand Jury with any 12964

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1 of your brothers?

2 "No.

3 "Not once?

4 "Never.

5 "Did your mother ever call you to talk about

6 what you were going to say?

7 "No.

8 "So are you in contact with your brothers?

9 "Yes.

10 "Regular contact?

11 "Of course.

12 "Are you in contact with your mother?

13 "Of course.

14 "Is it regular contact?

15 "Yes, of course.

16 "And yet during all of this regular contact,

17 nobody has even discussed what was going to

18 happen in this courtroom?

19 "What's more important to us is our feelings

20 and if we're okay. That's what's important to

21 us.

22 "So no one ever has even discussed it, right?

23 "No.

24 "Not once?

25 "Never.

26 "How often do you talk to your mom?

27 "Every day. More than -- probably like

28 every hour. We talk a lot. 12965

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1 "Every hour?

2 "Yeah, we talk a lot. We're very close.

3 "Okay. Would it be accurate to say you talk

4 to her maybe 12 to 15 times a day?

5 "Probably a little less, but yeah."

6 Do any of you believe she's never discussed

7 the facts of this case with her mother or her

8 brothers? Do any of you buy that for a second?

9 Does it make any sense whatsoever? It does not.

10 "Ever discuss this case with your mother?

11 "No.

12 "Ever discuss this case with Gavin?

13 "No.

14 "Ever discuss this case with Star?

15 "No. At the home that you share with your

16 mom, Gavin and Star, have you ever seen any

17 documents about this case?

18 "No.

19 "None?

20 "Well, just what was given to us for us to

21 think, but we've never seen them. We just saw

22 what they came in, but we've never read through

23 each other's stuff.

24 "Okay. Let me just explore that, if I can.

25 You saw documents come in some type of package;

26 is that correct?

27 "We all got separate packages, yes.

28 "Okay. Now, did you testify before that no 12966

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1 one in your family watched the Bashir

2 documentary?

3 "Yes.

4 "Do you recall in the videotape your mother

5 talking about her holding her hand with Gavin

6 like they did in the Bashir documentary?

7 "Yes.

8 "She must have learned that by watching the

9 Bashir documentary, right?

10 "A. No.

11 Do you believe any of this?

12 "Do you know for sure your mother's never

13 seen it?

14 "I don't think so. I'm with my mom always.

15 "Well, there are times you've lived

16 separately from your mother, right?

17 "Yeah, but I would visit almost every day.

18 "Have you ever discussed the Bashir

19 documentary with your mom?

20 "No.

21 "Ever discussed the Bashir documentary with

22 Gavin?

23 "No.

24 "Ever discussed the Bashir documentary with

25 Star?

26 "No.

27 Do any of you believe this? If you lie

28 under oath about something like that, you cannot be 12967

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1 trusted.

2 There is a jury instruction about willfully
3 false testimony that I will show you in a little
4 while. It was read to you yesterday by Judge
5 Melville. And it says, basically, someone who will
6 lie about something significant can be totally
7 discounted in a trial.

8 Okay. Now, this has to do with the
9 molestation claim that Janet Arvizo made against
10 David Arvizo when she told the police, not
11 initially, that David Arvizo molested Davellin:
12 "Okay. Okay. But were you present when
13 your mother told the LAPD that your father had
14 molested you?

15 "A. No, but I had heard when he had asked
16 her, 'If you want to get anything off your
17 chest,' and she said, 'Yes,' and that's when
18 they went to the kitchen area of the East L.A.
19 apartment.

20 "Q. But when you were interviewed by the
21 police, you never told them your father had
22 molested you, did you?

23 "A. Because they weren't asking me about
24 that, and I didn't know. I was very young.

25 "Okay. Okay. Have you ever discussed with
26 your mother what your father did to you?"

27 "They were both present that day.

28 "Okay. He had -- she had said, 'Well, I 12968

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1 never told Davellin that.' And he says,
2 'Well' -- he said, 'Well, she doesn't need to
3 know anyways.' It was just a horrible experience
4 for me to find out that he did that to me when I
5 was young.

6 "And you found that out through your mother?

7 "From both of them, because he had agreed to
8 it when I was standing right there, because they
9 were having an argument, and my mom screamed it
10 out at him.

11 "And your father agreed he had done that?

12 "Yeah.

13 "Do you want a second?

14 "I'm fine."

15 I've already told you that Gavin told the
16 DCFS in the 1990s his mother had abused him, so what
17 I'm pointing out to you is, there is a history,
18 proven history, of making molestation and abuse
19 allegations against all kinds of people by this
20 family.

21 We're talking about the Brazil trip:

22 "And your position is that you've never told
23 any other witness that your mother wanted to go
24 to Brazil, but your brothers wanted to stay,
25 right?

26 "My brothers wanted to stay and be with

27 Michael, yes.

28 Didn't Gavin, in that police interview, say 12969

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1 he was scared at Neverland and wanted to leave?
2 He flip-flops all over the place, depending
3 on what he wants to accomplish.
4 Now, before we move further, the photo on
5 your left, that's Janet's booking photo, where she
6 says she was beaten up all over the place by J.C.
7 Penney guards. That's the booking photo.
8 Look at her face and look at her hair. And
9 you already know that all the booking documents
10 indicate there's no medical problem. There's no
11 injury. She doesn't need medical attention. And
12 Mary Holzer told you that Janet confided in her that
13 after she got released, she was beaten by David
14 before she went to the hospital. And of course they
15 had photos taken weeks later and blamed it all on
16 J.C. Penney and Tower Records' employees to get
17 money.
18 And remember some of the testimony about
19 what's been said about J.C. Penney? Janet told Azja
20 Pryor some white boys beat them up in the mall.
21 Janet told Mrs. Kennedy that black guys beat them up
22 in an alley.
23 You trust her?
24 "Q. You were investigated by the
25 Department of Children & Family Services in the
26 1990s when Gavin alleged you had abused him.
27 Remember that?

1 "Okay. Did you have a good relationship
2 with the Department of Children & Family Services
3 at that time?

4 "Yes, I did."

5 So she confirms Gavin. How old could Gavin
6 have been? He was like a little kid. These kids
7 are being raised to make allegations.

8 Now, I'm not saying that a kid can't make a
9 true allegation. But put it all together. Look
10 what's going on. Allegations come easily and
11 quickly to authorities.

12 All right. Mr. Zonen talked about Janet's
13 conversations with Frank Tyson:

14 "Q. You say here, 'I know we're family,
15 Frank. Me, you, me, my kids are family. You,
16 Marie Nicole, my kids, Baby Rubba are family.
17 Michael, Marie Nicole, Frank Cascio, you, me,
18 are family, and my parents. That's all I got.
19 So that's why when these German people,' and
20 then it's inaudible. Do you see that?

21 "That's correct."

22 Now, the point I'm making is this: They had
23 decided Michael is their family. And Prosecutor
24 Zonen said to you yesterday, there was a year period
25 where there was no contact between Gavin and
26 Michael, and that's baloney. There were cards going
27 everywhere. Every member of the family is sending

28 cards calling him "Daddy." "We love you. We're 12971

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1 family."

2 They do this with everybody. They did it

3 with Chris Tucker. "You're our brother. We're your

4 family." This is one of their MOs. And before

5 Janet really starts telling you about her poverty,

6 she tells you you're her family.

7 Now, Mr. Sneddon, in his opening statement,

8 tried to neutralize that by saying this is an overly

9 affectionate family.

10 They're affectionate all right.

11 "Now, this conversation is taking place

12 after you say you escaped from Neverland with

13 Jesus, true?

14 "Correct.

15 "You are still calling Michael your family,

16 correct?

17 "That's correct.

18 If she had to escape false imprisonment at

19 Neverland, and if Michael is the leader of this big

20 scheme to abduct and kidnap, why is she still

21 calling him family?

22 What is her goal?

23 Her goal is to be with Michael. And all the

24 legal stuff, and all the talk with the police, all

25 of it follows her conclusion, "We're out. We're not

26 going to be part of his family anymore."

27 "How many times did you escape from

28 Neverland, Miss Arvizo? 12972

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1 "With Jesus, with Chris, and then the last
2 time, and that's the best I can remember."
3 Three escapes from Neverland. What does
4 that sound like to you?
5 And they always go back. And in the end,
6 they go home.
7 "In the J.C. Penney case, you waited till
8 after a criminal investigation was over to file
9 your civil claims, true?
10 Doesn't want to answer it.
11 She says, "I want an apology."
12 "Q. You wanted over 100,000, didn't you?
13 "A. I didn't get over 100,000.
14 "Q. You got 152,000 in the settlement,
15 Miss Arvizo, didn't you?
16 "A. In my hand? I did not get 150,000."
17 Now, look at these answers.
18 "The Witness: In my hand I received only
19 \$32,000. That's it. In my hand. And that's my
20 best approximation.
21 "Miss Arvizo, what did Gavin get in his hand
22 from that settlement?
23 "A. I don't remember, because it's been
24 put away where it's to be untouched by me.
25 "What did Star get in his hand in that
26 settlement?
27 Still nothing.

28 "I don't know, because it's -- it's something 12973

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1 that's untouched by me. It's for them."

2 Do you think she really doesn't know the
3 amounts? She's under oath in this courtroom making
4 these statements.

5 "Q. The total was over 152,000 that your
6 family was given in a settlement, true?

7 "That you have to ask my civil attorneys.

8 And I think this statement may be correct.

9 "Q. During the time you had your
10 deposition taken in the J.C. Penney lawsuit --

11 "Yes.

12 "-- did you consider David to be an honest
13 person?

14 "No.

15 "Do you remember testifying under oath in
16 the J.C. Penney lawsuit that David is extremely
17 honest, he's too honest?

18 "A. If that's on there, then that's
19 correct. Whatever is on the deposition is
20 correct.

21 "Q. How many lies under oath do you think
22 you told in your depositions in the J.C. Penney
23 case?"

24 She was deposed twice.

25 "Like I said, I tried -- after David was
26 arrested, I went to the Rothstein office, and I
27 pointed out to them prior to a settlement

28 agreement that I would like to correct the 12974

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1 statements that were inaccurate, because finally
2 David was arrested. Finally we and my children
3 could speak. And Rothstein, including with Mary
4 Holzer, said, 'Don't worry. We'll take care of
5 it.' And they didn't, so I considered their firm
6 liars."

7 She's always blaming someone else.

8 "The lawyers are liars. The lawyers made me
9 do it."

10 Has she turned over the money? Has she gone
11 to J.C. Penney or Tower Records and said, "What we
12 did was wrong. We lied under oath. We collected
13 money that we are not entitled to. My injuries were
14 fake. I had Gavin lie under oath. I had Star lie
15 under oath. David lied under oath"? No.

16 Do you remember in the rebuttal video they
17 talk about gang signs, and she's acting very
18 spontaneously and she's laughing? And it's not a
19 rehearsed, memorized type of response. It's
20 spontaneous, and she's having fun.

21 "Q. So when you said about Gavin he was
22 doing gang signs, that was what he was doing,
23 he's -- he showed out to his friends on the west
24 side, was that all scripted?

25 "Everything. Everything was scripted."

26 Now, you've seen that video four times. Was
27 everything memorized, rehearsed, to the word? Was

28 she ever spontaneous? Did she ever seem to be 12975

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1 enjoying herself? Did she seem like she liked being
2 on camera? Remember she looked at it, and she said,
3 "Oh, my God, we're on camera," and she had a big
4 grin on her face?

5 And now it's part of some evil plot by
6 Michael Jackson. And yet everything they said, they
7 had said before, particularly to Brad Miller, when
8 she says she was talking honestly about Michael
9 Jackson.

10 Everybody's a liar but Janet Arvizo. Have
11 you noticed that? The social workers are liars.
12 The lawyers are liars. Everybody's a liar but her.

13 "Did you ever ask Azja Pryor for the keys to
14 Chris Tucker's car?

15 "No.

16 "To your knowledge, did Davellin ever do
17 that?

18 "No.

19 "Do you recall ever being in a call with
20 Davellin where you and Davellin asked Azja Pryor
21 for the keys to Chris Tucker's automobile?

22 "No."

23 Now Azja's a liar.

24 "Do you recall discussing going to Brazil
25 with Azja Pryor?

26 "Like I had told you, remember those
27 conversations that I would have and try to slip

28 something in? So at the end of the -- all of 12976

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1 these people could put this puzzle together as
2 to where me and my children were finally at.

3 "Do you recall telling Azja Pryor that you
4 were excited to go to Brazil?

5 "No.

6 "Do you recall inviting Azja Pryor to go
7 to Carnivale in Brazil with you?

8 "No.

9 Who do you trust based on what you saw on
10 this witness stand? Janet Arvizo or Azja Pryor?

11 "Did you ever tell Azja Pryor that your
12 family was being held against their will?

13 She says, "Yes."

14 "When was this?

15 "I think -- I think it was during the hotel
16 period. That's the best I can remember. I --
17 I tried to reach different people."

18 Azja Pryor told you that she never said
19 anything like that. She wanted to go to Brazil;
20 that she invited Azja to go to Carnivale and that
21 she was excited. And Azja was as honest as you can
22 be.

23 "And you specifically remember telling her
24 that you were being held against your will?

25 "Yes.

26 "Do you remember ever asking her to call the
27 police?

28 "No, that was another thing I slipped in. 12977

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1 And I was always hoping that these people would
2 call themselves. This way the call didn't come
3 from me."

4 What is that supposed to mean?

5 She's staying at Jay Jackson's. She's in
6 hotels. She's in shopping centers. You can call
7 9-1-1 at Neverland. She has a million different
8 places she can get a phone and call 9-1-1 if a crime
9 was being committed against she and her children.

10 The dentist's office, the salon, you name it.

11 Nothing.

12 "Q. Do you remember telling Azja Pryor
13 that you had learned that Michael Jackson was not
14 going on the Brazil trip?

15 "A. No.

16 "Do you remember ever telling Azja Pryor
17 that once you learned Michael Jackson was not
18 going on the Brazil trip, you didn't want to go?

19 "No.

20 "It's your testimony you never discussed the
21 Brazil trip at any time with Azja?

22 "I'm -- like I said to different people in
23 the midst of the conversation, I tried to slip
24 something in as to what was happening.

25 "Do you recall complaining to Azja Pryor
26 that Michael Jackson was making money on the
27 Maury Povich show and your family was getting

28 nothing? 12978

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1 "Never.

2 "Do you recall commenting to Miss Pryor that
3 a college fund was being set up for Gavin by
4 Michael Jackson?

5 "No.

6 "Do you remember telling Azja Pryor, 'What
7 good will a college fund do for my son? He may
8 not be alive in ten years'? Do you remember
9 saying that?

10 "No. All of that --

11 "And did you ever discuss the rebuttal
12 video with Azja Pryor?

13 "No."

14 All of that directly contradicted by Azja
15 Pryor, who, I repeat, was a very honest witness.
16 Are you going to believe Janet or are you
17 going to believe Azja? I think I know who you're
18 going to believe when you put all this stuff
19 together, ladies and gentlemen.

20 She is a complete liar and fabricator. She
21 is a con artist. She's conned people for years.

22 This is a great one:

23 "Miss Arvizo, did you ever tell anyone that
24 you were living in a stable with hay and horses
25 in Bakersfield?

26 "No.

27 "Ever say anything to that effect to

28 anyone? 12979

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1 "No.

2 "Did you ever hear or learn that you were

3 quoted as saying that?

4 "Yeah, I came to find out a lot of things.

5 "When did you find out that you were quoted

6 as saying that you and your family were so poor

7 you were living in a stable with hay in

8 Bakersfield?

9 "Just recently. I've never lived in

10 Bakersfield."

11 Did somebody make that up?

12 Remember, she said she was homeless to get

13 free lessons at the dance school for her kids.

14 She'll say anything. Absolutely anything.

15 "You claim you first learned about any

16 alleged molestation in September of 2003,

17 correct?

18 "A. I don't understand what he's saying,

19 but I was becoming aware of things through

20 Gavin and Star little by little.

21 "Q. You claim that you learned about any

22 alleged molestation in September of 2003 from

23 Prosecutor Sneddon, Sheriff Klapakis and Sheriff

24 Robel, right?

25 "Yes."

26 Then my question to you is, why did they go

27 to Larry Feldman? Why?

28 Moving along: 12980

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1 "Okay. Did you learn at some point about
2 some fund-raisers that went on at The Laugh
3 Factory for the benefit of Gavin?

4 "A. I came to find out everything
5 afterwards.

6 "Q. Did you know those fund-raisers were
7 going on when they actually happened?

8 "A. I don't think so. We're talking five
9 years ago."

10 Do you really think, based on everything you
11 know about Janet Arvizo, that she didn't know
12 fund-raisers were going on?

13 This is under oath in front of you. Put it
14 all together.

15 "Q. So you're not sure whether you knew
16 they were even going when they happened, right?

17 "No, I would find out afterwards.

18 "Now, were you in touch with Jamie Masada at
19 this point in time?

20 "Just a little bit."

21 They're trying to raise money for her son's
22 illness. They're going everywhere they can to raise
23 money. Do you think she doesn't know?

24 "Q. Were you ever standing in the background
25 during a phone call that Gavin made to Jay Leno?

26 "A. No.

27 "Have you ever spoken to Jay Leno?

28 "I've never spoken to Jay Leno. 12981

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1 "Were you aware of Gavin making any attempt
2 to contact celebrities by phone?
3 "No."
4 Do you believe that for a second?
5 Okay. Ladies and gentlemen, it only takes
6 one lie under oath to throw this case out of court
7 by you. Just one.
8 You can't count the number of lies under
9 oath by all of the Arvizo witnesses. You can't
10 count them. They lie directly. They lie to your
11 face. They lie under oath. They exaggerate. They
12 give run-around answers to try to avoid the
13 question. How many does it take to let you know
14 this case is a fraud?
15 They are trying to take advantage of Michael
16 Jackson. They are trying to profit from Michael
17 Jackson. They think they've pulled it off. They're
18 just waiting for one thing, and that is your
19 verdict.
20 At this point, I'd like to talk to you a
21 little bit about some jury instructions, some of the
22 instructions that were read to you yesterday.
23 Now, we've talked about reasonable doubt.
24 You've heard me mention that a lot. And as I have
25 been saying throughout my closing argument, if you
26 have a reasonable doubt about the Arvizos, the case
27 is over, because the whole case hinges on them.

28 They have come together. They have compared 12982

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1 notes. They have made up stories. They've lied
2 under oath, like they've done for years, and they've
3 been caught at it. You have caught them at it.

4 The instruction reads as follows:

5 "A defendant in a criminal action is
6 presumed to be innocent until the contrary is
7 proved. And in a case of reasonable doubt whether
8 his guilt is satisfactorily shown, he is entitled to
9 a verdict of not guilty. This presumption places
10 upon the People the burden of proving him guilty
11 beyond a reasonable doubt."

12 Why the standard of proof called "reasonable
13 doubt"? Why?

14 Many legal systems around the world don't
15 have it. Many legal systems around the world don't
16 use juries. They use judges. One, two, three, or
17 more. But our country has a philosophy, and that is
18 we cannot convict people who are innocent. We
19 cannot run the risk, because what happens to them is
20 so harmful, so brutal, so devastating.

21 And what they're trying to do to Michael
22 Jackson is so harmful, so brutal, so potentially
23 devastating to him, that we have a very high
24 standard. It's higher than you find in civil cases
25 where you have disputes over money or over property.
26 If you have any reasonable doubt about this
27 case, about the testimony, about the double-talk,

28 the lies, about their past, about their motives, 12983

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1 it's over. You must acquit Michael Jackson to
2 follow the law. It's that strict.
3 And you know something? Our system still
4 isn't perfect. You still have examples where, years
5 later, DNA exonerates people who were convicted.
6 They've added up like 130 people the last ten years
7 who were actually convicted, by juries who meant
8 well, wrongfully, because DNA exonerated them.
9 But nevertheless, we have to have a system.
10 It's the best system in the world. It can't be
11 perfect, because human beings aren't perfect. But
12 it's the best system in the world.
13 And ladies and gentlemen, I'm begging you to
14 honor that principle. Honor that principle of proof
15 beyond a reasonable doubt. He must be acquitted
16 under that standard, with all the problems and
17 falsehoods and issues that I have addressed.
18 They can't overcome them. They can
19 exaggerate. They can dirty up Michael's background.
20 They can fling dirt everywhere. They can expose the
21 fact that he's a human being who has had his
22 problems. They can do whatever they want. But they
23 can't prove this case beyond a reasonable doubt, and
24 they never should have brought it to begin with once
25 they learned who the Arvizos were.
26 These are what we call burdens of proof in
27 our legal system.

28 In a civil case, which is a dispute over 12984

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1 money or property, if one side proves by a
2 preponderance of the evidence, that's the standard,
3 that they should prevail, and it's often described
4 in very simple terms. If you have a scale of
5 justice and one side is stronger, is heavier, that
6 side wins. It's called a mere preponderance of
7 evidence.

8 That's enough to bankrupt somebody. That's
9 enough to take away their business. That's enough
10 to leave them penniless. But it's not enough to
11 convict of a crime.

12 We have a higher standard called clear and
13 convincing evidence.

14 I'll give you an example: In some custody
15 disputes, you can take a child away from a parent
16 if you prove, by clear and convincing evidence, that
17 that parent should not have custody, that they have
18 not met the standards our legal system requires for
19 parenting.

20 Clear and convincing evidence alone is not
21 enough to convict in our system.

22 And let me ask you this: Do you think
23 you've seen clear and convincing evidence that the
24 Arvizos are truthful? Are believable? Are honest?
25 Are honorable? Don't have financial motives in this
26 case? Are to be believed and trusted?

27 No. They can't even meet that standard, let

28 alone the highest in our legal system, which is 12985

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1 beyond a reasonable doubt. They're not even close.

2 The case shouldn't have been brought.

3 This is just an illustrative aid to further

4 explain reasonable doubt to you and what a high

5 standard it is. If you think somebody may be

6 guilty, it's not enough. If you think perhaps

7 they're guilty, it's not enough. If you suspect

8 they might be guilty, it's not enough. Possibly

9 guilty is not enough. Probably guilty, not enough.

10 Guilty likely, not enough. Guilt highly likely, not

11 enough. It's got to be guilty beyond any reasonable

12 doubt.

13 And ladies and gentlemen, when you get in

14 the jury room, ask yourselves, "Do we have any

15 reasonable doubts about this family and this case?"

16 Any. All it takes is one.

17 The prosecutor has talked to you about

18 circumstantial evidence, okay? There's what is

19 called direct evidence, someone actually watches

20 something. And there's circumstantial evidence,

21 where you're to put the circumstances together and

22 decide what you can infer from the circumstances.

23 Of course, I'm coming to you and saying the

24 same thing. Look at the circumstances of the

25 Arvizos and their past history and their lies and

26 their motives, and I'm saying put those

27 circumstances together to find a reasonable doubt in

28 this case. 12986

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1 So what does the instruction say? "A
2 finding of guilt as to any crime may not be based on
3 circumstantial evidence unless the proved
4 circumstances are not only, one, consistent with the
5 theory that the defendant is guilty of the crime,
6 but, two, cannot be reconciled with any other
7 rational conclusion."

8 Can any of you imagine, within reason, the
9 Arvizos doing what I've told you they're trying to
10 do here? Does it seem rational to you? Does it
11 seem realistic? Is it plausible? Is it likely?
12 Of course it is.

13 Would it be rational to assume, based on all
14 you've heard, that this is a scam by them, and that
15 they are, in fact, con artists, actors and liars?
16 The answer is yes. And if you agree with what I
17 just told you, out the door.

18 "If the circumstantial evidence as to any
19 particular count permits two reasonable
20 interpretations, one of which points to the
21 defendant's guilt and the other to his innocence,
22 you must adopt that interpretation that points to
23 the defendant's innocence and reject that
24 interpretation that points to his guilt."

25 This all works in tandem with the proof
26 beyond a reasonable doubt standard. It all works in
27 tandem with the proof beyond a reasonable doubt

28 objective of our system that we protect freedom and 12987

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1 liberty and reputation more than we protect money,
2 more than we protect property. It's a strict system
3 of values built into the system, and you must, under
4 this legal standard, throw this case where it
5 belongs: Out the door.

6 Now, you were instructed that these alleged
7 crimes by Michael Jackson require that they prove
8 what is called specific intent. In plain language,
9 that he specifically intended to commit certain
10 crimes. I'm going to show you some conspiracy
11 instructions where he has to specifically intend,
12 and they must prove beyond a reasonable doubt that
13 he specifically intended, one, to enter into a
14 conspiracy agreement, and, two, to commit false
15 imprisonment, child abduction or extortion on the
16 Arvizos. Okay? So that's what this idea of
17 specific intent essentially means.
18 This is a similar instruction to the ones
19 you just saw: "You may not find the defendant
20 guilty of the crimes charged unless the proved
21 circumstances are not only, one, consistent with the
22 theory that the defendant had the required specific
23 intent or mental state, but, two, cannot be
24 reconciled with any other rational conclusion."
25 It's a protective mechanism to protect our
26 freedom and our liberty and our reputation from
27 false claims.

28 You've been instructed by Judge Melville. 12988

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1 You must follow this to the T. You cannot run
2 roughshod over these instructions. You cannot treat
3 them lightly. If you have another rational
4 explanation for what these people are doing based on
5 their past and their behavior, it's out, all of it.
6 Michael Jackson goes home - where he belongs. Not
7 here.

8 "Evidence as to any specific intent or
9 mental state, if it permits two reasonable
10 interpretations, one of which points to the
11 existence of a specific intent or mental state and
12 the other to its absence, you must adopt that
13 interpretation which points to its absence."

14 And as I said to you yesterday, show me any
15 evidence anywhere that Michael Jackson wanted to be
16 in a conspiracy with other alleged felons, none of
17 whom have been charged. None. With all they tell
18 you about Schaffel, Konitzer, Dieter, Geragos,
19 whatever it is, have any of them been charged with
20 anything? Even a misdemeanor? If not, why did they
21 bring this case against him? Why? Where is the
22 justice? Where is the fairness? Where is it?
23 With these instructions that you're bound to
24 follow, with the instruction that you have another
25 rational explanation, another rational conclusion as
26 to why someone acted a certain way that goes against
27 the concept of guilt, the concept of convicting

28 someone of a crime, with these instructions, which 12989

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1 they know about - they know about them - why did
2 they bring this case against Michael Jackson?
3 Because he's a mega celebrity, and they hope
4 they can get away with it. They only have one
5 obstacle left: You. They're hoping you won't
6 follow these instructions, you won't understand
7 these instructions, they won't have any meaning in
8 the jury room, you just won't get it. I don't know
9 what they're thinking.
10 How, with these instructions on the table,
11 in your hands -- you've already gotten packets of
12 them. How, if you look at these carefully and look
13 at this evidence, can you convict Michael Jackson of
14 anything?
15 Ladies and gentlemen, you can't. You just
16 can't. The witnesses are preposterous. The perjury
17 is everywhere. The claims are preposterous. None
18 of it works. The only thing they have left is
19 throwing dirt all over the place to see if something
20 sticks.
21 Girlie magazines. He's had problems in his
22 personal life. He's been immature, and naive,
23 childlike. But remember, their basic claims are
24 that he's akin to a monster, that he would take a
25 cancer-stricken child and look at that person as a
26 target and ply him with alcohol so he can molest
27 him.

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1 in this trial, does that make sense? If you look
2 deep into your heart, do you think it's even
3 remotely possible that Michael Jackson is
4 constructed that way, is evil in that particular
5 way? Has no conscience? Has no feeling for
6 children? Has no idealism? Isn't childlike? He's
7 really just -- it's all -- Neverland's a ruse for
8 criminal activity? Does what you've seen in this
9 trial reflect that? Is it even possible?

10 It's not. It really is not.

11 And no matter what Mr. Zonen throws around
12 the courtroom, you know what I'm saying is true.

13 And I'm sure it will be a real topic of discussion

14 in the jury room. What is Neverland? Why the

15 music? Why the Disney-like environment? Why the

16 animals? Why do children come from the inner city?

17 Why do sick children come by bus? What goes on?

18 What are his goals? What did he want to accomplish?

19 Is it all just a lure for criminal conduct, a

20 veneer, a big fantasy to lure people in because he's

21 a monster?

22 No. Not even close.

23 Might be a good time to stop, Your Honor.

24 Is that all right?

25 THE COURT: All right. We'll a break.

26 (Recess taken.)

27 THE COURT: Mr. Mesereau?

28 MR. MESEREAU: Thank you, Your Honor. 12991

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1 Ladies and gentlemen, I have two more
2 instructions to show you. I can't show you every
3 one, they're pretty voluminous, but I'd like you to
4 just give careful consideration to these particular
5 instructions, particularly this "Witness Willfully
6 False" instruction:

7 It says, "A witness who is willfully false
8 in one material part of his or her testimony is to
9 be distrusted in others. You may reject the whole
10 testimony of a witness who willfully has testified
11 falsely as to a material point unless, from all the
12 evidence, you believe the probability of truth
13 favors his or her testimony in other particulars."

14 And when you go into the jury room and talk
15 about the Arvizos, please give careful consideration
16 to this instruction.

17 This is the last one I'm going to point out:

18 It says, "Association alone does not prove
19 membership in a conspiracy. Evidence that a person
20 was in the company of, or associated with, one or
21 more other persons alleged or proved to have been
22 members of a conspiracy is not, in itself,
23 sufficient to prove that person was a member of the
24 alleged conspiracy."

25 So when the prosecutor gets up and tries to
26 tell you that somehow knowing Marc Schaffel or
27 knowing Konitzer or Dieter is proof that Michael

28 Jackson engineered -- remember, they're saying he 12992

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1 engineered a criminal conspiracy as a response to
2 the Bashir documentary. If they try and suggest
3 that through documents showing people are in
4 business together, or associated together, or might
5 be seen together, that's not proof.

6 They have to prove beyond a reasonable doubt
7 that Michael Jackson, one, specifically intended to
8 form an agreement to conspire, and, two, wanted to
9 falsely prison, abduct kids, or commit extortion.
10 And it's nonsense.

11 Now, ladies and gentlemen, the prosecution
12 claims that Mr. Jackson had a response to the Bashir
13 documentary, and the response was to commit crimes.
14 And the prosecutor wants you to think that after
15 February 20th, through all those interviews, that
16 somehow molestation began. And now I want to show
17 you what was available at the time.

18 MR. SANGER: "Input 4," please, Your Honor.

19 (Whereupon, portions of DVDs, People's
20 Exhibit 2 and Defendant's Exhibits 5000-A, B and C,
21 were played for the Court and jury.)

22 MR. MESEREAU: Ladies and gentlemen, this
23 has been a nightmare for Mr. Jackson. He has been
24 lax with his money. He has let the wrong people
25 sometimes associate around him. He was naive to
26 allow the Arvizos anywhere near him. But under the
27 law and the facts in this courtroom, you must return

28 a verdict of not guilty on all counts. It's the 12993

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1 only right verdict.

2 Thank you.

3 THE COURT: Thank you, Mr. Mesereau.

4 Mr. Zonen, did you need a couple of minutes
5 to set up?

6 MR. ZONEN: Just a minute, Your Honor.

7 Yes, please.

8 Leslie? I'm going to use that one.

9 THE BAILIFF: I don't need a minute.

10 MR. ZONEN: Your Honor, an hour and 14
11 minutes?

12 THE CLERK: 1/14.

13 MR. ZONEN: 1/14, thank you.

14 MR. AUCHINCLOSS: Can we go back to "Input 1,"
15 Your Honor?

16 MR. ZONEN: Ladies and gentlemen, good
17 morning.

18 This responding argument is going to be in
19 response to the argument delivered by Mr. Mesereau
20 over the last four hours of court time and it will
21 be limited to those issues that he has presented.

22 I would like to begin by talking to you
23 about a statement that had been projected up on the
24 board by Mr. Mesereau yesterday, and that statement
25 that had been projected up on the board referred to
26 this comment: He said, "Prosecutor" -- he was
27 quoting a prosecutor. He said, "A prosecutor said

28 that it was like a band-aid for a bad case." What 12994

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1 he was referring to, of course, was the propensity
2 evidence that had been presented by the prosecution.
3 The propensity evidence was the evidence of all of
4 the witnesses who testified to the 1993
5 investigation. That, of course, included the
6 testimony of June Chandler, and Jason Francia, and
7 Jason Francia's mother, and the other people who had
8 previously been employed at Neverland.

9 That statement -- prosecutor said, "like a
10 band-aid for a bad case."

11 Let me suggest that that probably was not
12 said. Let me suggest that that's not the first time
13 that Mr. Mesereau has referred to a prosecutor who
14 has made a quote improperly.

15 Let me remind you of the time that Mr. --
16 that Mr. Mesereau was cross-examining Dr. Katz and
17 kept referring to a statement from a prosecutor in a
18 book that Mr. Katz had written, until we finally
19 asked to see the book and discovered that the real
20 word was "lawyer."

21 Now, that statement would make more sense if
22 it was in fact "lawyer," "A lawyer said that this is
23 like a band-aid for a bad case," because no
24 prosecutor will ever stand up here and tell you that
25 giving too much information to a jury is bad. In
26 fact, in this particular case, it's highly
27 appropriate. The information about the use of

28 propensity evidence is what gives you a clear and 12995

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1 concise understanding about the type of people who
2 commit these -- about the type of people who commit
3 these types of crimes.

4 Let me read something to you: "By their
5 very nature, sex crimes are usually committed in
6 seclusion, without third-party witnesses or
7 substantial corroborating evidence. The need for
8 this evidence is critical, given the serious and
9 secretive nature of sex crimes, and the often
10 resulting credibility contest at trial. The
11 willingness to commit sexual offenses is not common
12 to most individuals, thus, evidence of any prior
13 sexual offense is particularly probative and
14 necessary for determining the credibility of the
15 witness."

16 What I've been quoting to you is the
17 legislative text that accompanied the enactment of
18 that statute that allows us to be able to bring in
19 evidence of prior sexual misconduct by the defendant
20 charged with a child molestation. Why? Because
21 these types of crimes take place in private. They
22 don't take place in public.

23 And in this particular case, we're talking
24 about the privacy of literally a fortress, behind
25 multiple locked doors, and multiple alarm systems,
26 where the defendant, after much effort, after much
27 seduction, after much grooming, has the advantage of

28 having a child in his room, and not the first one, 12996

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1 in this case for long periods of time, subject to
2 the intimacy that he dictates. And that's why it's
3 so important so that a jury is not left with the
4 belief, why, at age 45, does this man suddenly act
5 out with a 13-year-old child? And when you see the
6 total picture, you realize it was anything but
7 suddenly acting out with a 13-year-old child.
8 Now, look at the evidence that was presented
9 even by the defense in the course of this case.
10 Think about the testimony of Mr. Barnes, Brett
11 Barnes, who, while on the witness stand, was
12 extraordinarily evasive on the question of, "Tell me
13 how much time you actually spent with Michael
14 Jackson. Was it one night? Was it two nights? Was
15 it a week?"
16 And his answer was, "I, you know, really
17 don't recall. I can't recall when it was. Some
18 nights it was here; some nights it was there. I
19 was" -- he just did not answer the question.
20 And when his mother was on the witness
21 stand, she wouldn't answer that question either.
22 "Sometimes he stayed with us. Sometimes we were
23 traveling. Sometimes he would be with Mr. Jackson."
24 And again, very evasive in terms of committing to
25 any kind of detail about Brett Barnes' relationship
26 with Michael Jackson.
27 Not until his sister was on the witness

28 stand, and not until cross-examination by Mr. 12997

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1 Auchincloss, when all of a sudden he started asking
2 her, in all her jubilation -- I mean, she was an
3 excited witness up there, very happy, filled with
4 glee and a big smile, and very happy to be here on
5 behalf of Mr. Jackson, until Mr. Auchincloss started
6 asking questions, "Tell us how long we're talking
7 about. What period of time exactly was it that your
8 brother was in the accompaniment of Mr. Jackson and
9 specifically in his room."

10 And suddenly it came out. She says, "A
11 year." She said it in terms of, "Well, there was a
12 six-month tour, and another six-month tour." It was
13 the entirety of those two combined tours, which
14 meant over one year.

15 And it was like a ton of bricks landed in
16 the middle of the floor. All of a sudden, everybody
17 got it. All of a sudden everybody is sitting and
18 thinking, one year, one continuous year this child,
19 who at the time was either 11 to 12, or 12 to 13
20 years old, was sleeping in Mr. Jackson's bedroom
21 continuously.

22 This man has never had adult companionship
23 to that extent that any of us have heard of at any
24 stage during the testimony in this case. One
25 consecutive year. This man went to bed every night
26 with a 12-year-old boy the entire time. As they
27 traveled from one European capital to another, as

28 they traveled from one South American capital to 12998

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1 another, as they ventured even into Africa.
2 And it was confirmed by a second witness
3 called by the defense, when James -- James Van
4 Norman, the security chief at that time, was called
5 as a witness and testified entirely on direct
6 examination without any reference whatsoever to
7 Brett Barnes.

8 And then on cross-examination by Mr. Sneddon
9 was asked exactly the same question. And he also
10 acknowledged exactly the same thing.
11 That witness had the nerve to sit on the
12 witness stand and tell you that nothing improper
13 happened at Neverland while he was head of security
14 there. And then on cross-examination acknowledged
15 to you that at the end of each day, this child,
16 maybe 12 years old, went into Mr. Jackson's hotel
17 room, each hotel room throughout Europe and South
18 America, went into his bedroom and stayed there. He
19 was his constant and continuous companion for the
20 better part of 12 months.

21 That is not a friendship. That's a
22 relationship.
23 Mr. Jackson loved that child not as one
24 loves a child, but as one loves a companion, an
25 adult, a sexual relationship. It's the only
26 explanation for that. In your entire lifetime, you
27 have never heard of another middle-aged man doing

28 that with a child. In your entire lifetime you 12999

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1 never will hear of another middle-aged man doing
2 that with a child. You would be outraged if you
3 were to find out that there was somebody who lived
4 in your neighborhood who was taking young boys into
5 his bedroom amidst a sea of pornography and alcohol.
6 You'd be on the phone with the police in a second.
7 And yet in this case, we're expected to say
8 that that is normal. It is loving, it is kind, it
9 is nurturing, and it is nonsexual.
10 Why is that? How exactly was he nonsexual
11 with this child in his bed for over a year? Over a
12 year. Are we expected to believe that he's simply
13 nonsexual?
14 When we look at the collection of materials
15 that he has in his house, in his own home, and the
16 distinction between the thousands of books that Mr.
17 Mesereau was talking about is the fact that -- which
18 was a million books in his opening statement. It's
19 now down to thousands of books, and, it's probably
20 substantially less than that, and frankly, probably
21 came with the house. Most of the books depicted in
22 the video that he showed you looked like they've
23 never been opened.
24 But as to those books, they're in a library.
25 As to the books that we seized, they're in his
26 bedroom. And that included the entire collection of
27 homoerotic material, some of which was so extreme in

28 its nature we simply couldn't open that book in this 13000

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1 courtroom.

2 But what, then, do we say about him? How do
3 you explain that? How do you explain child after
4 child after child, Mr. Robson for an extended period
5 of time as a child, was in his bed going back to age
6 seven. Seven.

7 Think about your children when they were
8 seven years old, what they looked like and how big
9 they were. Eight years old.

10 He was in his bedroom. Not just bedroom,
11 but in his bed.

12 Macaulay Culkin, he flew across the country
13 to spend a week with Macaulay Culkin alone.

14 Where is the adult companionship in this
15 case? Where has he ever had that kind of trip to be
16 with an adult, a special relationship? No words
17 about that at all in the course of this trial.

18 Nothing.

19 It is because we have heard that testimony
20 that we have an understanding of Michael Jackson
21 that we never would have had had that testimony not
22 been presented to you in the first place.

23 So let me suggest to you that the testimony
24 of Brett Barnes, particularly his sister, Wade
25 Robson, Robson, Macaulay Culkin, who spent an entire
26 vacation with Michael Jackson, who invited himself
27 so he could be there with an 11-year-old boy. And

28 then June Chandler. 13001

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1 June Chandler, who was described by -- in
2 Mr. Mesereau's closing argument as a gold digger,
3 and of course was a quote from Joy Robson. Joy
4 Robson, who received over \$20,000 from Mr. Jackson,
5 a car, immigration to the United States, and a job,
6 as well as an apartment, describes her, June
7 Chandler, as a gold digger.

8 June Chandler said in her testimony, about
9 an event that took place in New York, that Mr.
10 Jackson was so upset and so angry during the course
11 of their being in New York, because she was
12 protesting the fact that Jordie Chandler was
13 spending all of his time with her, a statement that
14 was shared with Joy Robson in her deposition ten
15 years ago in the -- in the Jordie Chandler lawsuit -
16 he simply grabs up the time of whichever child he is
17 with - he broke a lamp. He tried to get Lily to say
18 that it was broken by accident. He was crying. He
19 was upset. He was pleading with her to allow him to
20 have access to her son, Jordie Chandler.
21 He slept with Jordie Chandler for well over
22 a month, closer to two, and particularly -- and this
23 was in his own home, in his own bedroom, in his own
24 room, between the times that he would come from
25 school and go to school during that period of time.
26 What kind of answer is there to that? How
27 do you possibly come to grasp with that kind of

28 information except to conclude that they had a 13002

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1 relationship? He was in love with that child. In
2 love with that child the way that an adult would
3 fall in love with another person, and it wasn't the
4 only child.

5 And it was happening with Gavin during this
6 period of time. Gavin went right into it. It began
7 with long phone calls, long periods of conversations
8 in the middle of the night. They'd go for hours.

9 It began with him coming to Neverland. It was the
10 same kind of run-around-and-do-anything-you-want on
11 Neverland and end up in his room from the very
12 beginning.

13 Understand something about Mr. Jackson and
14 his relationship with his family and his
15 relationship with Gavin Arvizo.

16 On the 2nd of March, while he was there, on
17 the 2nd of March while he was in Florida with his
18 family, he came back to Santa Barbara, leaving the
19 family behind. And who happened to be back at
20 Neverland on the 2nd of March? Was exactly the day
21 that Gavin and his brother and sister and mother
22 returned back to Neverland.

23 And at that point the boys returned back
24 into his room, and eventually Star left that room.
25 And during that period of time they stayed there
26 forever, until they finally left at Janet Arvizo's
27 behest on the 12th of March.

28 Exactly the same kind of relationship that 13003

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1 he had with Jordie Chandler. Exactly the same kind
2 of relationship he had with Brett Barnes. It simply
3 didn't go long enough because his mother had the
4 sense and foresight to get them out of there.

5 A couple issues dealing with the jury
6 instructions.

7 There was an instruction that was read to
8 you. It was the very, very first instruction that
9 was read to you, and it's one that's probably worth
10 reading again. I'm not going to read it to you, I'm
11 just going to tell you.

12 It is an instruction that says that you are
13 not to consider sympathy, pity, punishment or
14 consequences of the crime in your deliberations in
15 this case. You cannot consider what will happen,
16 what won't happen, and you can't sit back and say,
17 "I feel sympathy for or against the defendant in
18 this case." You can't be sympathetic on behalf of
19 the victims. You can't be sympathetic on behalf of
20 the defendant. You simply have to judge the
21 evidence dispassionately and impartially.

22 Counsel has talked repeatedly about the
23 question of why aren't the co-defendants, the
24 unindicted co-defendants, included in here? There
25 is an instruction that was read to you, you are not
26 to consider that either.

27 Those are two instructions that Mr. Mesereau

28 violated within the first half hour of his 13004

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1 opening -- of his closing argument.

2 You cannot consider the question of whether
3 others were included or not included, will be
4 included, won't be included. That is simply not
5 part of your deliberation process. You're to decide
6 this case singularly. I would think Mr. Mesereau
7 would be happy after four months of trial, over four
8 months of trial, not to have to have dealt with five
9 more lawyers in this courtroom, frankly.

10 The J.C. Penney litigation that took place,
11 let me suggest -- I'm not going to go over this at
12 length, but let me suggest to you that that was a
13 case that was in no way fraudulent based on the
14 evidence that's before you and reasonably resolved
15 by everybody.

16 Janet Arvizo was never in that store. She
17 had nothing to do with that theft. She went out and
18 she came from a different place where she was
19 applying for a job. She saw an altercation
20 involving her husband. She went to his rescue. She
21 got beat up. Not horribly, but got beat up. Had
22 bruises up and down her legs, up and down her arms.
23 Those photographs were not taken weeks
24 later. Those were taken days later, as black and
25 blue marks do tend to surface days later. Those
26 injuries that she had were reflective of the kinds
27 of restraint that she was subjected to with her

28 being down on the ground and people on top of her 13005

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1 legs, people on top of her arms, so that both -- the
2 arms on both sides and legs on both sides were
3 subjected to those kinds of contusions.

4 She did go to jail. She was there for less
5 than two hours. She did not make a claim of
6 injuries at that time. Those are not the kind of
7 injuries that would surface initially. They're
8 black and blue contusions. They would come up

9 later. She had no interest in staying in jail, as
10 would anybody have any interest in staying in jail.
11 Did not make any claims. Was out of jail in an hour
12 and 45 minutes. And within one hour and six minutes
13 after her husband was released from jail, she went
14 into the clinic.

15 Now, we're supposed to believe that it was
16 during that period of time that her husband beat her
17 up. That he would beat her up on the front of her
18 legs, the front of her arms, the back of her legs,
19 the back of her arms in that period of time, and
20 then take her to a clinic.

21 Let me suggest to you that in the history of
22 the world, no batterer has ever beat up his wife and
23 then rushed her to a clinic. That is a one-way
24 ticket to jail. Because the first thing they do is
25 ask what happened and how did it happen. And those
26 injuries were not that bad that he would have been
27 compelled to take her during that time.

28 Mary Holzer not only said that Janet Arvizo 13006

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1 said that that's what happened, but Mary Holzer said
2 that the kids were there, and the kids were injured
3 in like fashion. We know that didn't happen.

4 Excuse me.

5 We know that both children stayed at the
6 scene at the time of the arrest of the father, in
7 the presence of the mother, until the grandmother
8 got there, Maria Ventura. When she got there, the
9 father was already in custody and had been taken
10 away. The police were there and had been there for
11 the entire time.

12 She took the children and took them home.

13 The kids complained of pain. Star complained of
14 pain to his head, and in fact he had a concussion.
15 Gavin complained of pain to his arm, and in fact he
16 had a fracture in his elbow. They had not had any
17 contact with their father at all. It wasn't until
18 the next day that they went to the hospital by the
19 parents, were taken, and the injuries were
20 diagnosed.

21 Mr. Mesereau said that Janet Arvizo
22 complained that the cyst that was discovered in
23 Gavin's (sic) head she credited to the beating that
24 was -- occurred at J.C. Penney's. No, she never
25 did. She never said that at all.
26 What she said was it was discovered at that
27 time when they were trying to determine the cause of

28 the headaches that he had. They discovered he had a 13007

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1 cyst, benign, benign, and hopefully will remain that
2 way.

3 There was a lawsuit at that time. There was
4 a deposition that was taken at that time. She did
5 lie in that deposition. About what? She said she
6 was not a victim of violence at home.

7 She was still living with him. What is she
8 going to do? Say otherwise? The kids also were
9 asked that question. Mr. Mesereau is mystified that
10 they would say that they were not coached to lie.
11 No, they weren't coached to lie. They don't have to
12 do that. Children in a violent household
13 intuitively know not to discuss that sort of thing.
14 That is just not discussed. There was no lying in
15 that regard.

16 Yes, it's true, she said she was not a
17 victim of domestic violence. That's pretty
18 understandable under the circumstances. She said
19 she had asked the law firm to change it later.
20 Now, the question of whether or not, given
21 that period of time, could her husband have
22 inflicted those injuries on her, and on the
23 children, who were not even in his presence, does
24 that necessarily mean, then, that there was a
25 fraudulent lawsuit? And the answer is, there was no
26 fraudulent lawsuit, notwithstanding Mary Holzer's
27 desire to be a witness in this case.

28 And as evidence of that is the fact that the 13008

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1 lawyers that she works for have kept the money that
2 they got, all \$85,000 of it. They've known about
3 her accusations for some time, and they haven't seen
4 fit to return that money. Nor has J.C. Penney's
5 seen fit to go after it. So everybody seems to
6 think that this was an entirely reasonable
7 resolution of this case, for being beaten up and for
8 being falsely arrested and falsely charged, until
9 ultimately the charges were dismissed.

10 She got \$32,000. That is not unreasonable.

11 Gavin had a fractured arm, and he got \$25,000. It's
12 sitting in a bank account. Star had a concussion.

13 He got \$5,000. It's sitting in a bank account for
14 when he turns 18. And the father, David, got

15 \$5,000, approximately. I don't know what he did
16 with his, nor do I care. That comes to about

17 \$65,000 total. The balance of \$85,000 went to the
18 law firm. They've kept it.

19 The resolution of that case was fair. It

20 was appropriate. The disposition was appropriate.

21 Lawyers.

22 There was a lot of discussion about Janet

23 Arvizo going to lawyers and having had many lawyers.

24 She had a lawyer who represented her in J.C.

25 Penney's. She had a lawyer who represented her in

26 the J.C. Penney's case. She had a lawyer who

27 represented her in her divorce and family law

28 matter. 13009

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1 And after she was -- she stayed at Neverland
2 for that period of time and finally got out, she
3 went to see a lawyer by the name of Mr. Dickerman.
4 She went to see Bill Dickerman after being
5 told by two different people, "You need to go see a
6 lawyer." One of them was Azja Pryor, who testified
7 to that in court during the course of this trial.
8 The other one was Jamie Masada, and he was the one
9 who suggested Bill Dickerman, who was his personal
10 lawyer.
11 She went to Bill Dickerman. And what did he
12 do? He made demands for the return of all of her
13 property, two and a half months of demands, without
14 being told where the property was and without having
15 any of it returned. And he made demands that the
16 kids be taken off television through Granada
17 Productions. In other words, his pursuit was in two
18 directions, and he at no time filed any kind of a
19 lawsuit against Michael Jackson.
20 How did he get to -- how did the family get
21 to Larry Feldman, was the question was Mr. Mesereau
22 asked.
23 Well, the answer to that question is Bill
24 Dickerman took them to Larry Feldman, because he
25 knew that Michael Jackson was involved in all of
26 this, and he was not about to take on Michael
27 Jackson and his minion of lawyers. As you recall,

28 Michael Jackson pays four million dollars a year in 13010

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1 legal fees. He has plenty of lawyers.
2 Bill Dickerman, who was a sole practitioner,
3 was not about to take on Michael Jackson by himself.
4 He knew that Larry Feldman had taken on Michael
5 Jackson in the past, and he went to Larry Feldman.
6 Larry Feldman is senior counsel in a 600-lawyer law
7 firm. Six hundred lawyers is exactly the opposite
8 of Bill Dickerman as a sole practitioner.
9 Larry Feldman sees this family walk in the
10 door, and he looks at Jordie Chandler -- excuse me,
11 he looks at Gavin Arvizo, who is literally a Jordie
12 Chandler clone, like these other boys, and he takes
13 a look at him, and he immediately sends the family
14 to Stan Katz, Dr. Katz.
15 Mr. Mesereau described Katz as Larry
16 Feldman's good friend, Dr. Katz. In fact, the
17 evidence is exactly the opposite. Stan Katz has
18 worked with Mr. Feldman on one other case, and that
19 was the Chandler case and that was ten years
20 earlier. And in his 25-plus years has never worked
21 on any other matter with Larry Feldman, has never
22 been to his home. Feldman's never been to Katz's
23 home. They know to say hello to one another when
24 they meet one another in court or in other places.
25 But they certainly are not close friends or even
26 friends at all. They are simply acquaintances and
27 associates in terms of professional associates.

28 That statement was designed to cast some 13011

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1 aspersion upon the both of them that they're in
2 league together. And in fact, there's no evidence
3 of either one of those.

4 Stan Katz interviewed the children,
5 interviewed the mother, interviewed the sister, and
6 decided that this matter needed to be reported to
7 Child Protective Services, and did so. From there,
8 it went to the sheriff's office in Santa Barbara.

9 There was no disclosure by Gavin at any time
10 to anybody until he did so to the police, when he
11 sat in an interview. And you watched that
12 interview, and you're going to watch a portion of it
13 before we leave.

14 That disclosure did not -- or at any time
15 has Gavin varied in the contents of the description
16 of what happened to him. And the only extent of the
17 variance that Mr. Mesereau was able to talk about is
18 the timing. And now we're going to talk about the
19 timing a little bit, because I think that is
20 appropriate for you to understand.

21 The question posed by Mr. Mesereau is, why
22 would he do it then? Why would he begin a
23 molestation just after this child has been
24 interviewed about exactly that? Why would he do it
25 after the publication of this thing on television?
26 Why would he do it after he spends time in this
27 video presentation?

28 The answer simply is: Because he could. 13012

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1 It's really not much more complicated than
2 that. Because he has no restraints on his impulses.
3 Because he had been working with this child for some
4 time. Because this child had been in his bed for
5 some time.
6 And it may not have begun after the video
7 was produced. Gavin testified to you that he had a
8 recollection of two specific events. He believed it
9 happened after the video was produced, and that
10 would mean after the interview with the Department
11 of Child & Family Services simply because they are
12 closely aligned. He went from one to the next. And
13 at some time after that, which would have been on
14 the 20th of February and sometime thereafter, before
15 the time he left.
16 He also said, and has consistently said, he
17 thought it was closer to the time when he actually
18 left. And that would be consistent, too.
19 Why would Mr. Jackson do it? Because he
20 could. Because he had this child in his room.
21 Because he had been working with this child for some
22 time. Because this child was in love with him.
23 Because this child would do anything that he wanted
24 him to do. Because this child was already in his
25 bed and already sharing the intimacies of his
26 affection. Because this child already was viewing
27 the pornographic materials that were there. Because

28 this child was already freely drinking. Because 13013

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1 Star had started leaving the room and was no longer
2 there at that particular time. And his opportunity
3 was there and the child was ripe.

4 And Mr. Jackson frankly was completely
5 indifferent to the question of whether or not this
6 was in close proximity to a televised production of
7 one nature or another. In fact, he was more
8 confident because he knew that by virtue of the fact
9 that this child had gone on tape saying nothing had
10 happened, that he was probably pretty safe at
11 exactly that moment.

12 When did the molestations begin? We don't
13 know. We don't know. The best estimate was at some
14 time after the meeting with the Department of Child
15 & Family Services. Certainly could have been
16 before.

17 Gavin initially said he had been molested
18 five times. By the time he got before the grand
19 jury, which was some number of months later, his
20 testimony was, "I remember two in specific
21 particularly I can give you details of. There may
22 have been more. There probably were more. I just
23 can't give you the kinds of details. We were
24 drinking a lot during that period of time." A
25 13-year-old boy.

26 Now, Dr. -- Dr. Esplin was quoted yesterday
27 in one of the displays by Mr. Mesereau as saying

28 something to the effect that there are many 13014

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1 allegations, false allegations, that are motivated
2 or spurred by profit.

3 I didn't remember Dr. Esplin saying that.

4 And I can -- and certainly Dr. Katz did not say
5 that. And Dr. Urquiza did not say that. In fact,
6 both of them said that there was no recollection
7 whatsoever of any event. They just were unfamiliar
8 with any occasion at all involving an adolescent boy
9 who had been molested and that -- or, rather, an
10 adolescent boy making a false accusation of
11 molestation for purposes of financial gain. Neither
12 one of them had any recollection of any case like
13 that at all.

14 So when I hear or when I see Dr. Esplin
15 being quoted as saying, "Yes, that's a common
16 feature," I went back to his testimony to see
17 exactly what it was.

18 This is a question by Mr. Sanger: "And
19 would financial gain be a potential motive for --
20 on the part of the influential adult?"

21 And his answer was, "Could be."

22 "Could be."

23 Suddenly, being told, "Could be," that there
24 could be a financial motive on the part of the
25 influential parent, has translated to multiple
26 accusations of child -- false accusations of child
27 molest motivated by finances. As you can see, his

28 testimony in this regard was nothing akin to what 13015

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1 was presented to you yesterday.
2 None of these doctors who testified, three
3 of them, two for the prosecution, one for the
4 defense, not one of them stood up and told you that
5 this is a common occurrence at all. And in fact,
6 all three of them told you that adolescent boys
7 making accusations of being molested at the hands of
8 an adult male is probably the single most difficult
9 accusation for a child to make in terms of
10 disclosure of molestation. That is the toughest,
11 because no other victim endures the hardships of
12 wondering whether they're going to be tormented at
13 any particular time.

14 Now, one of the pieces of information that
15 was said to you by Mr. Mesereau in his closing
16 argument was the fact that Gavin had twice been
17 interviewed by Dean Alpert and had not disclosed the
18 molestation to him.

19 Keep in mind that all of the experts who had
20 testified, including the defense expert, Dr. Esplin,
21 said, "These are very difficult disclosures, and
22 piecemeal disclosures are not unusual and in no way
23 bear on the validity or integrity of the disclosure
24 in any way."

25 But let's look particularly at that
26 statement of not disclosing to Dean Alpert.
27 Gavin Arvizo was in Dean Alpert's office

28 because he was acting out. Okay? He was acting out 13016

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1 because he was being tormented by other kids in the
2 school, and he was being tormented because they were
3 accusing him of having had some kind of sexual
4 connection with Michael Jackson. He was a
5 13-year-old boy in middle school. And he was
6 getting in fights because of those accusations. And
7 kids were teasing him about it.

8 And suddenly he finds himself in a
9 principal's office or a dean's office, someone with
10 no ability whatsoever to be able to deal with this
11 kind of situation, who simply says, "Is it true?"
12 And he says, "No, it's not true."

13 Would any 13-year-old boy that you know say
14 anything other than that under those circumstances?
15 That, my friends, is not a reflection of his
16 integrity in any way whatsoever. Nor is it a
17 reflection on whether or not his ultimate testimony
18 here is anything but completely truthful.

19 It's a 13-year-old boy out there alone, by
20 himself, harboring this horrible secret about what
21 had happened to him, having been outed, effectively,
22 by this nationally televised production, who is now
23 trying to protect himself as best he can. You can't
24 conclude anything from that at all.

25 Dr. Katz said, "In addition to all the cases
26 that I've seen, I've supervised numerous interns and
27 other professionals. I don't recall seeing any

28 adolescents or preadolescents who are making 13017

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1 allegations to profit.”

2 Mr. Mesereau told you yesterday that he said
3 that Mr. Katz, Dr. Katz, had said to you that he had
4 never seen a false accusation of sexual assault, of
5 child molestation.

6 In fact, Dr. Katz said nothing of the kind.

7 He said that there are many false accusations when
8 children are very, very young, often pre-verbal, and
9 those accusations are usually in conjunction with a
10 divorce proceeding where one parent wants to keep
11 the child away from the other parent. He says, as
12 children get older, those instances reduce
13 substantially. He says he had some familiarity with
14 teenagers who made false accusations. He said they
15 were all girls attempting to get out of a household
16 situation. In other words, a parent that they did
17 not want to be living with. Those circumstances
18 that he believed to be false.

19 He said he had no familiarity at all
20 involving an adolescent boy who had made a false
21 accusation. And particularly an adolescent boy who
22 had made a false accusation motivated by profit.
23 The suggestion that you can tell a
24 13-year-old boy, “You need to humiliate yourself,
25 you need to stand up and give testimony that’s going
26 to be demeaning, it’s going to be tormenting, you’re
27 going to be in front of a roomful of people, you’re

28 going to be harassed by your friends, you're going 13018

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1 to be tormented by a defense attorney, you're going
2 to be cross-examined at length, but don't worry, we
3 will be rich some years down the line," a
4 13-year-old boy? Not likely. And not given what we
5 know about Mr. Jackson and what we know about his
6 history.

7 Excuse me.

8 Mr. Mesereau said that Gavin Arvizo had told
9 you that he was touched right after the Miami trip.

10 No, he didn't. He never said that at all.

11 That is not part of the testimony. And you will not

12 be able to find that in the transcript anyway. He

13 never said that. His statements about when this

14 happened were all fairly consistent in terms of

15 being toward the end of his stay at Neverland, which

16 covered about a five-week period of time.

17 There was a lot of commentary by Mr.

18 Mesereau about the bad conduct of the children while

19 they were -- not just while they were at Neverland,

20 but also Gavin's conduct while he was a child at

21 John Burroughs Middle School, and it was documented

22 and there was a lot of evidence and the teacher

23 talked of that. It went on for hours in terms of,

24 you know, "Were you acting out? Were you getting in

25 fights? Were you talking in class? Were you

26 singing in class?"

27 There's really not anything that's all that

28 bad. It showed a child who was disrespectful to a 13019

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1 teacher, and a child who was acting out.

2 Let's begin this discussion with my saying

3 something about his testimony, what he told you.

4 Gavin today is an honor student. He's an honor

5 student at his high school. He plays on the

6 football team. He is a graduate of three years of

7 military cadet training, which is the equivalent of

8 scouting. Three years he's been doing that.

9 All of you who have children who have been

10 in scouting, I think you understand the commitment

11 that a child makes to stay in scouting for three

12 years, and the progress that they make as they go

13 along through three years of scouting. And I think

14 that you see, for those of you who have children or

15 who have been in scouting or know children who have

16 been in scouting, the change and the transformation

17 that takes place with a child who stays committed to

18 that kind of a program over that long a period.

19 MR. MESEREAU: Objection.

20 THE COURT: Sustained.

21 MR. ZONEN: Let me suggest to you that the

22 child that you see testifying here today, or over

23 this trial, who is a child who is an accomplished --

24 a child who is an honor student, and a child who's

25 doing entirely --

26 MR. MESEREAU: Objection.

27 MR. ZONEN: This is not inappropriate. This

28 is in evidence. 13020

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1 MR. MESEREAU: It's not.

2 MR. ZONEN: Gavin testified to it.

3 THE COURT: Overruled.

4 You may proceed.

5 MR. ZONEN: That the testimony, when Gavin

6 told you about his state of affairs today, means a

7 decent and a quality of life, a good child.

8 What is consistent in his life and what is

9 inconsistent in his life today?

10 He no longer has David Arvizo in his life,

11 and he no longer has Michael Jackson in his life.

12 And Jay Jackson's in his life. And today he's

13 thriving. So now let's talk about what happened

14 back at Neverland and what was going on even before

15 Neverland.

16 At Neverland, the accusation as to -- as to

17 Gavin, the accusation as to Gavin, both Gavin and

18 Star, that they were stealing, that they were

19 drinking, that they were misbehaving, that they were

20 cursing, that they were behaving inappropriately

21 with other people, that they were sexually

22 inappropriate, at one point that they were caught

23 masturbating, at one point they were caught in

24 possession of sexually explicit materials, that Star

25 at one point threatened somebody with a knife --

26 incidentally, both of those people who talked about

27 that incident said it was a joke, that they never

28 took it seriously. They understood it to be a joke. 13021

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1 That Gavin used to like to cook in the -- excuse me,
2 Star used to like to cook in the kitchen. Neither
3 one of them took it seriously.
4 All of those accusations that were made
5 about the boys, let me also tell you that virtually
6 all of the witnesses who testified to their bad
7 conduct also said that they were quite well-behaved
8 at the beginning, or certainly better behaved, and
9 got worse as time went on. Five weeks. Five weeks
10 of a lack of discipline certainly would explain it.
11 Before I get into too much of a discussion
12 about this issue, let me say something that would
13 govern -- and, I mean, the whole question of whether
14 or not these allegations are true or not true, let
15 me start with one basic observation:
16 Any adolescent male, any adolescent boy in
17 America, delivered at Neverland and left to Mr.
18 Jackson's agenda, will eventually do just about
19 every single thing that these two boys have been
20 accused of doing. Doesn't matter how good of a
21 child initially. Doesn't matter how good the family
22 is. It doesn't matter how good the parents are.
23 The most religious, the most conservative, the
24 kindest, the best parents.
25 You take that child away from his parents,
26 and you subject him to the ordeal that is Neverland,
27 play all day, do anything you want, no discipline,

28 no school, no homework, eat whatever you want, do 13022

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1 whatever you want, pornography, and alcohol, stay up
2 all day, up all night, sleep when you want, do what
3 you want, it will not take long before any
4 adolescent boy in America would ultimately end up
5 doing any of those things.

6 So I begin that comment to you because I
7 want to be able to say, as I sit here and talk about
8 some of these things, that I'm not going to put
9 myself in a situation of saying, "This didn't
10 happen. This did happen. This didn't happen." We
11 don't know. But let me say, just as an observation
12 on the testimony of those witnesses, nobody ever
13 wrote that stuff down. There is not a log anywhere
14 that reflects any of the things that they're accused
15 of doing, including driving an SUV. There is no
16 observation of any single person who came into this
17 court and testified that they ever saw Gavin or
18 Star, these 12- and 13-year-old kids, who are barely
19 five feet tall, if that much, driving a Navigator
20 around this property. And they now say that was the
21 reason for a sign that said, "Don't let them leave
22 the property"?
23 How about a notation that says, "Don't let
24 them get in the SUV"? Or even better, "Deliver them
25 back to their home in East Los Angeles."
26 The notion that these kids are misbehaving
27 to that extent, and yet what are they doing about

28 it? Their keeping them there and trying to get them 13023

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1 back there is simply inconsistent. It's simply
2 inconsistent, unless the people who work for Michael
3 Jackson were motivated by two things: One, the
4 profit that would go along with having that family
5 there to be able to capitalize on their statements,
6 and their videos, and their image; and, two, that
7 that child was needed in Michael Jackson's bedroom.
8 There is no other explanation for it. Simply not.

9 Now, some of these witnesses would come into
10 court and testify to stuff, and you'd immediately
11 say, "Who did you talk to about this? Who did you
12 tell?"

13 I was described as being barbaric, and,
14 gosh, I don't even remember all the language that he
15 called. My cross-examination of Riyo Jackson, I
16 think I was called abusive and barbaric, and one
17 other adjective that was used to describe it, in 15
18 minutes of cross-examination, which is all I did. I
19 really didn't ask him anything about what occurred
20 in the bedroom. And I pretty much asked him only
21 what occurred in Michael Jackson's room and what he
22 told Michael Jackson.

23 Virtually all of the witnesses who were
24 asked questions about, "Okay, you saw this thing,
25 you saw graffiti, you saw Star writing graffiti on a
26 wall, what did you do about it? Who did you tell?
27 Where did you note it? Where did you write it

28 down?" None of them ever wrote any of this stuff 13024

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1 down, ever.

2 So let me suggest -- and this is a place
3 where they write everything down and they write it
4 down constantly and all the time. So let me suggest
5 to you that the absence of any kind of documentation
6 of any of these instances should cause you pause to
7 believe that they're probably exaggerated and some
8 of them are probably made up. And probably the most
9 egregious of all of that would have been Rijo's
10 testimony about the boys in a bed under the blankets
11 and what he said was masturbation.

12 Now, you wonder how he would know that,
13 necessarily, if they're under the blankets. And you
14 might wonder exactly why a 12-year-old and a
15 13-year-old brother would be doing such a thing in
16 the presence of each other. And you would wonder
17 why the two of them would do such a thing as a door
18 would open and somebody would walk into the room and
19 they would have no idea who that somebody would be,
20 but they would continue doing that.

21 That is simply not consistent with common
22 sense. That's not consistent with your
23 understanding as to how adolescent boys function.
24 If it is true, then it's evidence of two
25 boys who have been significantly sexualized. And
26 that would be consistent with their testimony as to
27 what took place in Michael Jackson's bedroom. In

28 other words, his constant talking with them about 13025

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1 masturbation, and his constant talking about -- with
2 them about adult sexuality, and his constant
3 introduction to them of sexually explicit material.
4 If you believe Rijo Jackson's testimony is truthful
5 and accurate in its entirety, then you have to ask
6 yourself, "Why are these kids doing that?"
7 What is going on at Neverland? If you
8 believe the testimony about Star walking around with
9 explicit magazines, then you have to ask yourself,
10 "Why does this child feel so uninhibited that he can
11 do that?" Because it's certainly not the child that
12 you saw on the witness stand.
13 And then the question of where did he get
14 it? He did not -- if it's true that he had such a
15 magazine, he did not get it from home.
16 He would not have said to his mother, as
17 they were preparing to go back to Neverland from one
18 of their trips at home, "Hold on a second while I
19 get my copy of Hustler." That's not what a
20 12-year-old would say. And it's not what a
21 12-year-old would do. And he would not have such a
22 thing in his back pocket as he walks around
23 Neverland. And it wouldn't be necessary to do so,
24 because there was plenty of that material in Michael
25 Jackson's bedroom and they had the run of that
26 bedroom.
27 So you have to sit back and say, how much of

28 this testimony is exaggeration? How much of it is 13026

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1 just plain false? And how much of it is true.

2 And if it's true, why is it true? Why are

3 these boys behaving in such a fashion? And why are

4 so many of the witnesses from Neverland saying all

5 of the boys eventually start misbehaving? Why is

6 that true as well?

7 Counsel made a number of remarks about Janet

8 Arvizo hounding celebrities for money. Calling them

9 constantly. Hounding them for money. Causing the

10 children to hound them for money.

11 Now, my answer to that is, "Who?" I mean,

12 we dealt with all of the celebrities who were called

13 in this particular case. None of them testified to

14 that.

15 And even the testimony of Jay Leno is

16 entirely inconsistent with Mr. Mesereau's

17 description of Jay Leno's testimony. At the

18 beginning of this case, in his opening statement,

19 Mr. Mesereau said that Janet was in the background

20 telling Gavin what to say on the phone in the

21 conversation with Mr. Leno.

22 In his closing argument, his testimony was

23 Janet Arvizo was in the background telling Gavin

24 what to say in his conversation with Jay Leno. The

25 problem was that's not what Jay Leno said. And his

26 testimony was very different.

27 "Did you ever get any messages from anyone

28 who claimed to be Gavin's mother? 13027

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1 "No."

2 "And then I spoke to someone else, and
3 then I believe I spoke to the mother, who seemed
4 very pleased that I called.

5 "Do you recall what the mother said to you?"

6 "A. No. Very general. 'Thank you very
7 much,'" quote, end quote.

8 And that's the extent of it. There was

9 never any testimony of Jay Leno whatsoever about a
10 mother in the background trying to get her child to
11 say things to a comedian who would then give them
12 money. And furthermore, none of these comedians did
13 give them money.

14 Now, the one exception is Chris Tucker, who
15 had a close relationship with this family, although
16 he denies it today. He simply has taken sides in
17 this lawsuit. That's all. But before that, he took
18 these kids up to Oakland to go to a Raiders game, he
19 took these kids to the Lakers -- Staples Center to
20 see a Lakers game. They had Gavin's name up on the
21 wall at some time during the half time. Excuse me.

22 He was sick at that time.

23 He took them to a wedding that was in
24 Pasadena. Today he denies that he knows anything
25 about how they got there. That's simply not
26 credible. That's simply not credible. That whole
27 business about not knowing how they got to a

28 wedding, that he didn't invite them there, and that 13028

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1 they just somehow showed up on their own. That
2 these kids are going to show up at a wedding in
3 Pasadena without even knowing where it is, is really
4 just not credible.

5 But when you look at this collection of
6 witnesses who have testified, I mean, whether it was
7 Jamie Masada, or whether it was Louise Palanker,
8 whether it was Jay Leno, whether it was Fritz
9 Coleman, whether it was George Lopez -- George
10 Lopez' testimony about Gavin was that he was a great
11 kid. Said, "A lot like me when I was that age."

12 And none of them say they were ever asked for money
13 by Janet Arvizo. None of them say they ever gave
14 money to Janet Arvizo. None of them do that. And
15 then he comes back in his closing argument and he
16 says, "Constantly calling celebrities, constantly
17 hounding them for money."

18 Well, when you go back in your
19 deliberations, sit back and ask yourself, okay,
20 which one? Which one was actually called by me?
21 Which one was actually called by Janet Arvizo and
22 hounded for money?

23 That statement about Davellin's testimony on
24 the witness stand about what her father did to her
25 when she was a toddler, she has no recollection of
26 it. That statement was pretty remarkable when she
27 testified to it in court.

28 And you saw her reaction to it. And you saw 13029

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1 her start crying during the course of that. She
2 came to find out that her father had molested her
3 when she was very small. Her father was in the room
4 at the time, and it came out in the course of an
5 argument between her parents. Her father
6 acknowledged that it happened.

7 Now, are we supposed to believe today that
8 it didn't happen? What testimony is there today
9 that it didn't happen? And the answer? None. The
10 answer is none. Nobody came in. They certainly
11 could have called David Arvizo to say it didn't
12 happen. They didn't do that.

13 Alcohol. There was testimony by both of the
14 boys that they drank with Michael Jackson. There
15 was a drinking game with Michael Jackson. It was in
16 the presence of two witnesses. In the presence of
17 Simone and in the presence of Aldo, the younger
18 sister and younger brother of Frank Cascio. They
19 weren't called to say it didn't happen. And both of
20 these boys knew certainly at the time that they gave
21 this information to law enforcement that this is
22 information that could be contradicted by these
23 three witnesses, who certainly have no loyalty to
24 them, and have quite a loyalty to their older
25 brother Frank, who is one of Michael Jackson's
26 closest friends again.

27 Why would they include the presence of

28 witnesses who would be able to say that it didn't 13030

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1 happen? And more significantly, why didn't they
2 come to court to say it didn't happen? That
3 information is not contested.

4 DNA evidence.

5 Let me talk to you a little bit about that,
6 because you need to understand the extent to which
7 this really is a red herring in this case.

8 He says we didn't look for hairs or fibers.

9 Hairs or fibers would reveal nothing.

10 Fibers, they talk about. They call that trace
11 evidence. And what they mean is it traces back to a
12 particular source. Fibers would be things like
13 unusual fiber from clothing found at a location
14 which would tend to suggest that that person had
15 been at that location, if it's unusual fiber from
16 clothing.

17 We know these boys were inside that house.

18 Everybody says they were inside that house. Fibers
19 would lend no relevance to this case whatsoever.

20 Not only do we know they were inside this house, but
21 they can describe every foot of his residence. They
22 spent the better part of five weeks at that
23 residence.

24 Hair, same thing. The presence of hair
25 wouldn't be particularly interesting to you, because
26 all that means is that they were in the room and
27 they left hair behind. We already know they were in

28 the room. 13031

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1 DNA. DNA isn't going to be particularly
2 interesting for you unless it's DNA from his semen.
3 Because then what we're saying is that they
4 ejaculated in that room, or one of them did. And
5 now that tells us that there's sexual activity in
6 the room, and that would be relevant, and that's
7 what we were looking for when we took the mattress
8 and looked to see if we could find his DNA on the
9 mattress.

10 Now, given his statement, what's the
11 likelihood of that happening? His statement as to
12 when he ejaculated, if at all, was lying on top of
13 the bed and he was being masturbated inside his
14 clothing, which means the ejaculation would have
15 occurred inside his clothing. To find it on the
16 mattress, we would have to have had a liquid seepage
17 through his clothing, through the blankets, and
18 through the sheets, through the mattress pad and
19 into the mattress, nine months earlier.

20 In other words, that there wouldn't have
21 been any sheets washed in nine months. There
22 wouldn't have been blankets changed or washed in
23 nine months. And in fact, it would have escaped his
24 own clothing in that particular period of time.
25 That is a long shot. That is a long shot.
26 I guess the equivalent would be to say if any adult
27 couple had sex in a hotel room, what is the

28 likelihood that there would be DNA found from that 13032

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1 activity nine months later in that hotel bed? And
2 the answer is not likely. Not likely.
3 But we looked anyway.
4 So the question is, does that mean that
5 there wasn't a molestation? The answer is no. It
6 simply means we didn't find ejaculate at that time.
7 He either did or didn't get to that stage.
8 Let me just say a word about Mr. Jackson's
9 finances, because that was brought to your attention
10 by Mr. Jackson (sic). He said that there were
11 people who took advantage of him and that was why
12 his finances were in trouble.
13 No, that's not why. His finances were in
14 trouble because he was living a much too extravagant
15 lifestyle that he couldn't afford. He had been
16 going on -- he had been going on with a loss of \$20
17 to \$30 million a year that our forensic accountant
18 was able to trace back to 1999, and likely earlier
19 behind that, because you don't start \$20 to \$30
20 million a year deficit.
21 He was running on a credit card,
22 effectively, through a bank. And it was getting
23 larger and larger and larger and larger. And as of
24 the time of the filming of "Living with Michael
25 Jackson," he was \$270 million in debt. Mortgaged --
26 Neverland was mortgaged to the tune of \$18 million,
27 and he owed \$10 million to his vendors. In other

28 words, the people who supply services and products 13033

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1 for Mr. Jackson and to his family, he owed them \$10
2 million.

3 This had nothing to do with people taking
4 advantage of him. This had to do with him living an
5 extravagant lifestyle that he couldn't afford. One
6 that he could afford 20 years earlier but can't
7 afford today and couldn't afford in 2003.

8 And then all of a sudden, this disaster
9 comes along. And Mr. Mesereau says all celebrities
10 deal with public affairs disasters. They take care
11 of it. They deal with it. They do some kind of
12 something. They hire a PR person and everything is
13 just fine.

14 And the answer is, no, it doesn't really
15 work that way.

16 Because in this case, what he is accused of
17 is child sexual abuse. And that is a disaster for
18 any performer. That's not the equivalent of a
19 disaster that includes getting caught with drugs, as
20 many of them are. Or getting caught drunk driving,
21 as many of them are. Or getting caught having an
22 affair, as many of them are, which sometimes
23 actually enhances their career. Nobody benefits
24 from being accused of molesting a child. Nobody
25 benefits from that.

26 He said that there were people who were
27 stealing from him. Marc Schaffel. Marc Schaffel is

28 not somebody that you would want to admire. Nobody 13034

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1 who works in the sex trade business or industry
2 should be admired, frankly.

3 But there's no evidence that anybody stold
4 from Michael Jackson. And we have the accounting of
5 all the funds that came in, and all the funds are
6 accounted for and distributed appropriately.

7 Two million dollars of that goes to an
8 attorney by the name of Mr. Finkelstein in New York,
9 who set up an account on behalf of Michael Jackson.
10 That is his share of all of that. All of the other
11 money is properly accounted for.

12 If they had a question about it, they could
13 have brought a forensic accountant in here to tell
14 you that, in fact, somebody was stealing. There's
15 no evidence that anybody was ever stealing from
16 Michael Jackson. Not the Germans, not Marc
17 Schaffel, not anybody else who was associated with
18 him, Frank or Vinnie.

19 Now, with one exception.

20 There's an inventory that you have in
21 evidence, and that inventory of expenses that are
22 credited to Janet Arvizo, which she says she did not
23 incur all of that, as you look at that interview, go
24 to the very last page of -- the inventory, excuse
25 me. Go to the very last page of the inventory and
26 look at the last few dates and notations. You will
27 find that Janet Arvizo and her family were taken out

28 to dinner. They were taken out -- there were a 13035

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1 couple different dinners. I don't remember the
2 restaurants at this time. But you will -- as soon
3 as you see it, you'll understand; that those dinners
4 were at a time that Janet Arvizo was in Los Angeles
5 back with Jay, and the kids were at Neverland. In
6 other words, they never took anybody out to dinner.
7 So they were obviously padding the expense
8 account on that. You'll be able to see that as soon
9 as you look at it. That's really the only
10 indication, a few hundred dollars that may have gone
11 to Vinnie or Frank, that they thought would have
12 otherwise been Marc Schaffel's. I don't think they
13 would have stolen from Michael Jackson. Frank was
14 very close to him and very akin to him.
15 Did you want to take a break at this time?
16 This would be a good time.
17 THE COURT: All right. We'll do that.
18 (Recess taken.)
19 THE COURT: Go ahead, Counsel.
20 MR. ZONEN: Thank you, Your Honor.
21 Ladies and gentlemen, we left off before the
22 break, we were talking about Mr. Jackson's finances,
23 his state of financial peril, what was going on at
24 the time on the 3rd, and then what happened
25 thereafter and the fact that there was a great deal
26 of money that had been generated. None of that
27 money went to pay any of his creditors. That money

28 was deposited on his behalf. There was over two 13036

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1 million dollars that went to an account in New York
2 on his behalf. There was an additional
3 one-million-dollar check that was cashed for cash.
4 And that was done on the 2nd of April and that was
5 for Michael Jackson as well.
6 There was all indication that he was in no
7 way being victimized by anybody who was working for
8 him. There were probably plenty of people who were
9 working for him who are vying for higher positions
10 on that ladder and who wanted to be a little closer
11 to Michael Jackson, because that's a profitable
12 place to be, certainly. But there's no indication,
13 no evidence, when there could have been, that there
14 was thievery going on or any stealing from Michael
15 Jackson at all.
16 Jason Francia. Jason Francia, as we had
17 talked about earlier, young man, deeply religious
18 young man, with a great deal of difficulty
19 testifying on the witness stand, questioned on many
20 occasions by Mr. Mesereau asking about
21 "inappropriate tickling," much in the same way that
22 he referred to the conduct with Jason Francia as
23 "inappropriate tickling" in his closing argument.
24 Jason, you will remember eventually on
25 cross-examination in some degree of exasperation,
26 finally said, "You mean when he played with my
27 balls?" was the answer.

28 This was, to Jason Francia, not 13037

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1 inappropriate tickling. It was child molestation.

2 He may not have understood that at age ten, but he

3 most assuredly understands it at age 24, and I

4 believe all of you do as well.

5 There was a lot of commentary, of course,

6 about Janet Arvizo and the kids all lying, because

7 they said they had not talked with one another about

8 this case, and particularly that Janet Arvizo was

9 lying when she talked about holding hands, her son

10 holding hands with Michael Jackson.

11 That's not inconsistent. Janet Arvizo

12 testified that she had seen clips on television, on

13 the news, of that documentary. She never watched

14 the documentary, but she had seen clips. And many

15 of those clips featured her son, who she said she

16 recognized, and depicted particularly that one scene

17 of him resting the head on the shoulder and holding

18 the hands of Michael Jackson. She certainly would

19 have known about that without having watched the

20 actual documentary.

21 As well, the kids having testified that they

22 did not discuss their testimony with one another,

23 they've been instructed not to discuss their

24 testimony with one another. That is not unusual

25 either. And in fact, is consistent with everything

26 that you had heard, that kids don't like talking

27 about such things. Rarely tell their family, rarely

28 tell their parents. Rarely discuss the intimacies 13038

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1 of those kinds of details.

2 Now, it's a rather vague question, but the
3 question is, "Did you discuss the case with other
4 people?" Does that mean did you discuss what you
5 were going to wear for court, or whether you had to
6 be in court, or whether you had to be in Santa
7 Maria, or whether you could be back at home? That's
8 discussing the case on some level. And certainly to
9 that extent, they probably had discussions. It's a
10 very vague question.

11 But the question of whether or not they
12 actually sat down and talked about their testimony,
13 what they were asked or what they said, they were
14 asked not to do that, and in all likelihood they
15 didn't. That's not necessarily the type of thing
16 they want to rush into.

17 Janet Arvizo is not the sophisticate that
18 Mr. Mesereau would like you to believe. She's a
19 person who's not well educated, does not speak well,
20 does not present well, does not function necessarily
21 well in the workplace, as a victim of 16 years of
22 domestic abuse. And you see it. You see it in how
23 she presents. You see it in her personality.

24 The notion that she is sophisticated enough
25 that she would be able to come into court and stage
26 this kind of vast fraud, including all of the
27 details that we've talked about in the course of

28 this trial, I mean, the details that can easily be 13039

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1 disputed, if in fact it was made up, who was present
2 at different times, different things, different
3 pieces of information or evidence, the fingerprints
4 on the sexually explicit magazines, the presence of
5 the doll. I mean, to be able to keep straight such
6 things as him presenting himself naked on a
7 particular occasion. They don't exaggerate it.
8 They don't exaggerate it at all. They simply say,
9 "He came in; he had no clothes on."
10 At one point he said, "This is natural.
11 It's okay." Exactly the type of thing that you
12 would expect in a grooming process.
13 Nothing is exaggerated. Nothing is made up.
14 The amount of detail that went into their testimony
15 as they were on the witness stand for days at a
16 time, and subjected to days of cross-examination -
17 days - you got treated to about ten minutes of
18 inconsistent testimony out of two days of
19 cross-examination and three days of total testimony
20 as to each one of those children. And Janet Arvizo
21 was on the witness stand for four days. That's a
22 combined 13 days of testimony. And you got about
23 40 minutes of inconsistent statements out of 12 days
24 of testimony.
25 Their testimony was really rather remarkably
26 consistent and it made sense, given what we know.
27 It made sense, given the level of corroboration that

28 we've been able to establish. We found the 13040

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1 passports. We found all of the documentation.
2 Ultimately the passports were in Mr. Geragos's
3 office, something that he did not talk about in his
4 closing argument, Mark Geragos, for good reason.
5 We found all of the documentation of the
6 visas, found all of the documentation. Everything
7 that she was saying that had happened we were
8 ultimately able to confirm. That she left the ranch
9 at two o'clock in the morning we were able to
10 confirm from the logs. That it was Jesus who took
11 her out we were able to confirm from the logs.
12 As you go through your deliberations, you
13 stop and ask yourself, with every single piece of
14 information, how could they make that up? How could
15 they make that up and keep the story straight like
16 that?
17 She doesn't have that level of capability.
18 Janet Arvizo, frankly, can't string two consecutive
19 sentences together that make sense. But yet she is
20 somehow going to convince her children to engage in
21 this elaborate fraud because they might someday make
22 a lot of money, and we know that's not true.
23 In fact, Larry Feldman and Kris Kallman both
24 gave testimony that they settled those cases back in
25 1993, before the advent of the criminal
26 investigation, which would make sense. Michael
27 Jackson's running out of money anyway.

28 Now, it took some effort to go ahead and get 13041

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1 this family to Santa Barbara. And in fact, the
2 testimony of Steve Robel on the witness stand was
3 this: "You have victims that are terrified in
4 coming forward to law enforcement. That is to
5 reassure them that they are not the suspects or
6 they're not the victims in this case."

7 And he goes on to say, "And I was reassuring
8 them through that and letting them know that they
9 are doing the right thing, because they are
10 terrified when they come forward. And it took us
11 about two weeks to get them to come forward and up
12 here to be interviewed."

13 Now, that is not the sign or the indication
14 or the behavior of a family that is looking to,
15 quick, grab the spotlight and cash this into money.

16 It is a family that's frightened about taking on
17 Michael Jackson and all who work for him, and
18 subjecting themselves to this kind of ordeal.

19 And now I'd like to play for you about six
20 minutes and 40 seconds of that first interview where
21 he discloses what happened to him.

22 MR. AUCHINCLOSS: "Input 4."

23 MR. ZONEN: Your Honor, "Input 4," please.

24 (Whereupon, a portion of a DVD, People's
25 Exhibit 900, was played for the Court and jury.)

26 MR. ZONEN: You just witnessed the seven
27 worst minutes of this young man's life, 13 years

28 old, and you saw him disclose for the first time 13042

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1 that he had been molested by Michael Jackson, a
2 person that he had been close to, a person that he
3 had loved, a person who had been a very important
4 person in his life.

5 Mr. Mesereau has told you that that child
6 made all that up and that is all an act; that's a
7 product of having been in an acting class some
8 number of years prior. I'm telling you that your
9 common sense will tell you otherwise.

10 This is an absolutely sincere revelation by
11 this child that he had been sexually abused by a man
12 that he had been previously close to. And his
13 behavior here is completely consistent with exactly
14 what you would expect a child to endure in
15 disclosing this kind of offense.

16 Ladies and gentlemen, my closing argument is
17 concluded. I'm telling you now that, as you go back
18 in deliberation, you're going to discover something.
19 You're going to discover, as the 12 of you get
20 together and begin your deliberations, that the
21 collective wisdom that you're going to generate far
22 exceeds the sum of its parts. You're going to find
23 it amazing, when you start talking among yourselves
24 and looking at the evidence, as you'll have to do,
25 the revelations for you, what you'll be able to
26 discover in this case that you had previously not
27 even thought about, and you'll find that it will be

28 quite possible to achieve justice in this case. 13043

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1 And you will find, as you deliberate, that
2 these accusations are not false; that these
3 accusations are entirely accurate, entirely
4 appropriate, and in fact entirely truthful.
5 And we'll ask you to go back and begin your
6 deliberations in this case and return guilty
7 verdicts as to all counts against Michael Jackson.

8 Thank you.

9 THE COURT: Thank you, Mr. Zonen.

10 I have not intended, by anything I have said
11 or done, or by any question that I have asked, or by
12 any ruling that I may have made, to intimate or
13 suggest what you should find to be the facts, or
14 that I believe or disbelieve any witness.

15 If anything I have done or said has seemed
16 to so indicate, you will disregard it and form your
17 own conclusion.

18 The People and the defendant are entitled to
19 the individual opinion of each juror. Each of you
20 must consider the evidence for the purpose of
21 reaching a verdict, if you can do so.

22 Each of you must decide the case for
23 yourself, but should do so only after discussing the
24 evidence and instructions with the other jurors. Do
25 not hesitate to change an opinion if you are
26 convinced it is wrong. However, do not decide any
27 question in a particular way because a majority of

28 the jurors or any of them favor that decision. Do 13044

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1 not decide any issue in this case by the flip of a
2 coin or by any other chance determination.

3 The attitude and conduct of jurors at all
4 times are very important. It is rarely helpful for
5 a juror at the beginning of deliberations to express
6 an emphatic opinion on the case or to announce a
7 determination to stand for a certain verdict. When
8 one does that at the outset, a sense of pride may be
9 aroused, and one may hesitate to change a position,
10 even if shown that it is wrong.

11 Remember that you are not partisans or
12 advocates in this matter. You are the impartial
13 judges of the facts.

14 During deliberations, any question or
15 request you may have should be addressed to the
16 Court on a form that will be provided.

17 If there is any disagreement as the actual
18 testimony, you have the right, if you choose, to
19 request a read-back by the reporter. You may
20 request a partial or total read-,back. But any
21 read-back should be a fair representation of that
22 evidence.

23 If a read-back of testimony is requested,
24 the reporter will delete objections, rulings and
25 sidebar conferences so that you will hear only the
26 evidence that was actually presented. Please
27 understand that counsel must first be contacted and

28 it may take time to provide a response or read-back. 13045

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1 Continue deliberating until you are called back into
2 the courtroom.

3 Do not disclose to anyone outside the jury,
4 not even to me or any member of my staff, either
5 orally or in writing, how you may be divided
6 numerically in your balloting as to any issue,
7 unless I specifically direct otherwise.

8 In this case, the defendant has been charged
9 with one count of conspiracy, four counts of lewd
10 act upon a child, one count of attempted lewd act
11 upon a child, and four counts of administering an
12 intoxicating agent to assist in the commission of a
13 felony, all felonies.

14 You will be given separate verdict forms
15 encompassing each of the charged crimes, and forms
16 on which to record certain special findings in
17 connection with Counts 1 and 2 through 5.
18 Since the lesser offense is included in the
19 greater, you are instructed that if you find the
20 defendant guilty of the greater offenses, you should
21 not complete the verdict on the corresponding lesser
22 offense, and that the verdict should be returned to
23 the Court unsigned by the foreperson.

24 If you find the defendant not guilty of the
25 felonies charged, you then need to complete the
26 verdict on the lesser-included offense by
27 determining whether the defendant is guilty or not

28 guilty of the lesser-included crime, and the 13046

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1 corresponding verdict form should be completed and
2 returned to the Court signed by the foreperson.
3 You shall now retire and select one of your
4 number to act as a foreperson. He or she will
5 preside over your deliberations. In order to reach
6 verdicts, all 12 jurors must agree to the decision
7 and to any finding you have been instructed to
8 include in your verdict. As soon as you have agreed
9 upon a verdict, so that, when polled, each may state
10 truthfully that the verdict expresses his or her
11 vote, have them dated and signed by your foreperson.
12 A caveat there. The foreperson would place
13 their number as their signature, not actually their
14 name.
15 When you reach a verdict as to any
16 particular count, place all verdict forms for that
17 count in a sealed envelope, which will be held by
18 the clerk until verdicts on all counts have been
19 reached.
20 At that time, the sealed verdicts will be
21 returned to the foreperson, and the jury will return
22 with them to this courtroom. Also return any
23 unsigned forms.
24 Before and within 90 days of your discharge
25 as a juror in this matter, you must not request,
26 accept, agree to accept or discuss with any person
27 receiving or accepting any payment or benefit in

28 consideration for supplying any information 13047

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1 concerning the trial.

2 It's the next one.

3 You must promptly report to the Court any
4 incident within your knowledge involving an attempt
5 by any person either to improperly influence any
6 member of this jury or to tell a juror his or her
7 view of the evidence in this case.

8 You will be permitted to separate during
9 recesses and in the evening. During your absence,
10 the courtroom will be locked. You are to return
11 following the recess and following the evening
12 recess on the next succeeding court day.

13 During periods of recess you must not
14 discuss with anyone any subject connected with this
15 trial, and you must not deliberate further upon the
16 case until all 12 of you are together and
17 reassembled in the jury room. At that time you
18 shall notify the clerk or bailiff that the jury has
19 reassembled and then continue your deliberations.

20 As to the alternate jurors, you are still
21 bound by the admonition that you are not to converse
22 among yourselves or with anyone else on any subject
23 connected with this trial, or to form or express any
24 opinion on this until the case is submitted to you,
25 which means until such time as you are substituted
26 in for one of the 12 jurors not deliberating on the
27 case.

28 This also means that you are not to decide 13048

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1 how you would vote if you were deliberating with the
2 other jurors.

3 Now, we have quite a bit of evidence
4 accumulated behind the clerk there. What I'm going
5 to ask you to do, the 12 of you who are going to
6 start deliberations, is to go into the jury room and
7 select your foreperson. Once the foreperson has
8 been selected, notify the bailiff, and then we will
9 have the evidence brought to the jury room.

10 The foreperson will be responsible for
11 keeping the evidence in its numerical order, in the
12 boxes, so that it will be easy for the staff to
13 ascertain that all the evidence is there at the end
14 of each deliberating period.

15 For the alternates, we are going to call you
16 when the jury advises us that they have reached
17 verdicts, and give you the opportunity to come back
18 and sit in the audience and hear the verdict. We
19 will allow a little over an hour. I know some of
20 you don't live in this community. We'll give you
21 time, but we're not going to be waiting beyond -- if
22 we called your home or the number that you've left
23 us to call and you weren't there and you weren't
24 available, we will not be looking for you or waiting
25 for you. Do you understand? We will call and give
26 you the opportunity to be here.

27 I want to thank all of the alternates. You

28 are not released. You understand that you may still 13049

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1 be called if we had to replace a juror for any
2 reason. It's very important that you keep the
3 pledge that you've made and not talk to anyone until
4 after the verdicts are returned.

5 THE BAILIFF: Judge?

6 (Off-the-record discussion held between the
7 bailiff and the Court.)

8 THE COURT: For the jury that's going to be
9 deliberating, you will deliberate during the normal
10 hours that we were holding court, so from 8:30 to
11 2:30 will be your deliberations. I would like you
12 to take your breaks at the same time as you were
13 taking breaks. And there's a reason for this. It
14 has nothing to do with you, but it has to do with
15 the whole rest of the Court.

16 The reason we ran such a strict schedule was
17 the other courtrooms have to shut down. So many
18 things happened that are not you, it's the rest of
19 the whole system that we have to rely on. They have
20 to rely on us operating on a certain time zone to
21 take care of their ongoing business.

22 So I'd appreciate it if you would do that.

23 All right. I'm going to allow all of you to
24 go out this way, because I assume that some of the
25 alternates have personal belongings that they need
26 to pick up. And then after the alternates have
27 departed, then you may start your deliberations.

28 THE BAILIFF: Judge, you need to swear the 13050

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1 bailiff.

2 THE COURT: All right. Would you swear the

3 bailiff, please?

4 THE CLERK: Do you and each of you solemnly

5 swear that you will keep the jury together in a

6 private and convenient place, and do not speak to

7 them or to allow anyone else to do so, except to ask

8 them if they have agreed upon a verdict, and to

9 return them into court when they have done so or

10 upon the instructions of the Court, so help you God?

11 BAILIFF AVILA: I do.

12 BAILIFF CORTEZ: I do.

13 THE CLERK: Thank you.

14 (Whereupon, the jury retired to its

15 deliberations at 12:20 p.m.)

16

17 (The following proceedings were held in

18 open court outside the presence and hearing of the

19 jury:)

20

21

22 THE COURT: Counsel, a couple of items:

23 Number one, I need you to be available

24 within ten minutes of the court in case there's a

25 request for information from the jury or

26 instructions. I need you to give your phone number

27 to the clerk where you will be during the

28 deliberations. Keep her informed of your phone 13051

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1 number of where you are at all times during the
2 deliberations.

3 Mr. Jackson, I have no problem with you
4 being at your residence on Figueroa Mountain.

5 Mr. Mesereau, is an hour sufficient time for
6 him to come for a verdict?

7 MR. MESEREAU: I think so, Your Honor.

8 Yes. Yes, it is, Your Honor.

9 THE COURT: If you were slightly delayed, I
10 would rather be slightly delayed than to be -- you
11 know, have you rush too fast. But I want -- that is
12 a reasonable time?

13 MR. MESEREAU: Yes, Your Honor.

14 THE COURT: Okay. Is there an agreement
15 with the attorneys that if, after the -- if the jury
16 requests that testimony be reread, that after we
17 meet and agree on what should be read to them, that
18 the court reporter may go into the jury room and
19 read the material, the requested material?

20 MR. SANGER: Your Honor, I would say that
21 we would probably agree to that, but I'd like to
22 reserve that until we have the discussion, which we
23 would have anyway. I would assume it would be okay,
24 but I'd like to know what it's about.

25 THE COURT: All right.

26 MR. SNEDDON: It's fine with us.

27 THE COURT: All right. Is there any matter

28 either side would like to take up at this time? 13052

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1 MR. SNEDDON: Judge, I would like to know
2 what the procedure is going to be at the end of the
3 day at 2:30.

4 Do you require counsel to be present when
5 the jury is discharged or do you intend to just let
6 them go at that point with an admonition?

7 THE COURT: I would request that counsel
8 stipulate that the jury can convene and reconvene
9 without your presence, my presence and without
10 further admonition.

11 MR. SANGER: Yes.

12 MR. SNEDDON: That's fine on our part, Your
13 Honor.

14 MR. SANGER: Yes, Your Honor.

15 THE COURT: And if there is any request to
16 change their hours, I will notify everybody as
17 soon -- what I'm thinking of is that they might ask
18 on a particular day to come in later or to leave
19 early or something. I know some graduations are
20 going to be taking place. Some of the jurors have
21 undoubtedly -- might ask for that time. But if
22 something like that happens, I'll inform you so you
23 know you don't have to remain available during a
24 period when you're not needed.

25 MR. SANGER: Thank you, Your Honor.

26 THE COURT: All right. Is there anything
27 else?

1 MR. SANGER: No, sir.

2 THE COURT: This Court is in recess.

3 (The proceedings adjourned at 12:30 p.m.)

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1 REPORTER'S CERTIFICATE

2

3

4 THE PEOPLE OF THE STATE)

5 OF CALIFORNIA,)

6 Plaintiff,)

7 -vs-) No. 1133603

8 MICHAEL JOE JACKSON,)

9 Defendant.)

10

11

12 I, MICHELE MATTSON McNEIL, RPR, CRR,

13 CSR #3304, Official Court Reporter, do hereby

14 certify:

15 That the foregoing pages 12932 through 13054

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 June 3, 2005, and thereafter

20 reduced to typewriting by computer-aided

21 transcription under my direction.

22 DATED: Santa Maria, California,

23 June 3, 2005.

24

25

26

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

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