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**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SANTA BARBARA

JUN 22 2004

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23 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
24 FOR THE COUNTY OF SANTA BARBARA, COOK DIVISION

25 THE PEOPLE OF THE STATE OF CALIFORNIA,

26 Plaintiffs,

27 vs.

28 MICHAEL JOE JACKSON,

29 Defendant.

) Case No. 1133603

) NOTICE OF MOTION TO SUPPRESS  
) PURSUANT TO PENAL CODE SECTION  
) 1538.5 AND NON-STATUTORY  
) GROUNDS (PART 1); DECLARATION OF  
) ROBERT M. SANGER; MEMORANDUM  
) OF POINTS AND AUTHORITIES IN  
) SUPPORT THEREOF

) UNDER SEAL (*affidavit re support of*  
) *SW # 884686*)

) Honorable Rodney Melville

) Date: June 25, 2004

) Time: 8:30 am.

) Dept: SM 2

30 NOTICE OF MOTION TO SUPPRESS PURSUANT TO PENAL CODE SECTION 1538.5 AND NON-  
31 STATUTORY GROUNDS (PART 1); DECLARATION OF ROBERT M. SANGER; MEMORANDUM OF  
32 POINTS AND AUTHORITIES

*11/04/06*  
*Unsealed, pma-2073 CRC,*  
*except for affidavit in*  
*support of search warrant)*

1 TO THE CLERK OF THE ABOVE-ENTITLED COURT AND TO THE DISTRICT  
2 ATTORNEY OF THE COUNTY OF SANTA BARBARA, TOM SNEDDON, AND DEPUTY  
3 DISTRICT ATTORNEYS GERALD FRANKLIN, RON ZONEN AND GORDON  
4 AUCHINCLOSS:

5 Please take notice that Mr. Michael Jackson will hereby does, and will move on June 25<sup>th</sup>,  
6 2004, at 8:30 a.m., or as soon thereafter as counsel may be heard, in Department 2 of the above-  
7 entitled court, for an order: (1) suppressing the materials seized from defense investigator Bradley  
8 Miller's office; (2) directing that those items be returned to Mr. Jackson's present attorneys; and (3)  
9 for such other relief as the Court may deem just and proper.

10 This motion is based on the grounds that: (1) the District Attorney invaded the defense camp  
11 in violation of Mr. Jackson's rights to counsel, due process, a fair trial and right against self-  
12 incrimination guaranteed by the Fifth, Sixth and Fourteenth Amendments to the United States  
13 Constitution and Article I, Sections 1, 7, 15 and 16 of the California Constitution; (2) Mr. Jackson's  
14 rights against unreasonable search and seizure, and a reasonable expectation of privacy, as  
15 guaranteed by the Fourth, Fifth, and Fourteenth Amendments to the United States Constitution,  
16 Article 1, Sections 1, 10, and 13 of the California Constitution, were violated by the illegal search;  
17 and (3) that the search amounted to an overbroad, general search, in violation of the Fourth  
18 Amendment to the United States Constitution, Article 1, Section 13 of the California Constitution,  
19 and California Penal Code Sections 1525, 1529 and 1538.5.

20 Mr. Jackson submits this motion now, based on the Court's order that he file his motion  
21 regarding the search of Mr. Miller's office and the seizure of privileged materials therein for hearing  
22 on June 25, 2004 and that additional motions to suppress would be heard in August, 2004.

23 Mr. Jackson files this motion without waiving his right to file additional motions regarding  
24 the remainder of the search and seizure issues that pertain to this search and other searches, pursuant  
25  
26  
27

28 NOTICE OF MOTION TO SUPPRESS PURSUANT TO PENAL CODE SECTION 1538.5 AND NON-  
STATUTORY GROUNDS (PART 1); DECLARATION OF ROBERT M. SANGER; MEMORANDUM OF  
POINTS AND AUTHORITIES

1 to Penal Code Section 1538.5, or on any other grounds.<sup>1</sup> This motion is based on this Notice of  
2 Motion, the Memorandum of Points and Authorities and Declaration of Robert M. Sanger attached  
3 hereto, the Court's papers, records and files in this case and such evidence and other matters as may  
4 be received by the Court at or after the hearing scheduled on this motion.

5  
6 Dated: June 21, 2004

7 Respectfully submitted,

8 COLLINS, MESEREAU, REDDOCK & YU  
9 Thomas A. Mesereau, Jr.  
10 Susan Yu  
11 KATTEN MUCHIN ZAVIS ROSENMAN  
12 Steve Cochran  
13 Stacey McKee Knight  
14 SANGER & SWYSEN

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By: 

Robert M. Sanger  
Attorneys for  
MICHAEL JOE JACKSON

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<sup>2</sup> In addition to the balance of the Penal Code Section 1538.5 issues that may pertain to this search and other searches, Mr. Jackson also anticipates filing motions for additional and further relief based in part on conduct discussed herein.

NOTICE OF MOTION TO SUPPRESS PURSUANT TO PENAL CODE SECTION 1538.5 AND NON-STATUTORY GROUNDS (PART 1); DECLARATION OF ROBERT M. SANGER; MEMORANDUM OF POINTS AND AUTHORITIES

DECLARATION OF ROBERT M. SANGER

I, Robert M. Sanger, declare:

1. I am an attorney at law duly licensed to practice law in the courts of the State of California, a partner in the law firm of Sanger & Swysen, and co-counsel for Mr. Michael Jackson. I have viewed the search warrant, affidavit and the discovery provided to defense counsel by the prosecution and have learned the following:
2. On November 18, 2003, law enforcement officers entered and searched the Beverly Hills office of Bradley Miller, an investigator employed by Mr. Jackson's then defense counsel, Mark Geragos. The officers used a sledge hammer to force open Mr. Miller's personal office and his conference room. In the course of this search, the officers searched through and seized information protected by the attorney-client privilege. A true and correct copy of the Sheriff's Department report dated 11/19/03 is attached hereto as Exhibit A.
3. The prosecution knew, or should have known, that Bradley Miller was a private investigator, employed by then-defense counsel, Mark Geragos.
4. In the statement of probable cause, attached to the search warrant, Paul Zelis, the Affiant, states that a "confidential reliable agent" visited Bradley Miller's office and the receptionist told the agent that "Private Investigator Miller" was no longer in the office. The search warrant statement of probable cause also states, "Records of the California Bureau of Security and Investigative Services reflect that Bradley Greg Miller of Beverly Hills is currently licensed as a private investigator (License No. 17530)." A true and correct copy of the Statement of Probable Cause accompanying Search Warrant is attached hereto as Exhibit B.
5. In the statement of probable cause, the Affiant states that Janet Arvizo provided the District Attorney with correspondence between her attorney, Bill Dickerman, and Mark Geragos. The subject of this correspondence was "numerous items belonging to Mrs. Arvizo's family" including possessions that were allegedly stored by Mr.

1 Miller in a storage unit and passports. The search warrant for Mr. Miller's office  
2 describes property that was referenced by Mr. Dickerman and Mr. Geragos in their  
3 correspondence, including evidence related to the storage facility, as well as  
4 passports and visas. (Exhibit B.)

5 6. According to a memorandum drafted by District Attorney Tom Sneddon on  
6 November 8, 2003, Mr. Sneddon drove to the office of Bradley Miller. Mr. Sneddon  
7 went inside the building and examined the roster of occupants, photographed the  
8 roster, and climbed the stairs to the second floor in an unsuccessful attempt to find  
9 a door with Mr. Miller's name on it. Mr. Sneddon went across the street from the  
10 building and took a series of photographs of the building. Mr. Sneddon then found  
11 a nearby phone booth and looked up Mr. Miller in the Yellow Pages. A true and  
12 correct copy of the Memorandum from District Attorney Tom Sneddon dated  
13 11/10/03 is attached hereto as Exhibit C.

14 7. Mr. Sneddon drove to a pre-arranged meeting place and met with Janet Arvizo, the  
15 mother of the complaining witness, to conduct a photographic lineup. During that  
16 meeting, he showed Ms. Arvizo a series of Department of Motor Vehicles  
17 photographs of several people, including Mr. Miller. (Exhibit C.)

18 8. A Sheriff's Department report, dated November 19, 2003, states that Bradley Miller  
19 is a Private Investigator. The same report lists one of the items seized from his office  
20 as, "Item Number 821, one faxed Memo from Bradley Miller to Mark Geragos."  
21 (Exhibit A.)

22 9. The search warrant for Mr. Miller's office (a true and correct copy attached hereto  
23 as Exhibit D) listed the following described property:

24 Records of Investigator Miller's professional employment by Michael  
25 Jackson or MJJ Productions or an individual or entity shown on the face of  
26 the document to be associated with Michael Jackson or MJJ Productions;  
27 letters, memoranda, invoices, billings and canceled checks evidencing his  
payment of the rental of a storage locker at Dino's Storage facility at 12641  
Saticoy Street, North Hollywood, California 91605; letters, passports, visas  
and other documents relating to one or more members of the Arvizo family,

1 and/or reflecting his receipt and later disposition of property that had been  
2 stored in that facility.

3 Computer systems including, but not limited to, personal computers,  
4 laptops, notebooks, workstations, and/or servers. Computer networks  
5 including, but not limited to, servers, hubs, switches, routers,  
6 modems, and/or cabling. Computer hardware including but not  
7 limited to, monitors, input devices, printers, modems, scanners,  
8 peripherals, hard disk drives, floppy disk drives, magnetic tape drives,  
9 cassette tape drives, removable storage media drives, optical CD-  
10 ROM drives, and/or cabling found together or separately from one  
11 another. Personal Digital Assistants (PDA), docking devices, and/or  
12 cabling. Software and data, including but not limited to, hard disks,  
13 floppy disks, tapes, removable media, optical CD-ROM media, and/or  
14 networked data storage. Documentation or other material describing  
15 the operation of any computer systems, computer networks, computer  
16 hardware, software, and/or computer peripherals found at the  
17 premises, including instructions on how to access disks, files, or other  
18 material stored within same, including but not limited to computer  
19 manuals, printouts, passwords, file name lists, "readme" and/or "help  
20 files."

21 10. A true and correct copy of the Sheriff's Department Property Form is attached hereto  
22 as Exhibit E. The Property Form lists the following seized items by item number:


|    |     |                    |                                  |
|----|-----|--------------------|----------------------------------|
| 23 | 811 | Video              | Re: MJ Arvizo                    |
| 24 | 812 | Video              | Re: Arvizo                       |
| 25 | 813 | Video              | Arvizo Jackson                   |
| 26 | 814 | Video              | Jackson Arvizo                   |
| 27 | 815 | Video              | Arvizo Move 03-05-03 MJ          |
| 28 | 816 | Video              | MJJ- Arvizo 2003                 |
|    | 817 | Audio              | MJ Tel Janet 2-13-03             |
|    | 818 | Audio              | Michael Jackson Arvizo           |
|    | 819 | Mini DV            | Arvizo Move 11                   |
|    | 820 | Video              | Michael Jackson- Unmasked        |
|    | 821 | Fax/Memo           | To Geragos/Matola Matola/Jackson |
|    | 822 | Check Stub         | \$5000 Michael J. Jackson        |
|    | 823 | Summary            | Confidential "MJJ"               |
|    | 824 | Hard Drive         | Maxtor                           |
|    | 825 | Hard Drive         | Maxtor                           |
|    | 826 | Copy of Hard Drive | for Conf. Rm.                    |

29 11. The search amounted to a general search. Many of the items they seized were not  
30 described by the overbroad warrant. For instance, no mention of video or audio tapes  
31 in the search warrant, the Sheriff's Department seized at least 8 videotapes and 2  
32 audiotapes from Mr. Miller's office, according the Sheriff's Department Property

1 Form. (Exhibit E.)

2 12. I met with Sheriff's detectives on June 8, 2004, and was informed that the Sheriff's  
3 Office made additional copies of the hard drives and tapes seized from Mr. Miller.  
4 They lodged one copy with the Court but maintained other copies at the Sheriff's  
5 Department.  
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7 I declare under the penalty of perjury under the laws of the State of California that the  
8 foregoing is true and correct this 21<sup>st</sup> day of June, 2004, at Santa Barbara, California.  
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12 Robert M. Sanger  
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1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I.

3 FACTUAL SUMMARY

4 On November 18, 2003, law enforcement officers entered and searched the Beverly Hills  
5 office of Bradley Miller, an investigator employed by Mr. Jackson's then defense counsel, Mark  
6 Geragos. The officers used a sledge hammer to force open Mr. Miller's personal office and his  
7 conference room. In the course of this search, the officers searched through and seized  
8 information protected by the attorney-client privilege. (Sanger Declaration at ¶ 2; Exhibit A  
9 attached thereto.)

10 The prosecution knew, or should have known, that Bradley Miller was a private  
11 investigator, employed by defense counsel, Mark Geragos, in the present case. (Sanger  
12 Declaration at ¶ 3.) In the statement of probable cause, attached to the search warrant, Paul Zelis  
13 (hereinafter "the Affiant"), states that a "confidential reliable agent" visited Bradley Miller's  
14 office and the receptionist told that agent that "Private Investigator Miller" was no longer in the  
15 office. Further, the search warrant statement of probable cause states "Records of the California  
16 Bureau of Security and Investigative Services reflect that Bradley Greg Miller of Beverly Hills is  
17 currently licensed as a private investigator (License No. 17530)." (Sanger Declaration at ¶ 4;  
18 Exhibit B attached thereto)

19 In the statement of probable cause, the Affiant states that Janet Arvizo provided the  
20 District Attorney with correspondence between her attorney, Bill Dickerman, and Mark Geragos.  
21 The subject of this correspondence was "numerous items belonging to Mrs. Arvizo's family,"  
22 including possessions that were allegedly stored by Mr. Miller in a storage unit and passports.  
23 The search warrant for Mr. Miller's office describes property that was referenced by Mr.  
24 Dickerman and Mr. Geragos in their correspondence, including evidence related to the storage  
25 facility, passports and visas. (Sanger Declaration at ¶ 5; Exhibit B attached thereto.)

26 Mr. Miller was clearly under investigation prior to the search of his office. In fact, he was  
27 of so much interest to the prosecution that the District Attorney, Tom Sneddon, personally visited



1 Mr. Miller's office and photographed it prior to the search. (Exhibit C.)

2 According to a memorandum drafted by District Attorney Tom Sneddon on November 8,  
3 2003, Mr. Sneddon drove to the office of Bradley Miller. He went inside the building and  
4 examined the roster of occupants, photographed the roster, and climbed the stairs to the second  
5 floor in an unsuccessful attempt to find a door with Mr. Miller's name on it. Mr. Sneddon went  
6 across the street from the building and took a series of photographs of the building. Mr. Sneddon  
7 then found a nearby phone booth and looked up Mr. Miller in the Yellow Pages. (Sanger  
8 Declaration at ¶ 6; Exhibit C attached thereto.)

9 Mr. Sneddon drove to a pre-arranged meeting place and met with Janet Arvizo, the  
10 mother of complaining witness, to conduct a photographic lineup. During that meeting, he  
11 showed Ms. Arvizo a series of Department of Motor Vehicles photographs of several people,  
12 including Mr. Miller. (Sanger Declaration at ¶ 7; Exhibit C attached thereto.)

13 A Sheriff's Department report, dated November 19, 2003, states that Bradley Miller is a  
14 Private Investigator. The same report lists one of the items seized from his office as, "Item  
15 Number 821, one faxed Memo from Bradley Miller to Mark Geragos." (Sanger Declaration at ¶  
16 8; Exhibit A attached thereto.)

17 II.

18 THE SEARCH OF BRADLEY MILLER'S WAS AN INVASION OF THE DEFENSE  
19 CAMP AND IS NOT AN ISSUE THAT CAN BE ANALYZED USING THE RULES OF  
20 DISCOVERY

21 Former counsel for Mr. Jackson, Mark Geragos, originally represented to the Court that  
22 he would proceed regarding the search of Bradley Miller's office by attorney-client privilege log,  
23 under the core work-product doctrine. We must respectfully withdraw that request in light of  
24 further developments including testimony of witnesses before the Grand Jury.<sup>2</sup>

25 The search of Bradley Miller's office was an invasion of the defense function without a  
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27 <sup>2</sup> If the Court requires any further showing on this issue, present counsel would request  
to be heard *in camera* out of the presence of the prosecution.

1 showing of crime or fraud or other justification. Mr. Jackson is entitled to address the legality of  
2 the search *ab initio*, rather than taking a piecemeal approach that would treat this invasion of the  
3 defense camp as a discovery matter falling under *Izazaga v. Superior Court* (1991) 54 Cal. 3d  
4 356, 382, fn 19. *Izazaga* is a case about discovery. The question of core work product addressed  
5 in *Izazaga* is not relevant to a search of a defense lawyer or defense investigator's office at least  
6 for two reasons. First, the search itself was blatantly illegal. Second, *Izazaga* pertains to  
7 reciprocal discovery exchanged thirty days before trial.

8 This motion addresses first the constitutional violations resulting from the invasion of  
9 Mr. Jackson's defense camp. The violation of the attorney-client privilege and work product  
10 doctrine relating to particular seized items that occurred with regard to Mr. Jackson or other  
11 clients of Mr. Geragos or Mr. Miller would be addressed if necessary, after this Court's ruling on  
12 the validity of the search.

### 13 III

### 14 THE GOVERNMENT'S SEARCH OF BRADLEY MILLER'S OFFICE CONSTITUTED 15 AN INVASION OF THE DEFENSE CAMP AND VIOLATED MR. JACKSON'S RIGHTS 16 TO COUNSEL, DUE PROCESS, A FAIR TRIAL, AND RIGHT AGAINST SELF- 17 INCRIMINATION

18 The conduct of the District Attorney and other agents of law enforcement in the  
19 investigation of this case amounts to outrageous government conduct. The District Attorney has  
20 demonstrated a blatant disregard for Defendant's rights to counsel, due process, a fair trial and  
21 right against self-incrimination. The prosecution has invaded the attorney-client relationship,  
22 undermined the work product doctrine and has so contaminated the prosecution of this case that,  
23 at the very least, the materials seized must be suppressed and returned.<sup>3</sup>

24 The District Attorney's actions indicate to Mr. Jackson that he cannot trust defense  
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26 <sup>3</sup> Mr. Jackson intends to address the consequences of this conduct in subsequent  
27 motions.

1 counsel to protect his confidences and that no defense materials are beyond the reach of the  
2 prosecution. This type of conduct causes a loss of confidence in the defense function, not only  
3 for Mr. Jackson, but for all those merely accused but presumed innocent of crimes.

4       Suppression and return of the items seized from Mr. Miller is proper irrespective of  
5 whether the seized materials are privileged. The Supreme Court of California, in *Barber v.*  
6 *Municipal Court* (1979) 24 Cal. 3d 742, 756, stated:

7       Whether or not the prosecution has directly gained any confidential information  
8 which may be subject to suppression, the prosecution has been aided by its agent's  
9 conduct. Petitioners have been prejudiced in their ability to prepare their defense.  
They no longer feel they can freely, candidly, and with complete confidence  
discuss their case with their attorney.

10       The court of appeal addressed this same issue in another case involving the Santa Barbara  
11 District Attorney's Office. "When the conduct on the part of the authorities is so outrageous as  
12 to interfere with an accused's right of due process of law, proceedings against the accused are  
13 thereby rendered improper." (*Boulas v. Superior Court* (1986) 188 Cal.App.3d 422, 429.) The  
14 fruits of this government misconduct must be suppressed and returned.

15       Evidence seized from the office of Bradley Miller was under the control of defense  
16 counsel. The United States Supreme Court, in *United States v. Nobles* 422 U.S. 225, 238, held:

17       At its core, the work product doctrine shelters the mental processes of the  
18 attorney, providing a privileged area within which he can analyze and prepare his  
19 client's case. But the doctrine is an intensely practical one, grounded in the  
20 realities of litigation in our adversary system. One of those realities is that  
21 attorneys often must rely on the assistance of investigators and other agents in the  
22 compilation of materials in preparation for trial. It is therefore necessary that the  
23 doctrine protect material prepared by agents for the attorney as well as those  
24 prepared by the attorney himself.

25       The attorney-client or attorney work product privilege extends to documents in the  
26 possession of retained investigators. (*People v. Meredith* (1981) 29 Cal.3d 683, 690, n.3.)

27       When the District Attorney's office and the law enforcement officers began conducting  
28 the search of the defense lawyer's investigator, they blatantly disregarded the attorney-client and  
work product privileges and, more critically, the right of a person to the absolute confidentiality  
of the attorney-client relationship. These actions denied Mr. Jackson's fundamental due process

1 rights and impaired his right to the effective assistance of counsel under the Fifth and Sixth  
2 Amendments to the United States Constitution.

3 IV.

4 **THE INVASION OF THE DEFENSE CAMP WAS NOT SUPPORTED BY A SHOWING**  
5 **IN THE AFFIDAVIT OF PROBABLE CAUSE TO BELIEVE THAT CRIME OR FRAUD**  
6 **OCCURRED**

7 The only possible justification for invading the attorney-client relationship is a showing  
8 that the services of the lawyer were obtained to commit crime or fraud, or to prevent a criminal  
9 act by the client. (California Evidence Code Section 956.) California Penal Code Section  
10 1524(c) requires reasonable suspicion that a lawyer in possession or control of documentary  
11 evidence is engaging or has engaged in criminal activity related to the documentary evidence in  
12 order to bypass the special master procedures articulated in Penal Code Section 1524. Such a  
13 showing of probable cause was not made in the search warrant affidavit.

14 The government knew that material under the control of defense counsel and information  
15 falling under the protection of the attorney-client privilege and work product doctrine would be  
16 seized. The Affiant, in the statement of probable cause, states that "computer and computer-  
17 related items subject to seizure pursuant to the requested warrants may contain privileged  
18 information." While the Affiant limits his explicit discussion of privileged materials to computer  
19 systems and computer related items, the government knew or should have known that any other  
20 documents and items to be seized from Mr. Miller's office were held for Mr. Jackson's counsel.

21 If the District Attorney believed that crime or fraud had occurred, this should have been  
22 spelled out in the affidavit. The failure to do so renders the search invalid.  
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26 ///  
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v.

**THE APPROPRIATE REMEDY IS, AT THE VERY LEAST, TO SUPPRESS THE  
SEIZED MATERIALS AND TO RETURN THEM TO MR. JACKSON**

At a minimum, suppression and the return of the items to Mr. Jackson's present attorneys is a necessary step towards remedying this type misconduct by overzealous government agents. Exclusion and return of the unlawfully obtained evidence does not adequately address the invasion of the attorney-client relationship, but it at least prevents the government from exacerbating their outrageous misconduct by preventing them from using the seized materials as evidence against Mr. Jackson.<sup>4</sup>

The courts have repeatedly warned prosecutors in California, and specifically the Santa Barbara County District Attorney's Office, about intruding into the constitutional rights of the accused. (*Barber v. Municipal Court* (1979) 24 Cal. 3d 742; *Boulas v. Superior Court* (1986) 188 Cal. App. 3d 422; *People v. Zapfen* (1993) 4 Cal. 4<sup>th</sup> 929; *Morrow v. Superior Court* (1994) 30 Cal. App. 4<sup>th</sup> 1252.) Both *Boulas* and *Zapfen* involved misconduct of the Santa Barbara County District Attorney's Office. The District Attorney knew, or should have known, that it was misconduct to invade the defense camp.

The invasion of the defense camp in the case at bar is the kind of outrageous conduct that the court has repeatedly warned prosecutors about. Dismissal has been held to be the only adequate remedy to address such misconduct of the District Attorney and law enforcement. However, at the very least, the materials should be suppressed and returned to Mr. Miller, Mr. Jackson or such other rightful owner as may be determined.

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<sup>4</sup> The Santa Barbara Sheriff's Office made additional copies of the hard drives and tapes seized from Mr. Miller. They lodged one copy with the Court but maintained other copies at the Sheriff's Department. (Sanger Declaration at ¶ 12.)

VI.

**THIS EVIDENCE MUST BE SUPPRESSED PURSUANT TO PENAL CODE SECTION**

**1538.5**

Mr. Jackson has a legitimate expectation of privacy in the office of his lawyer's investigator, to the extent that the materials it contained related to Mr. Jackson's defense. Penal Code Section 1538.5 provides that the grounds for suppression evidence obtained as a result of an unreasonable search or seizure are:

- (A) The search or seizure without a warrant was unreasonable.
- (B) The search or seizure with a warrant was unreasonable because any of the following apply:
  - (i) The warrant is insufficient on its face.
  - (ii) The property or evidence obtained is not that described in the warrant.
  - (iii) There was no probable cause for the issuance of the warrant.
  - (iv) The method of execution of the warrant violated federal or state constitutional standards.
  - (v) There was any other violation of federal or state constitutional standards.

(Penal Code Section 1538.5(a)(1).)

Under Penal Code Section 1538(a)(1)(B)(v), the search was unreasonable and in violation of federal and state constitutional standards because, as argued above, it was conducted in violation of Mr. Jackson's rights to counsel, due process, a fair trial and right against self-incrimination, as well as his right against unlawful search and seizure, guaranteed by the Fourth, Fifth, Sixth and Fourteenth Amendments to the United States Constitution and Article I, Sections 1, 7, 10, 13, 15 and 16 of the California Constitution.

VII.

**THE SEARCH WAS AN OVERBROAD, GENERAL SEARCH**

A. **The Warrant Was Overbroad On Its Face Because It Exceeded The Probable Cause Showing.**

The Fourth Amendment to the United States Constitution, Article 1, Section 13 of the

1 California Constitution, and California Penal Code Sections 1525 and 1529 require that a search  
2 warrant describe the items to be seized with "particularity." This requirement precludes both a  
3 "general search" and the seizure of one thing under a warrant describing a different thing.  
4 (*Marron v. United States* (1927) 275 U.S. 192; *Stanford v. Texas* (1965) 379 U.S. 476.)

5 The search warrant for Mr. Miller's office (Exhibit D) listed the following described  
6 property:

7 Records of Investigator Miller's professional employment by Michael Jackson or  
8 MJJ Productions or an individual or entity shown on the face of the document to  
9 be associated with Michael Jackson or MJJ Productions; letters, memoranda,  
10 invoices, billings and canceled checks evidencing his payment of the rental of a  
11 storage locker at Dino's Storage facility at 12641 Saticoy Street, North  
12 Hollywood, California 91605; letters, passports, visas and other documents  
13 relating to one or more members of the Arvizo family, and/or reflecting his receipt  
14 and later disposition of property that had been stored in that facility.

15 Computer systems including, but not limited to, personal computers, laptops,  
16 notebooks, workstations, and/or servers. Computer networks including, but not  
17 limited to, servers, hubs, switches, routers, modems, and/or cabling. Computer  
18 hardware including but not limited to, monitors, input devices, printers, modems,  
19 scanners, peripherals, hard disk drives, floppy disk drives, magnetic tape drives,  
20 cassette tape drives, removable storage media drives, optical CD-ROM drives,  
21 and/or cabling found together or separately from one another. Personal Digital  
22 Assistants (PDA), docking devices, and/or cabling. Software and data, including  
23 but not limited to, hard disks, floppy disks, tapes, removable media, optical CD-  
24 ROM media, and/or networked data storage. Documentation or other material  
25 describing the operation of any computer systems, computer networks, computer  
26 hardware, software, and/or computer peripherals found at the premises, including  
27 instructions on how to access disks, files, or other material stored within same,  
28 including but not limited to computer manuals, printouts, passwords, file name  
lists, "readme" and/or "help files."

19 Here, the warrant was overbroad on its face because it exceeded the probable cause  
20 showing. The Affiant suggests that probable cause existed to believe that Mr. Miller was  
21 employed by or was acting as an agent of Mr. Jackson. (Exhibit B, page 74.) In particular, the  
22 Affiant states that the storage unit, that allegedly contained things that belonged to the Arvizos,  
23 was opened in Mr. Miller's name. (Ibid.) The Affiant also alleges that Mr. Miller was present  
24 during a filming of the Arvizo family. (Ibid.)

25 The Affiant concludes that Mr. Miller may have "some documentation in the form of  
26 notes, or correspondence, memoranda or other such writings reflecting their transfer to someone  
27

1 else." (Exhibit B, page 75.) The Affiant states that a search of Mr. Miller's business records  
2 would produce "records showing his employment by Michael Jackson, MJJ Productions, or one  
3 of the other Michael Jackson agents responsible for the false imprisonment of the Arvizo  
4 family." (Ibid.) The Affiant further states that such records would include "letters,  
5 memorandums, invoices, billings and cancelled checks confirming his payment of the rental of  
6 Dino's Storage facility where the Arvizo family possessions were kept and the letters were  
7 taken." (Ibid.)

8 The Affiant's own conclusions fall far short of justifying the overbroad warrant that was  
9 signed by the magistrate. Despite the fact that the Affiant never mentions anything specifically  
10 related to computers or computer files with regard to Mr. Miller, the search warrant includes  
11 language that allows for the seizure of any and all computers, as well as any and all items related  
12 to computers. The Affiant's general statements, not specifically related to Mr. Miller, that  
13 "many people use computers to conduct their business" and that "some of the information sought  
14 to be searched/seized may be contained on computers" (Exhibit B at page 78) is blatantly  
15 overbroad and without any support from the statement of probable cause. The search warrant is  
16 overbroad.

17 B. The Warrant Was Overbroad On Its Face Because It Lacked Particularity.

18 The warrant clause of the Fourth Amendment provides that no warrant may issue except  
19 those particularly describing the place to be searched, and the persons or things to be seized. The  
20 warrant describes all computer systems, and all items related to computer systems, without  
21 giving any specific indications of what is to be searched. The affidavit did not provide any  
22 factual support, let alone enough to justify a finding of probable cause, to suggest that Mr. Miller  
23 was in possession of any computer systems, or related items, that in any way related to this case.

24 The failure to describe with particularity is evidenced by the fact that the sheriffs did not  
25 know what not to take. The inventory of property seized (Exhibit E) discloses that the sheriffs  
26 took everything in Mr. Miller's office that contained a reference to Mr. Jackson, Mr. Geragos, or  
27 the Arvizos.



1 C. The Sheriff's Flagrantly Disregarded The Limitations Of The Search Warrant.

2 The evidence must be suppressed because the execution of the search was overbroad and  
3 amounted to an impermissible general search. The framers of the constitution drafted the Fourth  
4 Amendment to prohibit "exploratory rummaging" in a person's belongings. (*Andresen v.*  
5 *Maryland*, 427 U.S. 463, 480, 49 L.Ed.2d 627, 96 S.Ct. 2737, 2748 (1976) (quoting *Coolidge v.*  
6 *New Hampshire*, 403 U.S. 443, 467, 29 L.Ed.2d 564, 91 S.Ct. 2022, 2038 (1971)); see, *Payton v.*  
7 *New York*, 445 U.S. 573, 584-85, 63 L.Ed.2d 639, 100 S.Ct. 1371, 1378-79 (1980); *U.S. v.*  
8 *Beaumont*, 972 F.2d 553, 560-561 (5<sup>th</sup> Cir. 1992).) The law emphatically prohibits government  
9 agents from using a warrant as a "key" to obtain entry and then to violate the terms of the  
10 warrant by engaging in a search or seizure beyond its scope. A "governmental official [may not]  
11 use a seemingly precise and legal warrant only as a ticket to get into a man's home, and, once  
12 inside, to launch forth upon unconfined searches and indiscriminate seizures as if armed with all  
13 the unbridled and illegal power of a general warrant." (*Stanley v. Georgia*, 394 U.S. 557, 572, 22  
14 L.Ed.2d 542, 89 S.Ct. 1243, 1251-52 (1969) (Stewart, J., concurring).) To the extent the officers  
15 here searched through and seized items beyond those described by the warrant, they conducted a  
16 warrantless search.

17 The search of Mr. Miller's office was a general search. The probable cause statement  
18 focused on Mr. Miller's alleged role in renting a storage unit, his alleged employment by Mr.  
19 Jackson, and his alleged presence at the taping of an interview. It was permissible for the sheriffs  
20 to search for documents related to those activities. However, it was impermissible to use that  
21 information as a pretext for conducting a general search. The sheriffs entered Mr. Miller's office  
22 with an overly broad warrant. Nevertheless, many of the items they seized were not described  
23 by the overbroad warrant. The Property Form, attached as Exhibit E, lists the following seized  
24 items by item number:

|    |     |       |                         |
|----|-----|-------|-------------------------|
| 25 | 811 | Video | Re: MJ Arvizo           |
|    | 812 | Video | Re: Arvizo              |
| 26 | 813 | Video | Arvizo Jackson          |
|    | 814 | Video | Jackson Arvizo          |
| 27 | 815 | Video | Arvizo Move 03-05-03 MJ |

28 NOTICE OF MOTION TO SUPPRESS PURSUANT TO PENAL CODE SECTION 1538.5 AND NON-  
STATUTORY GROUNDS (PART 1); DECLARATION OF ROBERT M. SANGER; MEMORANDUM OF  
POINTS AND AUTHORITIES

|   |     |                                  |                                  |
|---|-----|----------------------------------|----------------------------------|
| 1 | 816 | Video                            | MJJ- Arvizo 2003                 |
|   | 817 | Audio                            | MJ Tel Janet 2-13-03             |
| 2 | 818 | Audio                            | Michael Jackson Arvizo           |
|   | 819 | Mini DV                          | Arvizo Move 11                   |
| 3 | 820 | Video                            | Michael Jackson- Unmasked        |
|   | 821 | Fax/Memo                         | To Geragos/Matola Matola/Jackson |
| 4 | 822 | Check Stub                       | \$5000 Michael J. Jackson        |
|   | 823 | Summary                          | Confidential "MJJ"               |
| 5 | 824 | Hard Drive                       | Maxtor                           |
|   | 825 | Hard Drive                       | Maxtor                           |
| 6 | 826 | Copy of Hard Drive for Conf. Rm. |                                  |

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Despite no mention of video or audio tapes in the search warrant, the Sheriff's Department seized at least 8 videotapes and 2 audiotapes from Mr. Miller's office, according to the Sheriff's Department Property Form. (Sanger Declaration at ¶ 11; Exhibit E attached thereto.)

All evidence seized — not only those items beyond the scope of the warrant — should be suppressed because the officers executed the warrant in flagrant disregard for its limitations. (See *United States v. Rettig*, 589 F.2d 418, 423 (9th Cir. 1978); *United States v. Heldt*, 668 F.2d 1238, 1259 (D.C. Cir. 1981).) This remedy is required in an appropriate case where the violations of the warrant's requirements are so extreme that the search essentially is transformed into an impermissible general search. (*People v. Bradford* (1997) 15 Cal. 4<sup>th</sup> 1229, 1305-1306.)

Here the sheriffs flagrantly exceeded even the broad limitations that were imposed by the warrant. They explored, rather than searched for specified items, and they seized numerous items that were outside the scope of the warrant.

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NOTICE OF MOTION TO SUPPRESS PURSUANT TO PENAL CODE SECTION 1538.5 AND NON-STATUTORY GROUNDS (PART 1); DECLARATION OF ROBERT M. SANGER; MEMORANDUM OF POINTS AND AUTHORITIES

VIII.

CONCLUSION

For all of the foregoing reasons, Mr. Jackson respectfully submits that the Court issue an order, (1) suppressing the materials seized from defense investigator Bradley Miller's office; (2) directing that those items be returned to Mr. Jackson's present attorneys; and (3) for such other relief as the Court may deem just and proper.

Dated: June 21, 2004

Respectfully submitted,

COLLINS, MESEREAU, REDDOCK & YU  
Thomas A. Mesereau, Jr.  
Susan Yu  
KATTEN MUCHIN ZAVIS ROSENMAN  
Steve Cochran  
Stacey McKee Knight  
SANGER & SWYSEN

By: 

Robert M. Sanger  
Attorneys for  
MICHAEL JOE JACKSON

**EXHIBIT A**

RECLASSIFICATION

# SHERIFF'S DEPARTMENT

SANTA BARBARA COUNTY

2. CASE NUMBER

03-5670

1. CLASSIFICATION

9) Lawd acts against a child

FOLLOW-UP     CLEARANCE     COMPLAINT

1. DAY / DATE RPT / TIME  
Friday, 05-13-03, 1520 hrs

4. FOLLOW UP TO:  
 OFFENSE     ARREST     INCIDENT

2. DAY / DATE THIS RPT MADE  
Tuesday 11-18-03, 0830 hrs

3. VICTIM (LAST, FIRST, MI)  
Victim 1 Confidential

4. BUSINESS ADDRESS OR SCHOOL    BUS PHONE    WORK HOURS    HOME PHONE

5. R/P  WIT  CO-VIC  PARENT  OTHER  CM BEX RAC AGED/O.B. RESIDENT ADDRESS TELEPHONE

LAST, FIRST, MIDDLE) CIRCLE INVOLVMENT  
Victim 2 Confidential

R/P  WIT  CO-VIC  PARENT  OTHER  CM BEX RAC AGED/O.B. RESIDENT ADDRESS TELEPHONE  
Miller, Bradley Greg

R/P  WIT  CO-VIC  PARENT  OTHER  CM BEX RAC AGED/O.B. RESIDENT ADDRESS TELEPHONE  
Nixon, Daniel Vincent

R/P  WIT  CO-VIC  PARENT  OTHER  CM BEX RAC AGED/O.B. RESIDENT ADDRESS TELEPHONE  
BRADY, Maralyn

6. SUSPECT NAME (LAST, FIRST, MIDDLE) CM SEX RAC AGED/O.B. HGT WGT HAI EYE BOOKING #  
JACKSON, MICHAEL Y M B 45 511 120 blk brn

ADDRESS PHONE MUSTACHE  HAT  CLOTHING DESCRIPTION  
NEVERLAND VALLEY RANCH  
BEARD  MASK   
GLASSES  TIE/SCAR

SUSPECT NAME (LAST, FIRST, MIDDLE) CM SEX RAC AGED/O.B. HGT WGT HAI EYE BOOKING #

LOOK PHONE MUSTACHE  HAT  CLOTHING DESCRIPTION  
BEARD  MASK   
GLASSES  TIE/SCAR

16. SURF VEH LICENCE ST YR MAKE MODEL COLOR LOCATION/PERSON  STORED, RELEASED  IMPOUNDED

NAME OF RO ADDRESS

11. COMPLAINT FILED  YES  MISDEMEANOR  NO  FELONY  
12. REVIEWING DA  
13.  CITATION ISSUED  WARRANT ISSUED  IN CUSTODY  OUT ON BAIL  
 D.A. NOTICE  REF. TO PROBATION  CLEARED  CLOSED  INACTIVE

15. ATTACHMENTS:  3H-451  CHP 100  OTHER  PROPERTY TAG # 122980 PAGE 1 OF PAGES

18. RELATED CASE NUMBERS VICTIM OR BUSINESS DATE REPORTED CRIME TYPE CASE STATUS

17. REPORTING DEPUTY BODY # DET R FORNEY #2522  
19. EST. TOTAL VALUE DNA  
21. DATE/TIME RPT WRITTEN 11-18-03/0517  
22. TOTAL HOURS WKT 20  
23. REPORTING DEPUTY BODY # DA INVESTIGATOR TONELLO  
24. SUPERVISOR APPROVING BODY # SGT W. B. LOWERY #0246 3/24/11-20-03  
RECORDS USE ONLY  
RECEIVED 2423 DATE 12/1/04  
DCS  
RKS

This information is furnished for the exclusive use of, and is not to be duplicated, copied or furnished to any other agency, except as provided by law, without the express permission of the Santa Barbara County Sheriff's Department, Records Bureau and is to be returned to that Department upon demand.

Copy for:  Detective  Juvenile Investigator  Patrol  Sheriff

0192

**SHERIFF'S DEPARTMENT**

PAGE 2

Santa Barbara County

03-5670

**CONTINUATION SHEET**

(A) LIST CONTINUATION. (B) DESCRIBE PHYSICAL EVIDENCE, LOCATION FOUND &amp; DISPOSITION. (C) NARRATIVE. (D) DISPOSITION.

**(A) Continuations:**

Roy Tinkler is a Senior Police Officer with the Beverly Hills Police Department.

Bradley Miller is a Private Investigator with an office located in Beverly Hills.

Daniel Nixon is an attorney representing Bradley Miller.

Maralyn Brady is a Property Manager for the property at 211 South Beverly Drive in Beverly Hills.

Karen Feinstack is the Office Manager for Bradley Miller.

**(B) Evidence:**

Item Number 811, One TDK VHS video tape marked RE: MJ Arvizo 2-19/2-21.

Item Number 812, One Maxell VHS video tape marked RE: Arvizo

Item Number 813, One Maxell VHS video tape marked Arvizo Jackson.

Item Number 814, One Maxell VHS video tape marked Jackson Arvizo.

Item Number 815, One Sony VHS video tape marked Arvizo Move 03-05-03 MJ.

Item Number 816, One Maxell VHS video tape marked MJJ - Arvizo 2003.

Item Number 817, One TVK audio cassette tape marked MJ TEL Janet 2-13-03.

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|--|-----------------------------|---------|
| PAGE 3   | <b>SHERIFF'S DEPARTMENT</b> | 03-5670 |
|  | Santa Barbara County        |         |
|  | <b>CONTINUATION SHEET</b>   |         |
| <small>(A) LIST CONTINUATION. (B) DESCRIBE: PHYSICAL EVIDENCE, LOCATION FOUND &amp; DISPOSITION. (C) NARRATIVE. (D) DISPOSITION.</small> |                             |         |

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Item Number 818, One TVK audio cassette tape marked Michael Jackson Arvizo STMT 2-18-03.

Item Number 819, One TVK mini-digital video tape marked Arvizo Move 11.

Items Number 811 through 818 were taken from the entertainment center located in the conference room in Bradley Miller's office.

Item Number 820, one Sony VHS video tape marked Michael Jackson - Unmasked.

Item Number 821, one faxed Memo from Bradley Miller to Mark Geragos.

Items Number 820 and 821 were located in Bradley Miller's personal office in a plastic storage container.

Item Number 822, one check stub number 8869 in the amount of five thousand dollars from Michael J. Jackson dated 5-01-03.

Item Number 823, one hand-written billing summary listing confidential MJJ.

Items Number 822 and 823 were located on top of Bradley Miller's desk in his personal office.

Item Number 824, one Maxtor D540X, hard drive Serial Number 674118925717. This hard drive was removed from the computer in Bradley Miller's personal office by DA Investigator Tonello.

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|---|-----------------------------|---------|
| PAGE 4  | <b>SHERIFF'S DEPARTMENT</b> | 03-5670 |
|   | Santa Barbara County        |         |
|   | <b>CONTINUATION SHEET</b>   |         |
| (A) LIST CONTINUATION, (B) DESCRIBE: PHYSICAL EVIDENCE, LOCATION FOUND & DISPOSITION, (C) NARRATIVE, (D) DISPOSITION. |                             |         |

1 Item Number 825, one Maxtor 4D080H4 hard drive Serial Number  
2 D402NL5EFD24A. This hard drive was removed from the computer in the  
3 receptionist's office by DA Investigator Tonello.

4  
5 Item Number 826, one copy of the hard drive from the computer in the  
6 conference room of Bradley Miller's office. This copy was made by DA  
7 Investigator Tonello.

8  
9 All of the above items were packaged by Sergeant Caldwell and me. Sergeant  
10 Caldwell subsequently booked all of the aforementioned items into the property  
11 room at the Goleta Main Station, as evidence.

12  
13 28 digital photos were taken of Miller's office prior to and after the execution of  
the search warrant. These photos were submitted to Forensics for downloading.

14  
15  
16 Attachment:

17 A sketch of the floor plan of Bradley Miller's office, drawn by Sergeant Caldwell.

18  
19 (C) Narrative:

20 On 11-18-03, at about 0700 hours, Sergeant Caldwell, DA Investigator Tonello  
21 and I met at the Beverly Hills Police Department, in preparation to serve a  
22 Search Warrant at 211 South Beverly Drive, Number 108, in Beverly Hills.

23  
24 The Search Warrant had been obtained by Detective Paul Zelis and signed by  
25 Judge Thomas Adams, on 11-17-03.

26  
27 Senior Officer Roy Tinkler was subsequently assigned to assist us in the service  
28 of the Search Warrant at Bradley Miller's office.

11/18/03



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|--|-----------------------------|---------|
| PAGE 5   | <b>SHERIFF'S DEPARTMENT</b> | 03-5670 |
|  | Santa Barbara County        |         |
|  | <b>CONTINUATION SHEET</b>   |         |
| [A] LIST CONTINUATION. [B] DESCRIBE PHYSICAL EVIDENCE, LOCATION FOUND & DISPOSITION. [C] NARRATIVE. [D] DISPOSITION. |                             |         |

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On 11-18-03, at approximately 0930 hours, we served the Search Warrant at Bradley Miller's office, 211 South Beverly Drive, Number 108, in Beverly Hills.

Prior to entering the office, we knocked and announced and received no response. We found the door to be locked. We were assisted by the manager of the property located at 211 South Beverly Avenue, Number 108, Maralyn Brady. Brady used a key to open the outer door to the office to allow us to gain entry.

Once inside the office, we found there were two locked offices. One of the offices was Bradley Miller's personal office, the other was the conference room. Maralyn Brady said she had no way to access those two rooms, as they were locked. We made several attempts to telephone Bradley Miller at this time, but we were unsuccessful. Maralyn Brady left the office.

I subsequently used a sledge hammer to force open Bradley Miller's personal office. Sergeant Caldwell used the sledge hammer to gain entry to the conference room.

Once inside the conference room, I located the aforementioned video and audio tapes on a shelf in the entertainment center. I seized these items and they were packaged by Sergeant Caldwell.

Upon searching Bradley Miller's personal office, I located the video, Item Number 820, and the Fax Memo, Number 821, the check stub, Number 822, and the Billing Summary, Number 823. I delivered these items to Sergeant Caldwell who packaged them.

## CONTINUATION SHEET

(A) LIST CONTINUATION. (B) DESCRIBE: PHYSICAL EVIDENCE, LOCATION FOUND & DISPOSITION. (C) NARRATIVE. (D) DISPOSITION.

1 While I was conducting a search of the office, DA Tonello removed the hard  
2 drives from the aforementioned computers and attempted to copy them. He was  
3 able to copy the hard drive from the conference room, however, he was not able  
4 to do so on the hard drives from the computers from the receptionist office and  
5 from Miller's office. Therefore, he seized these two hard drives, which I  
6 subsequently packaged. Investigator Tonello retained the hard drives (Items  
7 #824, #825 and #826) and, later, met with Sgt. Caldwell with these items, at the  
8 Sheriff's Department property room, where he turned them over to Sgt. Caldwell.  
9

10 At approximately 1015 hours, Sergeant Caldwell called Bradley Miller, who  
11 stated he would be enroute to his office, with his attorney.  
12

13 At approximately 1140 hours, Karen Feinstein, the office manager for Bradley  
14 Miller, arrived at the door of the office and requested admittance. Feinstein was  
15 denied entrance by Sgt. Caldwell. She stated that Bradley Miller would be  
16 arriving at the office at approximately 1230 hours.  
17

18 At approximately 1200 hours, Bradley Miller arrived at his office.  
19

20 At approximately 1205, on 11-18-03, Bradley Miller's attorney, Daniel Nixon  
21 arrived at the office.  
22

23 Sergeant Caldwell, DA Investigator Tonello, and I continued our search and  
24 completed it at approximately 1305 hours.  
25

26 Prior to leaving the office, I asked Bradley Miller if he wished to answer some  
27 questions regarding his association with Michael Jackson and our Search

|  |                             |         |
|--|-----------------------------|---------|
| PAGE 7   | <b>SHERIFF'S DEPARTMENT</b> | 03-5670 |
|  | Santa Barbara County        |         |
|  | <b>CONTINUATION SHEET</b>   |         |
| <small>(A) LIST CONTINUATION. (B) DESCRIBE PHYSICAL EVIDENCE LOCATION FOUND &amp; DISPOSITION. (C) NARRATIVE. (D) DISPOSITION.</small> |                             |         |

1           Warrant. Daniel Nixon, stated that his client, Bradley Miller would not answer  
2           any questions.

3  
4           During the search of Miller's office, we located a bill, indicating that Bradley Miller  
5           had a storage space rental at the Westwood Self-Storage, 1901 South  
6           Sepulveda Boulevard in West Los Angeles, Unit C239. This information was  
7           provided to Sergeant Steve Robel and a Search Warrant was subsequently  
8           obtained for the storage unit. Refer to the Follow-Up Report regarding the  
9           service of the Search Warrant at that location.

10  
11       (D)   Attention Records:  
12       Investigation continuing. FOL

**EXHIBIT B**

STATEMENT OF PROBABLE CAUSE

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Identification and Expertise of Affiant:

Your Affiant, Paul Zella, has been regularly employed as a law enforcement officer by Santa Barbara County for ten years. Your Affiant started his career with the Santa Barbara County Marshal's Office in May of 1993. He became a Sheriff's Deputy with the County of Santa Barbara in late 1998 when the Marshal's Office consolidated with the Sheriff's Department. During this time period, your Affiant has investigated numerous property crimes and crimes against persons, including burglary, child molest, theft, assault, domestic violence, narcotic and drug violations. As a result of these investigations, your Affiant has made hundreds of arrests for the various crimes.

Your Affiant has attended the basic law enforcement training academy and possesses the Basic and Intermediate P.O.S.T Certificates. Your Affiant has attended specialized courses, including Homicide Investigation (80 hrs.), and Sexual Assault Investigation (40 hrs.). Your Affiant attends regular in-service training.

Your Affiant has been a detective for the past two years with the Criminal Investigations Division, and has acted and received the information set forth in this affidavit in that capacity. The following is a synopsis of events, individuals and timeframes set forth in the more detailed account of the investigation, which your Affiant believes establishes probable cause for the issuance of the requested search warrants for several locations and the arrest warrant for Michael Joe Jackson.

Introduction

1 The individual referred to in the affidavit as "Michael" or "Michael Jackson" is the well-  
2 known singer and dancer, whose residence in Santa Ynez, Santa Barbara County is  
3 commonly known as the "Neverland Ranch."

4 The victims in this case are GAVIN ANTON ARVIZO, now almost 14 years old  
5 ("Gavin"), STAR DAVID ARVIZO, his younger brother ("Star," now almost 13 years old),  
6 DAVELLIN ARVIZO, his older sister, now 17 ½ years old, and their mother JANET  
7 VENTURA-ARVIZO ("Mrs. Arvizo"), all residents of East Los Angeles.

8  
9 In numerous instances, the victims' accounts set forth in this affidavit refer to several  
10 individuals collectively as "Jackson's people." They are referred to individually as  
11 "Vinnie," "Frank," "Dalter," and "Ronald." Vinnie's driver's license was provided to  
12 affiant from Mrs. Arvizo, along with a forged letter authorizing boys' release from  
13 Burroughs Middle School for their placement in an Arizona school, which she got from  
14 the school. It reveals Vinnie to be Vincent Amen. Frank's last name is believed to be  
Tyson. Dalter's last name is Wlesner. Ronald's last name is Konitzer.

15  
16  
17 The events that triggered the Santa Barbara Sheriff's Department's investigation that  
18 led to the request for this search warrant began in the year 2000 when Gavin, then 10  
19 years old, was diagnosed with cancer and hospitalized for an extended period of time  
20 for several operations and follow-up treatment. While hospitalized, Gavin was  
21 contacted by Michael Jackson. A friendship between Michael and Gavin was created  
22 through numerous telephone calls.

23  
24  
25 After his release from the hospital and over the next two years, Gavin and his family  
26 were invited and accepted invitations to stay at Michael Jackson's Neverland Ranch in  
27 Santa Barbara County. Almost from the beginning of their several stays at Neverland  
28 Ranch, Gavin consistently, and Star on many occasions, slept in Michael Jackson's  
bedroom while the remainder of the family stayed in separate guest quarters on the  
ranch.

1 In September 2002, a Jackson representative contacted them and Jackson then invited  
2 the children to come to Neverland Ranch for a visit. When the children arrived they  
3 were greeted by Michael Jackson and participated in the filming of a portion of the  
4 "Living with Michael Jackson" video production later shown on both English and  
5 American TV. Gavin was the main focus of that segment of the film.  
6

7 What prompted the events that followed was the publicity and outrage created by the  
8 British Broadcasting Company's broadcast of "Living with Michael Jackson," in which  
9 Jackson admitted sleeping with children and, specifically, with Gavin. The show was  
10 aired in England on February 3, 2003 and in the United States on February 5<sup>th</sup>.  
11

12 Jackson's response to the public outrage it generated was to request the Arvizo family  
13 fly to Miami, Florida to participate in a press conference to support him. The trip was  
14 made. However, there was no press conference and the family was held virtual  
15 prisoners in the Miami hotel for two and a half days until they were flown back to  
16 California and taken to the Neverland Ranch. Thereafter the family, particularly the  
17 children, was not allowed to leave the ranch without one of the Jackson people with  
18 them.  
19

20 It was during the Miami hotel stay that Michael Jackson first started providing alcoholic  
21 beverages in Diet Coke cans to Gavin and, later, to Star and Davellin. He continued to  
22 provide alcohol to the children on numerous instances until they left the Ranch in mid-  
23 March of 2003.  
24

25 Your Affiant believes that the more detailed investigative results set forth in this  
26 affidavit provides reasonable and probable cause to believe that Gavin was molested  
27 within the meaning of Penal Code section 268 by Michael Jackson. The molestations  
28 involve multiple instances of Jackson's masturbating Gavin in his Neverland Ranch  
29 bedroom. Gavin describes at least five instances of masturbation occurring between  
30 February 7 and March 10, 2003. There are at least two other instances detailed in the

1 affidavit, occurring within that period, in which Star observed Jackson with his hand  
2 down the front of Gavin's pants, in the area of his penis, while Jackson was  
3 masturbating himself. On those two occasions, Star believes Gavin to have been  
4 passed out on Jackson's bed in the upstairs bedroom. Almost all the instances of the  
5 molestations occurred after Jackson had provided alcohol to Gavin.

6  
7 Furthermore, during this same time period the investigation disclosed that several  
8 Michael Jackson employees conspired to falsely imprison Mrs. Arvizo and her three  
9 children at the Neverland Ranch, as "false imprisonment" is defined by Penal Code  
10 section 236. Their repeated requests to leave were met with repeated denials, a  
11 pattern of intimidation and threats, and a series of verbal confrontations. Mrs. Arvizo  
12 was repeatedly told that she and her children could not leave until she agreed to allow  
13 the children to participate in the making of a film saying what a great person Michael  
14 Jackson was. Finally, on February 20<sup>th</sup>, she agreed. The children were taken to the  
15 residence of Hamid Moslehi in West Hills; and around 2:00 a.m. in the early morning  
16 hours of February 20, 2003, the film was made. But instead of allowing the family to go  
17 free as promised, they were taken back to the Ranch and not allowed to leave.

18  
19 Between February 20<sup>th</sup> and the eventual escape on March 10, 2003, employees and  
20 representatives of Michael Jackson told Mrs. Arvizo and the children that they were  
21 going to be moved to Brazil. They were taken by Jackson representatives to the  
22 Federal Building in Los Angeles to procure passports and to the Brazilian Consulate to  
23 get visas. Eventually, around March 10<sup>th</sup>, Mrs. Arvizo was able to create a ruse which  
24 enabled her to obtain the release of her children from Neverland Ranch.

25  
26 Characteristics of persons involved in sex crimes against children:

27  
28 As a result of the training and experience outlined above, your Affiant has learned that the  
following characteristics are generally found to exist in varying combinations and be true in  
cases involving people who molest children – "pedophiles."



2 Pedophiles are persons whose sexual objects are children. They receive sexual  
3 gratification and satisfaction from actual physical contact with children and from fantasy  
4 involving use of pictures, other photographic or art mediums and writings on or about  
5 sexual activity with children. Pedophiles may collect sexually explicit materials consisting of  
6 photographs, magazines, motion pictures, video tapes, books and slides depicting juveniles  
7 or youngish-looking adults, which they use for their own sexual gratification, fantasy and for  
8 displaying to potential victims.

9  
10 Sexually explicit materials, including those listed above, may be used by pedophiles to  
11 lower the inhibitions of children, sexually stimulating children and themselves, and for  
12 demonstrating the desired sexual acts before, during and after sexual activity with children.  
13 Pedophiles rarely, if ever, dispose of their sexually explicit materials, especially if it is used  
14 in the seduction of their victims. Pedophiles often correspond with or meet with one  
15 another to share information and identities of their victims, and as a means of gaining  
16 status, trust, acceptance and psychological support. Pedophiles rarely destroy  
17 correspondence received from other people with similar interests unless they are  
18 specifically requested to do so. The majority of pedophiles prefer contact with children of a  
19 particular sex as well as a particular age or developmental range, the combination of which  
20 is peculiar to each individual pedophile. The photos and/or videos described above are  
21 kept to re-live fantasies or actual encounters with the depicted children. To reduce the  
22 chance of discovery, pedophiles may maintain and run their own photographic production  
23 and reproduction equipment. This may be as simple as the use of "Instant" photo  
24 equipment such as Polaroid cameras and home video equipment, or as complex as a  
25 completely outfitted photo lab. Pedophiles often go to great lengths to conceal their  
26 collections of erotic materials and protect them from discovery, theft and damage.

27  
28 Pedophiles often collect, read, copy or maintain names, addresses, phone numbers or lists  
29 of persons who have similar sexual interests. These may have been acquired by personal  
30 contact or through advertisements in various publications. These contacts are maintained

1 as a means of personal referral, for exchange and for commercial profit. Pedophiles often  
2 correspond with other pedophiles through the use of computerized bulletin boards and the  
3 Internet. The names of such contacts may be maintained by preservation of the  
4 publications in which they appeared, in phonebooks or notebooks, in computer hard or soft  
5 ware, or merely on scraps of paper. Vast quantities of child pornography may also be  
6 stored on electronic media such as computer hard drives, computer diskettes, magnetic or  
7 digital tape, and computer CD-ROM disks.

8 Pedophiles often keep the names of children they are involved with or with whom they have  
9 had sexual contact. They maintain these names in much the same manner as described in  
10 the preceding paragraph, and for much the same reasons.

11  
12 Pedophiles often maintain diaries of their sexual encounters with children. These accounts  
13 of their sexual experiences are used as a means of reliving the encounter when the  
14 offender has no children to molest. Such accounts may be set out in a notebook, or on  
15 scraps of paper, or in a formal diary. Depending upon the resources available to the  
16 offender, they may be contained on audio tape or electronic entries into a "home  
17 computer".

18  
19 Pedophiles often cut pictures of children out of magazines, newspapers, books, and other  
20 publications, which they use to facilitate fantasy relationships. These pictures help the  
21 investigator to identify the age and sexual preference of the person under investigation.

22  
23 Pedophiles may use sexual aids such as dildos, fashioned after a man's penis and of  
24 various sizes and shapes, in the seduction of their victims. They often utilize these as a  
25 means of exciting their victims and of arousing the curiosity of the children.

26  
27 Pedophiles may collect and maintain books, magazines, articles, and other writings on the  
28 subject of sexual activity. These books and materials may be on the topics of human  
sexuality and sexual education or consist of sex manuals discussing or showing various  
sexual acts, positions, or sexual activities. These books and materials are used as a

1 means of seduction of the victim by arousing curiosity, demonstrating the seeming propriety  
2 of the desired acts, explaining or demonstrating what the offender desires to be done, and  
3 as a means of sexual arousal on the part of the offender, particularly when naked children  
4 are shown or depicted in the materials.

5  
6 Pedophiles often use drugs as a means of inducement to get a child to a particular location  
7 such as the offender's home. Alcohol is also used in this fashion. Both drugs and alcohol  
8 are also used as a means of seduction, reducing the child's inhibitions for sexual  
9 excitement.

10  
11 Pedophiles often collect and maintain artifacts, statues, paintings or other media which  
12 depict children or young persons in nude poses or sexual acts. These are kept or "left" in  
13 places where the victims can find or "discover" them.

14  
15 Pedophiles may maintain and keep things of interest to their victims. They may consist of  
16 magazines, books, and toys for the age level of the victims they desire to attract, and may  
17 be as complicated as video games, toy train sets, and computers.

18  
19 Pedophiles may keep mementos of their relationship with specific children as a means of  
20 remembrance. The mementos may consist of underwear or other garments or things that  
21 are unique to the relationship they had with the child.

22  
23 Pedophiles may obtain, collect, and maintain photographs of the children they are or have  
24 been involved with. These photos may depict children fully clothed, in various stages of  
25 undress or totally nude, and in various activities, not necessarily sexually explicit. These  
26 photos are rarely, if ever, disposed of and are so treasured that they are often kept upon  
27 the individual's person, in wallets and like containers. If a picture of a child depicting the  
28 child in the nude is taken by a pedophile, there is a high probability the child was molested  
29 before, during, or after the photo-taking session because the act of posing the child is such  
30 a great sexual stimulus for the pedophile.

1  
2 Narrative:

3  
4 Your Affiant was assigned to investigate this case on June 13, 2003, when Lt. Jeff  
5 Klapakis informed me that he had just spoken with Larry Feldman, an attorney, who  
6 indicated that he had been retained by Mrs. Arvizo's family.

7  
8 Lt. Klapakis explained to me that the Arvizo family had been interviewed by Los  
9 Angeles Child Protective Services (CPS) in February, 2003, regarding Michael  
10 Jackson's televised admission he allowed children to sleep in his bed. At that time, the  
11 family did not disclose any wrongdoing by Michael Jackson and the case was closed.

12  
13 Your Affiant has read and reviewed the April 10, 2003 Santa Barbara County Sheriff's  
14 Department report of Detective Terry Flaa, documenting his March 10, 2003  
15 conversation with Los Angeles County Child Protective Services worker Brenda  
16 Blackburn. In that interview, Ms. Blackburn read, word for word, a report summarizing  
17 the February 20, 2003 interview of the Arvizo family members by her colleagues, Social  
18 Workers Peters, Bowen and Walker in Los Angeles. Ms. Blackburn's rendition of the  
19 report was tape-recorded and transcribed.

20  
21 The initial interview was with Mrs. Arvizo and focused on allegations of her general  
22 neglect of her children. During this portion of the interview Mrs. Arvizo recounted her  
23 abusive relationship with her ex-husband, her efforts to provide for the children, their  
24 extra-curricular activities and Gavin's cancer history and current status.

25  
26 The conversation then focused on the Michael Jackson child abuse allegations. The  
27 following are verbatim excerpts from the transcribed report (with Davellin's name  
28 correctly spelled):

1 On 02-20-03, CSW Peters, CSW Bowen and SCSW Karen Walker responded to  
2 an immediate referral with allegations of general neglect by mother, Janet  
3 Ventura, and sexual abuse by Michael Jackson, 'a well known public figure.'  
4 CSW went to the home of a family friend named Major Jackson, located at [REDACTED]  
5 [REDACTED] in Los Angeles, California, zip code 90020. . . . [U]pon  
6 arrival at the location of [REDACTED] CSW Peters, CSW Bowen and  
7 SCSW Walker were met and greeted by mother Janet Ventura and minor  
8 children Gavin, Star and Davellin Arvizo. Also present at this time was one of  
9 Michael Jackson's security guards, a family friend and her child. Mother Janet  
10 Ventura appeared to be somewhat anxious and was eager to state that she  
11 needed some support, therefore, she requested that her friends be present  
12 during the interviews. Mother immediately went over to the VCR and started to  
13 play a video. The video consisted of Michael Jackson and Gavin at Neverland.  
14 The video pictured a walk around the grounds of Neverland with Michael  
15 Jackson and Gavin. It showed Michael and Gavin riding on a train, sitting on a  
16 blanket, watching the swans on the lake. After the video was played, SCSW  
17 Walker requested that all parties who were not involved with the referral leave  
18 the premises due to confidentiality of the [inaudible]. Mother Janet became  
19 somewhat agitated, but she felt that the friends were part of the family. Mother  
20 also stated that the security guard was there to protect the family because of all  
21 the media hype and harassment that her family has had to endure since the  
22 airing of the Michael Jackson's Interview on 02-06-03. Mother continued to state  
23 that she needed some support during this process. CSW Peters, CSW Bowen  
24 insured that the family there [sic; assured the family there?] was no need to be  
25 afraid and all of the information was confidential."

26  
27 "[Mrs. Arvizo] ["]Michael is like a father to my children. He's like family. Michael  
28 gives advice to my children and that is something that they have never had with  
their father. He loves them and I trust them with him.["] . . . Mother further  
states Michael was an important part of Gavin's recovery from cancer. . . .

1 Question: ["]Were you aware that Gavin and Star slept in bed with Michael  
2 Jackson, according to the broadcast?["] Response: ["]My children are never  
3 solely alone with Michael Jackson. There's always someone around. When we  
4 go to Neverland, we're always around people. Sometimes I stay in the visitor's  
5 quarters, but mostly I am in the main house. Gavin, Star and Davellin have all  
6 been in Michael's room. Yes, Gavin and Star have been with Michael on his bed  
7 watching TV. As to the allegations that they share a bed, it is no. . . . I'm  
8 usually up walking around the house all night long. The room is open and there  
9 are no doors to shut. It makes me sick that someone accuses Michael of doing  
10 harm to my son and other children, when he has never been anything but  
11 wonderful. . . . I was not aware that the taping with Mr. [Bashir] would be aired.  
12 We did not sign any consent to have my children on this interview.["] . . . She  
13 also denied any knowledge of knowing that Michael Jackson slept in bed with  
14 her children Gavin and Star. . . .

15 "Gavin is a 13 year old boy that appears to be within the normal range of  
16 development. He is of average size and weight. . . . He was polite and  
17 respectful and appeared to enjoy the attention. Question: ["]What is your  
18 relationship with Michael Jackson?["] [Answer:] ["]Michael has been like a father  
19 to me. He has been there for me. I met Michael about three years ago. . . .  
20 Michael has been by my side through it all. I have gone to Neverland on several  
21 occasions. I like it there. You could be free and feel like there is no care in the  
22 world. When I go to Neverland, Star and Davellin are with me. . . . Michael  
23 sends his staff to get my family and we have a ball. . . . Since the airing of the  
24 Michael Jackson broadcast, I have not felt comfortable. I was in the gas station  
25 and some kids came up to me and asked if I was the boy on TV that slept with  
26 Michael Jackson. Everywhere we go there's always people staring at us. . . .  
27 Mr. Bashir did not get my consent from my mother. My mother thought this  
28 taping was private like the previous one.["] Question: ["]What happens when you  
9 spend the night at Neverland?["] [Answer:] ["]Usually when I visit Neverland, we

1 eat, play video games, ride to the park and watch movies. Sometimes we have  
2 slumber parties and everyone sleeps in the room.[] SCSW Karen Walker asked  
3 Gavin if anyone has ever touched him in a way that was inappropriate. Gavin  
4 became upset and said that []people think that something's happened sexually  
5 between Michael and I. That's not true. Michael's like a father to me and he has  
6 never done anything to me sexually. My mother has been there at Neverland  
7 with me and always comes in and out of the room to see how we are doing.

8 . . .[] Question: []Have you ever slept in a bed with Michael Jackson?[]

9 [Answer:] []No, I've never slept in a bed with Michael Jackson. Sometimes my  
10 brother and I fall asleep in a bed with Michael Jackson. Sometimes my brother  
11 and I fall asleep on the bed with our pajamas or our clothes on. Everybody  
12 sleeps in Michael's room together because it's so big. Nothing has ever  
13 happened. My mother is always aware of what goes on in Neverland.[] Child  
14 Gavin denied all the allegations of sexual abuse of Michael Jackson. He denied  
that he'd ever slept in bed with Michael."

15  
16  
17 "Star is a 12 year old boy who is somewhat large for his age. He appears  
18 healthy and well cared for in both dress and hygiene. . . . Question: []What is  
19 your relationship with Michael Jackson?[] [Answer:] []Michael is like a father to  
20 me. He listens to me and gives me advice. . . . When we go to Neverland, it  
21 makes me real happy. We have fun with Michael, we all give each other  
22 nicknames. My name is Blow Hole, like the fish, . . .[] Question: []What  
23 happens when you spend the night at Neverland?[] [Answer:] []When we go to  
24 Neverland we usually ride to the park, play video games and watch movies.  
25 There's always something to do. When we stay overnight at Neverland,  
26 sometimes we are in Michael's room watching TV. . . . We fall asleep with our  
27 pajamas or clothes on. My mother is there. When we are in Michael's room, we  
28 are never left alone.[] Question: []Have you ever slept in a bed with Michael  
Jackson?[] [Answer:] []I have slept in Michael's bed before, when I fell asleep  
after watching TV. No, I've never slept in the bed with Michael Jackson. If

1 Michael is in the room, he will make a bed on the floor.[] Child Star denied all  
2 allegations of sexual abuse on Michael Jackson. He denies that he has ever  
3 slept in bed with Michael Jackson."

4  
5 "Davellin is a 16 year old girl that appears healthy and well cared for in both  
6 dress and hygiene. She attends Roosevelt High School and is an honor  
7 student. Davellin appears to be a happy child. Question: []What is your  
8 relationship with Michael Jackson?[] [Answer:] []Teary eyed . . . . Michael is  
9 like a father to all of us. He has provided us with guidance. He is so kind and  
10 loving. . . . My mother has always been with us and I've never seen Michael do  
11 anything sexually inappropriate with Gavin or Star.[] [Question:] []What  
12 happens when you spend the night at Neverland?[] [Answer:] []When we go to  
13 Neverland, we go and relax. There's so many things to do. We usually go to  
14 the media room and watch movies and eat candy. Most of the time I take a  
15 girlfriend with me to keep me company. We stay in the room down the hall in the  
16 main house. My mother always knows what's going on when she is at Neverland  
17 with us.[]"

18  
19 Lt. Klapakis told me Attorney Feldman sent the Arvizo children to Dr. Stan Katz, a  
20 psychologist, for an evaluation. During the evaluation, Dr. Katz obtained some  
21 disclosures; he was mandated to report to law enforcement. The disclosures included  
22 the following:

- 23  
24
- Michael Jackson provided alcohol to the children;
  - Jackson showed the boys pictures of nude women;
  - Jackson allowed the boys to sleep with him in his bed;
  - Jackson inappropriately touched the boys through their clothing.
- 25



1 Lt. Klapakis assigned this case to me and instructed me to telephone Dr. Katz so that  
2 he could report the disclosures in greater detail. On Friday, June 13, 2003, I  
3 telephoned Dr. Katz.

4  
5 Dr. Katz explained to me that the children were referred to him by an attorney. Dr. Katz  
6 told me that he is a forensic and clinical psychologist and that he specializes in child  
7 sexual abuse. He said he was with Children's Hospital in Los Angeles and Children's  
8 Institute for many years.

9  
10 Dr. Katz told me that he interviewed the three Arvizo children and their mother. He  
11 said the information was very complex and it includes allegations of sexual abuse,  
12 endangering, threats, and sort of false imprisonment. Each was interviewed  
13 separately.

14  
15 Dr. Katz began by giving me the personal identifying information of the three Arvizo  
16 children. He explained there are two boys and one girl, and he gave me their names.  
17 Dr. Katz told me it is his professional opinion that the kids are credible, although he  
18 said Davellin, the 17-year-old sister, doesn't know too much about what happened.

19  
20 Dr. Katz explained that 13-year-old Gavin has a very rare form of cancer, but is  
21 currently in remission. He has only one kidney and that kidney is at high risk. He said  
22 alcohol is a very significant threat to his medical health.

23  
24 Dr. Katz said the children had problems giving specific dates and times, but they placed  
25 the events as occurring some time within a three- to six-week period after the airing of  
26 the television show "Living with Michael Jackson." He said the family was taken to  
27 Miami the day before the television show aired in the United States.

28  
29 Dr. Katz stated that in his conversation with 12-year-old Star, they focused on what Star  
30 was 100% sure of. Dr. Katz told me that both Star and Gavin reported that Michael

1 gave Gavin alcohol on one night in Miami and, on the private plane flight back from  
2 Miami, Michael gave both Star and Gavin alcohol. Michael would usually pour red  
3 wine in Diet Coke cans and give it to them. When Gavin would tell Michael he was not  
4 supposed to have alcohol, Michael would tell him he would be fine and not to worry  
5 about it. Star told Dr. Katz that Michael gave him a can of Diet Coke containing red  
6 wine. He tasted it and he knows what red wine tastes like. Star disclosed that on the  
7 same airplane flight back from Miami, Gavin had fallen asleep with his head on  
8 Michael's chest. Star said he was sitting in a position to see Michael licking Gavin's  
9 head. He said Michael was awake and Star knew that he (Michael) was drunk.

10  
11 Star disclosed that upon returning from Miami, the children and the mother stayed at  
12 the Neverland Ranch. During this three- to six-week period after the TV show while at  
13 Neverland Ranch, he and Gavin continuously slept in Michael's room. Michael and  
14 Gavin would always sleep in the bed and Star would usually sleep on the floor and  
15 once in a while on the bed. Michael always wanted Gavin to sleep in his room, but  
16 didn't really want Star around. Gavin, however, insisted that Star stay.

17  
18 Star said Michael would offer them red wine, which Michael would call "Jesus juice,"  
19 every night. Star also said that one of Jackson's guys by the name of Frank told him  
20 that if he told anyone about the alcohol, they would kill them and their parents. Star  
21 also disclosed that Michael Jackson often talked about sex. He talked about  
22 masturbation and nudity. Michael talked about ejaculation and showed Star and Gavin  
23 adult nude women on the computer and also in magazines. Michael asked if they  
24 "jacked off" (masturbated) and if "white stuff" came out. Michael asked them if they  
25 wanted to learn how to "jack off."

26  
27 Star told Dr. Katz that Michael was naked one time in front of them. Michael walked  
28 into the bedroom, then stopped to talk to them. He was completely nude.

1 Dr. Katz reported Star disclosed that on two occasions, he saw Michael place his hand  
2 on Gavin's crotch on top of his clothes. Star said Gavin was passed out in bed from  
3 drinking too much. He said Michael and Gavin were both on top of the covers. He  
4 described Michael as wearing a T-shirt and briefs. Star said Michael was on his back,  
5 with his legs open and right hand inside his briefs. He said Michael had an erection  
6 and was rubbing himself while his left hand was on Gavin's crotch.

7  
8 Star disclosed that on a different occasion he saw Michael get into bed and rub his  
9 private part against Gavin's "butt." He said Michael kissed Gavin on the cheek and  
10 touched Gavin's butt. Star did not say whether Michael or Gavin were clothed.

11  
12 Star informed Dr. Katz that Michael has a girl mannequin in the bedroom. Star once  
13 observed Michael "hump" the mannequin. He couldn't recall if Michael was clothed or  
14 not.

15 Star told Dr. Katz that on one occasion while at the Ranch during their stay, he was in a  
16 golf cart with Michael. Michael placed his hand on Star's penis, on top of his pants.  
17 Star also said that Michael had touched his "butt," and he saw Michael touch Gavin's  
18 "butt" a lot, on top of his clothes. He said Michael kissed Gavin a lot on the cheek and  
19 also hugged him a lot.  
20

21  
22 Dr. Katz then discussed Gavin's interview. Gavin is 13 years old and Dr. Katz  
23 described him as very emotional and scared. Dr. Katz said he purposefully did not  
24 push Gavin too hard for more information, or more details. Gavin told Dr. Katz he was  
25 scared that people would tease him if this comes out and he is very frightened that a  
26 crazed fan of Michael's will try to kill him. Dr. Katz told me he thought Gavin was really  
27 honest and forthcoming. He thought that Gavin may feel on some level that he is  
28 betraying his friend.

1 Dr. Katz said Gavin told him of an airplane flight back from Miami, during which he was  
2 given alcohol by Michael. Michael gave him a very expensive watch and told him not to  
3 tell anybody about the drinking. Michael told him that the watch was worth \$75,000.  
4

5 Gavin disclosed to Dr. Katz that during their stay at Neverland Ranch after the Miami  
6 flight, he drank alcohol every night and got "buzzed." Gavin said he told Michael that  
7 he was not supposed to drink, but Michael replied he would "be just fine." Michael  
8 gave Gavin wine in Diet Coke cans. Gavin reported that his head would hurt afterward.  
9 Michael would tell Gavin he (Gavin) was "stressed out" and told him to keep drinking.  
10 The alcohol included whiskey, vodka and Bacardi rum. Gavin added that Michael also  
11 would have Star drink.  
12

13  
14 Also, during a visit to Neverland Ranch, Michael gave him a laptop computer. They  
15 connected the laptop to AOL and Michael started looking for naked women. Gavin  
16 was shown pictures of naked women on the computer screen. Michael told him and  
17 Star not to tell anyone and to say they were watching the Simpson's.

18 Gavin reported that Michael would hug him frequently, would stroke him, touch him,  
19 kiss his head and kiss his cheek over and over again. Gavin said he saw Michael  
20 naked one time. He explained that they (Gavin and Star) were watching TV and  
21 Michael just stood there naked for a moment.  
22

23 Gavin said that Michael Jackson talked to them a lot about masturbation. Michael  
24 would tell them that he had to masturbate or he'd go crazy. Michael would ask if Gavin  
25 touched himself and if white stuff came out of his penis. Michael told Gavin that he  
26 would tell Gavin how to masturbate. Dr. Katz told me that he then asked Gavin if  
27 Michael ever demonstrated it (masturbation), and Gavin started crying and didn't want  
28 to talk about it.

1 Dr. Katz said his interview with Davellin Arvizo revealed that she was mostly excluded  
2 from Michael Jackson's and they didn't want her around. She did say that on one  
3 occasion while they were at the Neverland Ranch after the trip to Miami, she entered a  
4 room in Michael's house and saw Michael pouring wine into a cup. He gave her some  
5 wine. She also mentioned seeing Michael kissing Gavin on the cheek, hugging,  
6 always rubbing him, and always readjusting his shirt.

7  
8 Dr. Katz told your Affiant that based on his conversation with Janet Arvizo, there is also  
9 reason to believe that the family may have been imprisoned at Neverland Ranch and  
10 not allowed to leave. She related that the Jackson employees got them passports and  
11 were moving them around. Dr. Katz explained that the mother has a lot of anxiety  
12 about this and is really scared. He learned from the family that after the program  
13 aired, Jackson's employees arranged for the production of a video tape in which they  
14 were made to say, "He's a father figure to me. He's great. He's never done anything  
bad."

15  
16  
17 Dr. Katz told me that in terms of his reporting duties, he thinks there is reasonable  
18 suspicion to believe that the Arvizo boys were endangered and possibly fondled.

19  
20 This concluded my conversation with Dr. Stan Katz.

21  
22 On Sunday, July 6, 2003, your Affiant and Detective Sgt. Steve Robel met with Mrs.  
23 Arvizo's family, who were staying at a local hotel in Goleta. The meeting had been  
24 arranged by Sgt. Robel and Janet Arvizo. It had been agreed that we would interview  
25 Mrs. Arvizo first to get background history for the investigation. We transported Mrs.  
26 Arvizo to Sheriff's Headquarters in Santa Barbara. Gavin, Star and Davellin remained  
27 at the hotel.

28  
29 At approximately 1500 hours on Sunday, July 6, 2003, your Affiant and Sgt. Robel  
interviewed Janet Arvizo. During the interview, Mrs. Arvizo was very detailed about

1 events but could not remember exact dates. Sometimes she could only recall that a  
2 given event happened in a particular month. At other times she could recall only the  
3 season in which the event occurred.  
4

5 Mrs. Arvizo began by telling us that her son Gavin is in remission from an unknown  
6 type of cancer. He lost his left kidney, his spleen, and multiple lymph nodes. The  
7 doctors removed a 16-pound tumor from him. The cancer increased to Stage Four  
8 terminal cancer in both of his lungs. Gavin received extensive chemotherapy for almost  
9 a year and was not expected to live. His right kidney is currently malfunctioning and he  
10 has to take medication.  
11

12 Mrs. Arvizo said she is not exactly sure how Michael Jackson came to be in contact  
13 with Gavin. She said either Carroll Lamir (unknown spelling) or Jamie Masada  
14 arranged for Michael to call Gavin at the hospital. Mrs. Arvizo explained that Carroll  
15 Lamir had taught her children tap dance, and that Jamie Masada is the owner of the  
16 "Laugh Factory" in Hollywood. She said her children had previously attended a "Laugh  
17 Camp" sponsored by the Laugh Factory where they met Jamie Masada. I subsequently  
18 learned that Mrs. Arvizo said Gavin had wanted to meet Michael Jackson and other  
19 stars. She believes he requested to meet Adam Sandler, Chris Tucker, Michael  
20 Jackson and possibly Jim Carrey.  
21

22 Mrs. Arvizo was unsure of the exact date Michael first called Gavin at the hospital, but  
23 said it was shortly after Gavin was diagnosed with cancer in June, 2000. Mrs. Arvizo  
24 told us that Gavin and Michael Jackson had long phone conversations and that Michael  
25 called him repeatedly at the hospital. When asked how many calls Michael had made  
26 to Gavin, Mrs. Arvizo said he called almost daily.  
27

28 Mrs. Arvizo said that sometime in August, 2000, Michael Jackson invited Gavin and the  
29 whole family to Neverland Ranch. At that time she was still together with David Arvizo,  
30 her husband. She, Mr. Arvizo, Gavin, Star and Davellin all stayed at the Neverland  
31

1 Ranch for several days. Michael sent a car to pick the family up in Los Angeles.  
2 During their stay at Neverland, Mr. and Mrs. Arvizo and Davellin stayed in a guest  
3 house. Gavin and Star both stayed with Michael in his bedroom. She did not know if  
4 Gavin and Star slept on the floor or in Michael's bed at that time. During the first visit  
5 Michael gave Gavin a laptop computer as a gift. She also met Frank (later identified  
6 as Frank Tyson), who was introduced to her as a long-time friend of Michael's. She  
7 described Frank as Michael's personal assistant, who told her he conducted "damage  
8 control" for Michael.

9  
10 On November 17, 2003, your affiant met with District Attorney Tom Sneddon. Mr.  
11 Sneddon related to your Affiant that on Saturday, November 15<sup>th</sup>, around 11:30 a.m.,  
12 he talked to Mrs. Arvizo. She told Mr. Sneddon that the term "damage control" was  
13 used by Frank, Delter, Ronald and Vinnie at various times to describe their role with  
14 Michael Jackson.

15  
16 In the July interview, Mrs. Arvizo said that in October, 2000 Michael Jackson also gave  
17 Gavin a white Ford Bronco as a gift. Since Gavin was too young to drive, she drove  
18 the truck as a family vehicle. They had the Bronco until the summer of 2001 when it  
19 began having mechanical problems. She called the Jackson organization and they  
20 said they would take care of it. Gary (unknown last name), who is a driver for Jackson,  
21 picked up the Bronco in Los Angeles and it was never returned. Mrs. Arvizo had  
22 pictures of the Bronco and retained the DMV registration. She said the Bronco  
23 pictures and registration were among items of their property later placed in a storage  
24 unit obtained by Jackson's people under the name of "Brad Miller."

25  
26 Mrs. Arvizo said that in the spring or summer of 2001, a key popped off the keyboard of  
27 the laptop computer Michael Jackson had given to Gavin. When Gavin told Michael  
28 about it, Michael said to send it back and it would be fixed. Mrs. Arvizo mailed the  
29 laptop computer back to Michael Jackson. It was never returned.

1 Mrs. Arvizo told us that Michael Jackson was in phone contact with Gavin a lot during  
2 this time period. She said they would talk on the phone for hours at a time.

3  
4 Mrs. Arvizo explained that in the summer of 2001, Michael Jackson became upset with  
5 her because Michael wanted Gavin to come to Neverland alone and Mrs. Arvizo would  
6 not allow it. She said she had set the condition that all three of her children should go  
7 to Neverland or none at all. Michael was also upset because she complained that his  
8 phone conversations with Gavin were too long. Mrs. Arvizo believes this was  
9 Michael's motivation for not returning the Bronco and laptop.

10  
11 Sgt. Robel asked Mrs. Arvizo when her children next visited with Michael at Neverland  
12 after the first visit in August, 2000. Mrs. Arvizo said Mr. Arvizo took the kids back to  
13 Neverland Ranch sometime before December, 2000. She did not go with them at this  
14 time. Mr. Arvizo also took Gavin to the Universal Studios Hotel to meet with Michael  
15 shortly before Christmas, 2000, and again she did not go. Michael Jackson gave  
16 Christmas gifts to Gavin. Only Gavin received gifts from him. The only gift she can  
17 remember was a Play Station 2 or Nintendo 64 with video games.

18  
19 Mrs. Arvizo said Gavin also got to meet Chris Tucker, the comedian and movie actor,  
20 and his fiancée, Aja. Gavin first met Tucker soon after meeting Michael Jackson.  
21 Mrs. Arvizo liked Chris Tucker because he would invite all three of her kids to  
22 Nickelodeon and the theater. Mrs. Arvizo believes Chris Tucker and Michael Jackson  
23 met each other through their shared relationship with Gavin.

24 Mrs. Arvizo told us that she separated from David Arvizo in May, 2001, because he  
25 physically abused her and the children. She showed us a copy of a restraining order  
26 filed in Los Angeles that prohibits Mr. Arvizo from contacting her and the children.

27  
28 When asked, Mrs. Arvizo said there were no visits to Neverland Ranch in 2001.  
29 Michael would only call and send gifts to Gavin. Mrs. Arvizo explained that Gavin was  
30 going through progressive chemotherapy and was too sick to go to Neverland in 2001.



2 Mrs. Arvizo said that in the spring of 2002, Gavin and Star spent a week with Chris  
3 Tucker at Neverland Ranch. She said Michael Jackson was not there during their visit.  
4 Soon after the visit to Neverland Ranch with Chris Tucker, Michael Jackson called her  
5 and asked to have Gavin and Star return to Neverland. Michael told her that he would  
6 not be there, so the kids would have the ranch to themselves. Gavin and Star visited  
7 the ranch for a few days.

8  
9 In September of 2002, she received a call from Evie (believed to be Evelyn Joanna  
10 Tavascl), who is Michael Jackson's personal assistant. Evie left a message on the  
11 answering machine that Michael wanted to talk with Gavin. Shortly afterward, Michael  
12 spoke with Gavin and invited him, Star and Davellin to Neverland. Mrs. Arvizo said the  
13 kids stayed at Neverland for one night and they did not share any information with her  
14 about the stay. She added that she was unaware at that time that her children had  
been filmed for the "Living with Michael Jackson" film.

16  
17 On February 4<sup>th</sup> or 5<sup>th</sup>, 2003, after "Living With Michael Jackson" aired in England on  
18 Monday, February 3, 2003, Mrs. Arvizo received a call from Michael Jackson. Michael  
19 had told her about death threats being made against Gavin as a result of his  
20 appearance in "Living with Michael Jackson." Michael wanted Gavin to fly to Miami for  
21 a press conference to "clear things up." Michael had arranged to have her and her  
22 three children to fly on a commercial flight to Miami the next day. The next day, when  
23 Jackson's driver arrived to take them to the airport, he told them that there was a  
24 change of plans. They were actually going to fly to Miami on Chris Tucker's private  
25 plane. Mrs. Arvizo told investigators that Chris Tucker actually flew with them to  
26 Miami.

27  
28 Mrs. Arvizo said the Arvizo family stayed at the Turnberry Resort Hotel in Miami. Their  
29 room was almost directly below Michael's suite. There never was a press conference.  
30 The TV show "Living With Michael Jackson" was to air that night (Thursday, February

6<sup>th</sup>), but they were kept in Michael's suite and were not allowed to see the show. On  
2 the day after "Living With Michael Jackson" aired in the United States on ABC, they  
3 were flown to Neverland Ranch in Michael Jackson's private jet. On the plane were  
4 Michael, his children, his children's two nannies and Michael's doctor. Mrs. Arvizo  
5 said that at one point during the flight she got up to use the restroom. She noticed that  
6 everyone was asleep. As she stood, she saw Michael licking Gavin's face while Gavin  
7 was asleep with his head on Michael's chest. I observed Mrs. Arvizo to be emotionally  
8 upset as she described this incident. Mrs. Arvizo explained that she thought at the  
9 moment that she was seeing things, but later her son Star told her he saw the same  
10 thing. When Mrs. Arvizo was asked if she saw anything else on the plane, she  
11 mentioned seeing soda pop drinks.

12  
13 At this point, due to Mrs. Arvizo's emotional state and time restraints, the interview  
14 ended. It was agreed that the interview would continue the next day.

15  
16 On Monday, July 7, 2003, at about 1010 hours, your Affiant and Sgt. Robel resumed  
17 our interview of Mrs. Arvizo at the CALM Cottage in Santa Barbara. The reason for the  
18 change of location was to maintain confidentiality and our desire to continue the  
19 interview in a non-police environment.

20  
21 Mrs. Arvizo began telling us what Star and Gavin had disclosed to her.

22  
23 Mrs. Arvizo related that Star disclosed to her the following information.

- 24
- 25 • Star and Gavin had both seen pornography on Gavin's laptop computer in Michael's  
26 bedroom.
  - 27 • Gavin and he saw Michael Jackson pretend to have sex with a female child  
28 mannequin in Michael's bedroom. (When asked, Mrs. Arvizo did not know if  
Michael was dressed or not.)
  - Star and Gavin were both given alcohol to drink.

- 1 • Star and Gavin both saw Michael naked in Michael's bedroom. Michael was sitting  
2 on the edge of his bed while Star and Gavin were on the bed watching TV.
- 3 • Michael wanted Star to take a sleeping pill. (Mrs. Arvizo said Star kept the pill and  
4 that it is currently with their attorney.)
- 5 • Star saw Gavin and Michael in bed together. Gavin was passed out and Michael  
6 was up against Gavin, with his leg over Gavin. Michael was moving his hips against  
7 Gavin. (Mrs. Arvizo had no other detail on this incident.)
- 8 • Star and Gavin played an alcohol drinking game with Michael, in which they were  
9 required to make prank telephone calls of a sexual nature or drink.
- 10 • Star saw a suitcase full of pornography.
- 11 • Michael touched Star's private area.

12  
13 Mrs. Arvizo told us Gavin disclosed the following to her:

- 14  
15 • Gavin told her "I saw Michael naked."
- 16 • Michael told Gavin a story about seeing a child having sex with an animal.
- 17 • Gavin drank alcohol given to him by Michael.
- 18 • Michael talked to Gavin about masturbation and said that "it's natural."
- 19 • Gavin and Michael were in bed together and Michael told Gavin, "I want to be your  
20 father" while caressing Gavin's chest and stomach.
- 21 • Michael wanted Gavin to wear Michael's pajamas and sleep in bed with him.

22  
23 Mrs. Arvizo did not have any further detail of the disclosures made to her by the boys.  
24 These disclosures were made to her after February or March of this year. She  
25 explained that she would interrupt and tell Star and Gavin to "forgive and forget." She  
26 did this because she thought she was doing the right thing. She wanted Star and  
27 Gavin to make the disclosures to a priest or someone else. She has since learned that  
28 this was wrong of her to do. Mrs. Arvizo said Star is more outgoing and is more open  
9 about talking with her, while Gavin has kept more to himself. I observed Mrs. Arvizo to  
be emotional and crying during parts of the interview. On occasion she appeared

1 angry to what has been done to her and her children. She was upset that Michael  
2 knew of Gavin's medical condition and still gave him alcohol.

3  
4 Mrs. Arvizo went on to tell us that after returning from Miami, she and her children  
5 stayed at Neverland Ranch. She was told that there were death threats on her  
6 children's lives because of the show, and that they would be safe there. Mrs. Arvizo  
7 said she was asked to have the children make a rebuttal show and she refused.

8  
9 Mrs. Arvizo related that after a few days at the ranch she asked to take her children  
10 home. She was told they could not leave Neverland Ranch. A person named Delter  
11 (later identified as Delter Wiesner), who said he does "damage control" for Michael  
12 Jackson, insisted that they could not leave because of the death threats to the kids.  
13 Mrs. Arvizo was in fear that Delter would harm her, so she did not argue with him.

14  
15 Mrs. Arvizo said she was not able to watch news on TV while at Neverland. She was  
16 intimidated and learned that her telephone conversations were being monitored. She  
17 was threatened by Ronald Konitzer, who also works for Jackson. She was told that if  
18 she went to the police or talked with anyone, he would make the kids disappear. Mrs.  
19 Arvizo also described being kept away from the boys. When she asked to see her  
20 children, she was told they were busy with Michael.

21  
22 Mrs. Arvizo said she suspected that her personal telephone calls were being monitored  
23 at Neverland Ranch because she mentioned something during a call to a friend and  
24 she was later confronted by Jackson's people regarding the same subject. She asked  
25 Frank if her phone conversations were being monitored and he said "no," but that they  
26 had the capability to tap outside phone lines.

27  
28 Your Affiant learned from Mrs. Arvizo that on one occasion she finally spoke with Jesus  
29 (later identified as Jesus Salas), who she thought was head of security at Neverland.  
30 It was late one night while Michael Jackson and the two Germans, Delter and Ronald,

1 were meeting with Michael, that she was able to convince Jesus to take the family  
2 home to Los Angeles. She described running in the dark through Neverland, being led  
3 by Marie Nicole, to find their way to the car. Mrs. Arvizo was unable to recall exact  
4 dates of events during this time period. She stated that there were no clocks or  
5 calendars at Neverland and she would lose track of the date

6  
7 Soon after leaving Neverland, she received a call from Frank Tyson. Frank told her  
8 that they should return to Neverland because the children were not safe because of  
9 death threats. Mrs. Arvizo told Frank about being threatened by Deiter and Ronald  
10 and he told her that they had been fired. Mrs. Arvizo said Frank talked her into  
11 returning to Neverland for safety reasons.

12  
13 When she and her children returned to Neverland, Mrs. Arvizo saw that Deiter and  
14 Ronald were still there. Mrs. Arvizo again asked to leave and was told that she could,  
15 but her children could not leave. "Jackson's people" kept insisting the kids participate  
16 in the making of a rebuttal film, but she would not allow it. By "Jackson" people, Mrs.  
17 Arvizo said she means Frank, Vinnie, Deiter, and Ronald.

18  
19 Mrs. Arvizo told us that when they returned to Neverland, Jesus was still there. When  
20 she approached him, he said he was ordered not to talk to her. He said he got in a lot  
21 of trouble and they were angry about what he had done. She pleaded with Jesus to  
22 help her escape again, but he said he could not.

23  
24 During our initial interview with Mrs. Arvizo, she provided us with a Neverland Ranch  
25 letterhead which contained the name "Jesus Salas" typed on the document. The  
26 letterhead paper had been given to her by Jesus. Using this information from the  
27 letterhead, your Affiant conducted a Department of Motor Vehicles check for a Jesus  
28 Salas. Your Affiant determined that a Jesus Salas resided in Santa Maria. On October  
29 28, 2003, your Affiant placed a phone call to the Salas residence. A female answered.  
30 She spoke Spanish. Your Affiant also speaks Spanish. From the conversation, your

1 Affiant learned that a Jesus Salas in fact lived there, but was not there at the time. The  
2 female did say that Mr. Salas had indeed formerly been employed at Neverland Ranch.

3  
4 On November 12, 2003, your Affiant met with District Attorney Tom Sneddon. Mr.  
5 Sneddon related that on Saturday, November 8, he met with Mrs. Arvizo in the Los  
6 Angeles area. Mr. Sneddon said he showed her the photograph portion of the  
7 Department of Motor Vehicles record for Jesus Salas that your Affiant had earlier  
8 obtained. Mr. Sneddon said he had covered up the printed information on the  
9 document and that only the photograph was visible to Mrs. Arvizo. Upon seeing the  
10 photograph, Mrs. Arvizo immediately said, "That's Jesus. Head of Security at  
11 Neverland Ranch."

12  
13 Mrs. Arvizo told us that several weeks after being held at Neverland Ranch following  
14 their return from Miami, and while her children were still there, she received calls from  
15 Child Protective Services (CPS) in Los Angeles. Mrs. Arvizo told the Jackson people  
16 about the calls and how CPS wanted to interview the children. She said she saw this  
17 as an opportunity to get her children out of Neverland. She was told by Frank that her  
18 children would have to return to Neverland after the CPS interview and could not leave  
19 until they made a public relations rebuttal film for Michael Jackson.

20  
21 Mrs. Arvizo said she agreed that her children could participate in the film so that they  
22 would be allowed to leave Neverland. The three children were taken to the home of  
23 Hamid Mosleh in West Hills to make the film. Mrs. Arvizo explained that the film was  
24 made at three o'clock in the morning on February 20, 2003, just hours before the  
25 scheduled 9:00 a.m. CPS interview at her home.

26  
27 Your Affiant was present on November 7, 2003, when Detective Sgt. Steve Robel  
28 called Mrs. Arvizo to get more details about the filming incident. Sgt. Robel has since  
relayed to your Affiant the information he gathered during the conversation. Mrs.  
Arvizo told Sgt. Robel that Vinnie Amen picked her up at her boyfriend Jay's place and

1 that the children were brought from Neverland by Vinnie. They all met at Mr. Moslehi's  
2 house where the filming occurred. She described the house as a two-story home with  
3 a pool table and that to the right of the entryway was a bedroom and a bathroom.  
4 Present at the filming were Hamid, Vinnie, Brad Miller and a young male she could only  
5 identify as working for Marc Schafel, and who asked a lot of questions. The filming was  
6 done by Hamid in the living room of his house. Hamid was in charge of the filming. A  
7 big black movie camera on a tri-pod and a large background screen were used in the  
8 filming.

9  
10 During your Affiant's initial conversation with Mrs. Arvizo, she said the name of the  
11 filmer was Hamid Moslehi and provided home and cell phone numbers and an e-mail  
12 address for him. She said this information was given to her by Hamid. From this  
13 information, your Affiant was able to confirm from Department of Motor Vehicles  
14 records that Hamid Moslehi lives at [REDACTED] California 91307.

15 On November 4, 2003, at your Affiant's request, Los Angeles Police Department  
16 Detective Crowe, from the West Hills Division, drove by the above address. Det.  
17 Crowe related to your Affiant that [REDACTED] is a two-story white stucco  
18 residence with green trim. It is located on the east side of the street. It has a two-car  
19 garage and the numbers "[REDACTED]" are stenciled in black on the curb. Det. Crowe  
20 observed a 2001 Chevrolet Suburban, license number [REDACTED] registered to Hamid  
21 Moslehi, in the driveway. With this information in hand, your Affiant accessed AccurInt  
22 Database to see what other information could be learned about this person. Through  
23 this source your Affiant determined that Moslehi owns a business named "I Film, Inc."  
24 located at 1154 So. Barrington, #310, in Los Angeles, California. The business's  
25 corporate headquarters is listed as [REDACTED] California 91307.

26  
27  
28 On Wednesday, November 12, 2003, your Affiant learned from District Attorney Tom  
29 Sneddon that on Saturday, November 8, 2003, he personally met with Mrs. Arvizo in  
30 the Los Angeles area. He showed her a copy of a Department of Motor Vehicles record

1 containing a picture of Hamid Moslehi. Only the picture portion of the record was  
2 visible. Upon seeing the photograph she immediately said, "That's Hamid." She  
3 identified the person in the picture as the same person who lived at the Lester Lane  
4 address and did the filming of the children in the early morning hours of February 20,  
5 2003, before the CPS interview.

6  
7 Mrs. Arvizo was asked about the February CPS Interview and why they did not make  
8 any disclosures to the CPS Investigators. She told us that one of Michael's security  
9 guards, Asef (unknown spelling and unknown last name), was present when CPS  
10 Investigators showed up at her home. Mrs. Arvizo said when Asef was told by CPS to  
11 leave the room for the interview, he pulled her into the bedroom and gave her a small  
12 recording device and told her to keep it on during the interview. Asef warned her not to  
13 say anything wrong about Michael Jackson, because they knew where her parents  
14 lived. He also had hidden a recording device in the room, just in case she did not do  
15 as she was told. She felt she had no choice but to deny to CPS any wrongdoing by  
16 Michael Jackson. She added that she did turn off the recorder that Asef gave to her.

17  
18 After the CPS interview, the Arvizo family was then taken back to Neverland by Chris  
19 Tucker's fiancée, Aja. Mrs. Arvizo said the Jackson people wanted to verify that  
20 nothing was said to CPS and to make sure the film was okay. Mrs. Arvizo said the  
21 Jackson people then got them passports and were insistent that they leave for Brazil to  
22 keep them out of the public's eye. She did not want to go to Brazil and told the  
23 Jackson people Gavin had to keep pre-scheduled doctor appointments in Los Angeles.  
24 Even after doing the film, they were not allowed to leave the Ranch.

25  
26 Mrs. Arvizo said that she and the children remained at Neverland until March of 2003.  
27 She recalled that Gavin had an appointment to go to a medical laboratory on March 10,  
28 2003. She and Gavin were taken to the appointment in Los Angeles by Vinnie. The  
29 appointment was for a creatine clearance. Mrs. Arvizo explained that a 24-hour urine  
30 sample had been collected from Gavin and was to be delivered to the lab. This is when



1 she learned about Gavin's drinking alcohol. Gavin told her he had drunk alcohol the  
2 night before and was afraid it would show in the urine test. Gavin told her that Michael  
3 gave him wine and that Michael called it "Jesus Juice." Gavin also said that Michael  
4 was concerned the alcohol would show in the urine test. On the way to the laboratory,  
5 the driver, Vinnie, stopped at a restaurant so that Mrs. Arvizo could use the restroom.  
6 When Mrs. Arvizo returned to the car, she noticed that the container of Gavin's urine  
7 was almost empty, though it had been full before they stopped at the restaurant. Vinnie  
8 told her that he had accidentally knocked it over and spilled the contents. Mrs. Arvizo  
9 told us that the container had a screw-on top and it would have been impossible to spill  
10 the container's contents. She believes Vinnie emptied the urine from the container on  
11 purpose so that the alcohol would not be detected.

12  
13 Subsequently, investigators determined that follow-up questions needed to be asked of  
14 Mrs. Arvizo. On Wednesday, August 13, 2003, at 1720 hours, your Affiant and Sgt.  
15 Robal met Mrs. Arvizo in Los Angeles to conduct a follow-up interview. The interview  
16 took place in a hotel near the victims' residence

17  
18 Mrs. Arvizo was asked if she had any information about the telephone conversations  
19 between Michael Jackson and Gavin. She replied that she remembered Gavin telling  
20 her things which she felt were peculiar. For example, Gavin's favorite color is the  
21 same as Michael's favorite color. Also, whatever Gavin liked, Michael liked as well.  
22 Mrs. Arvizo said that Gavin would share these things with her. She said soon after  
23 Michael learned that Gavin was sharing information with her about their conversations,  
24 Gavin began closing up and not telling her things. Mrs. Arvizo explained it was a  
25 process over time. When asked if Gavin ever shared with her any threats made by  
26 Michael to Gavin, she said no.

27  
28 It was clarified with Mrs. Arvizo that every time she was at Neverland Ranch, she  
stayed in the guest quarters. She described there being four separate guest quarters

1 that were all furnished slightly different. Each guest quarter building was a one-room  
2 structure with an attached bathroom.

3  
4 Mrs. Arvizo was asked to clarify why some of her things are in a storage unit. Mrs.  
5 Arvizo began by telling us that "they," meaning "Jackson's people," had given her  
6 different reasons why it was important that she and the children no longer live in their  
7 Los Angeles apartment. The reason most often given was because there were people  
8 that were going to kill her and the children. She was asked who was telling her this,  
9 and she said "Michael's people," and she named Frank, Vinnie, Delter, Ronald and  
10 Brad Miller, all of whom told her that at different times. They told her that people had  
11 broken into her apartment. Mrs. Arvizo told us she believed them. They promised her  
12 they would be buying her a house and an apartment, so the family would have two  
13 places to go to, back and forth. She was told the reason for this was so nobody could  
14 find them. She explained that at that time her residence was in East Los Angeles, and  
15 that it was a small "bachelor apartment." Mrs. Arvizo said Michael's people moved her  
16 things the first weekend in March of this year (2003).

17  
18 Mrs. Arvizo explained they wanted to get rid of all of her things because, she was told,  
19 they were going to get her all new furniture. It was during this time, they were talking  
20 about relocating her to a different country. This is when, Mrs. Arvizo explained, things  
21 weren't "matching up" to her. They were promising they were going to put the children  
22 in a private school as a security measure, due to the fact reporters were following the  
23 children. Mrs. Arvizo found out that was not true. When she contacted the children's  
24 school, she was told that no reporters had come to the school to speak with the  
25 children. School officials also told her they were unaware of the children being  
26 followed. She said there was never anything like what Michael's people had made  
27 them feel frightened of.

28  
29 Mrs. Arvizo advised your Affiant that she was not physically present when her  
30 possessions were boxed, moved and stored. The items stored included furniture and

1 clothes and other personal belongings. There was not much furniture because it was a  
2 very small apartment. What she found peculiar was that the interest in moving her  
3 things manifested itself when they found out she had kept the notes Michael Jackson  
4 had sent or written Gavin. She had hidden some of the notes in a planted clay pot that  
5 wound up in the storage locker. Others notes and the registration documents for the  
6 Bronco were in her apartment prior to Michael's people placing her belongings in  
7 storage.

8  
9 At the time of storage, Mrs. Arvizo was not told the location of the storage facility, but  
10 only that it would be in her name. Later, after she had escaped from the Ranch, she  
11 hired attorney Bill Dickerman to formally request of Michael Jackson that her stored  
12 possessions be returned to her. Through Dickerman's efforts, the storage unit was  
13 located, but they learned from the storage company that the unit was under the name of  
14 a "Brad Miller" and that storage fees were in arrears.

15  
16 During our initial interview on July, 2003, Mrs. Arvizo provided us with numerous  
17 documents and correspondence between her attorney, Mr. Dickerman, and attorney  
18 Mark J. Geragos. A review of these letters reveals that Dickerman authored a March  
19 26, 2003, "Demand Letter" for the return of numerous items belonging to Mrs. Arvizo's  
20 family, including the possessions in the storage unit and other items that were either in  
21 Michael Jackson's or Jackson's agent's possession. In an April 6, 2003 letter to  
22 Attorney Dickerman, Attorney Geragos responded, "Please give me a call so we can  
23 make arrangements." In a letter dated April 15, 2003, Geragos wrote, "We have  
24 retrieved various items from storage and would appreciate your advising us as to where  
25 they should be delivered."

26  
27 From these letters and conversations referenced in other letters that form the  
28 correspondence between Attorneys Geragos and Dickerman, it is clear to your Affiant  
that Mark Geragos was acting, or at least purporting to act, as the agent for Michael  
Jackson in reference to Dickerman's demands, and that he possessed knowledge of

1 and control over many of the items demanded, particularly those in the storage unit.  
2 Interesting among the various discussions in the correspondence was the information  
3 in an April 8, 2003, letter authored by Attorney Dickerman to Attorney Geragos  
4 documenting a conversation they had had earlier that afternoon. The letter references  
5 the fact that, according to Geragos, the move was videotaped and that there is a  
6 document purporting to show that had Mrs. Arvizo signed off on the move. Mrs. Arvizo  
7 denies signing any such document.

8  
9 During a conversation with Mrs. Arvizo and Jay Jackson on September 16, 2003, your  
10 Affiant learned that the storage company and Jackson's lawyers agreed that the  
11 Arvizos could regain possession of the stored items if they paid the outstanding storage  
12 fees of \$580. Mrs. Arvizo did not have the money to pay for retrieval of the items. The  
13 Santa Barbara County Sheriff's Department and the District Attorney's Office agreed  
14 amongst themselves to split the amount of the storage fees so that a search could be  
15 conducted of the stored property to determine whether evidence in the form of notes  
16 authored by Michael Jackson to Gavin were still among the stored possessions. Jay  
17 Jackson further related that when he initially called Dino's Storage and spoke with  
18 "George" (last name unknown) who purported to be the owner, he was informed that  
19 they could not get access to the storage unit because Mrs. Arvizo's name was not on  
20 the account.

21  
22 On October 1, 2003, Jay Jackson (Mrs. Arvizo's boyfriend) and Mrs. Arvizo went to  
23 Dino's Moving and Storage located at 12641 Satcoy Street, North Hollywood,  
24 California 91605. The \$580 outstanding storage fee was paid and they retrieved the  
25 items from the locked container and placed them in a U-Haul. Before leaving, Mrs.  
26 Arvizo checked to see if the Michael Jackson notes were still there, hidden in the  
27 potted plant. They were not. Nor were they or the other notes concealed in her  
28 apartment's furnishings among any of the items retrieved from the container. After  
loading the possessions into the rental U-Haul, your Affiant learned from a

1 conversation with Sgt. Robel that they met Sgt. Robel and Lt. Jeff Klapakis at a nearby  
2 7-Eleven Store.

3  
4 Sgt. Robel told your Affiant that he obtained the paperwork given to Jay Jackson by  
5 Dino's earlier that morning. Your Affiant has reviewed this paperwork. It reflects that  
6 the storage unit was rented on March 1, 2003. The address on the billing statement  
7 was "Brad Miller, [REDACTED] California 90212." Another  
8 document which appears to be the storage rental agreement, also reflects "Brad Miller"  
9 as the renter, but with a different address. "CK #1477" is handwritten on that  
10 document. It is dated "3-1-03" at the top. A third document, entitled "Non-Negotiable  
11 Warehouse Receipt and Contract," with "Warehouse Receipt No. 439" printed in the  
12 upper right-hand corner, reflects that the items that were placed in storage were  
13 received on the account of "Brad Miller, [REDACTED]"

14  
15 On October 30, 2003, your Affiant requested a Department of Motor Vehicles records  
16 for "Brad Miller." The returned record, with photograph, reflects a Brad Greg Miller with  
17 an address of [REDACTED] Los Angeles, California 90057.

18  
19 A confidential reliable agent was asked to visit the building located at [REDACTED]  
20 [REDACTED]. Around 11:00 a.m. on November 14, 2003, that  
21 individual made contact with a female employee in the reception area of office No. 205,  
22 which was the number shown next to Mr. Miller's name on the directory inside the  
23 entrance to the building. The receptionist stated that Private Investigator Miller was no  
24 longer in that office, but had moved downstairs to office No. 108. The individual  
25 proceeded downstairs to Office No. 108 and observed the name "Bradley Miller" on the  
26 door. The door was locked.

27  
28 Records of the California Bureau of Security and Investigative Services reflect that  
29 Bradley Greg Miller of Beverly Hills is currently licensed as a private investigator  
30 (License No. 17530.)

1 Mr. Sneddon informed your Affiant he met with Mrs. Arvizo on November 8, 2003. The  
2 purpose of the meeting was to secure her signature to some applications for victims'  
3 compensation, to pick up several items of evidence that she wanted turned over to  
4 Investigators, and to show her two photographs. Mr. Sneddon showed her a  
5 Department of Motor Vehicles photograph of Brad Miller he had obtained from Sheriff's  
6 investigators. Only the photograph itself, and not any of the printing on the document,  
7 was shown to the witness. Upon seeing the photograph, she immediately said, "That is  
8 Brad Miller."  
9

10  
11 Mrs. Arvizo was asked to clarify if the storage of her household goods happened before  
12 or after the CPS interview. She said it was after the interview. Mrs. Arvizo explained  
13 she was becoming more concerned. Michael's people promised to get a tutor for the  
14 children; that did not happen. She stated matter-of-factly that the school books her  
15 children had taken to Neverland disappeared. She believes they were taken by Frank,  
16 Vinnie, Ronald or Delter. Mrs. Arvizo said those individuals were getting angry with  
17 her and threatening her when she wanted to go to the doctor's appointments with Gavin  
18 in Los Angeles. She was thinking that if they really cared about her children, they  
19 would want Gavin to go to his appointments with his doctor. She could not understand  
20 the urgency of them wanting the family to leave the country.  
21

22 Mrs. Arvizo explained that everything that they were made to endure with Michael and  
23 Michael's people has interrupted her family's life and affected Gavin's and Star's  
24 behavior. Mrs. Arvizo said Gavin's demeanor and conduct has changed noticeably.  
25 He recently shot her in the leg with a BB gun, and he gets angry for no reason or  
26 cause. Star now clings to her for no reason.  
27

28 Mrs. Arvizo went on to say that Michael's people wanted her and the children to go to  
1 Brazil. She did not want to. She told them she did not want to be moved and leave  
2 her things behind. They wanted her to sign a piece of paper stating she wanted to

1 move. She told them she was not signing anything. She demanded to know where  
2 her things were and who had moved them.

3  
4 Your Affiant has read and reviewed a Santa Barbara County Sheriff's Continuation  
5 Sheet authored by Sgt. Steve Robel, dated October 31, 2003. The report reflects that  
6 on October 28, 2003, at 1600 hours, Sgt. Robel talked to Mrs. Arvizo by telephone  
7 regarding the passports and visas she had mentioned in her earlier discussions with us  
8 in July 2003. Your Affiant gleaned from that report the following information:

9  
10 Frank Tyson and Vinnie Amen told Mrs. Arvizo and her children they needed to get  
11 passports and visas in order to travel to Brazil. They told her and her children that they  
12 needed to re-locate to Brazil due to the death threats being placed on her family's lives.  
13 Some time around February 26, 2003, Mrs. Arvizo and her children were driven to a  
14 Wal-Mart or a Rite-Aid store, possibly in the Santa Maria area, to have passport  
15 photographs taken. After getting their photographs taken, they were driven to Marc  
16 Schafel's house, who lives in the Calabasas area. According to Mrs. Arvizo, Schafel  
17 was represented to be the head of "MJJ Productions." Mrs. Arvizo said that Tyson and  
18 Amen picked up the passport applications from Schafel.

19  
20 Thereafter, Tyson and Amen drove them to the Federal Building in Los Angeles at  
21 which time they submitted their passport applications. The fees for the passports were  
22 paid with a check from "MJJ Productions." Mrs. Arvizo believes it was around March 1,  
23 2003, when Tyson and Amen then took the family to the Brazilian Consulate in Los  
24 Angeles to get their visas. She said that during the passport and visa process, she and  
25 her children, along with Frank Tyson and Vinnie Amen, stayed at a motel in Calabasas.  
26 She believes the motel was a Country Inn and Suites, but she is not positive of that.  
27 During their stay at the motel, she and the children were not able to leave their room  
28 unless they were escorted by Tyson or Amen. She further added that Jackson's  
29 representatives purportedly purchased airline tickets for them to fly to Brazil. She  
30 reported to Sgt. Robel that neither she nor the children knew the name of the airline,

1 but she did see the visas and the passports. Neither she nor her children were given  
2 possession of the visas or passports, which were retained by the Jackson people. She  
3 believes the "Jackson people" still have them.  
4

5 Mrs. Arvizo was asked why she returned to Neverland after escaping in the middle of  
6 the night in February, 2003. She said Frank called her and told her he wanted her to  
7 go back to the Ranch, and that Ronald and Deiter had been fired. She said Frank also  
8 told her that the children were in grave danger, and that Mrs. Arvizo didn't know that  
9 Michael Jackson's people were receiving daily death threats on the children. Frank  
10 told her not to return to her apartment, because if she did, she'd see that the threats  
11 are real. Frank told her that her parents' house was under surveillance by the persons  
12 making the death threats on the children. Mrs. Arvizo said she believed what Frank  
13 was telling her. When she told Frank about Ronald and Deiter threatening her, he  
14 (Frank) assured her that Ronald and Deiter had been fired. Mrs. Arvizo said those are  
15 the reasons she returned to Neverland Ranch with her children.

16  
17 Mrs. Arvizo said that upon returning to Neverland, the first people she saw were Ronald  
18 and Deiter. When she saw that Deiter and Ronald had not been fired, she wanted to  
19 leave the Ranch with her children. Frank told her she could leave, but the children  
20 had to stay.

21  
22 Mrs. Arvizo was asked to clarify what happened after Gavin's medical appointment in  
23 L.A. on March 10<sup>th</sup>. Mrs. Arvizo said only she, Winnie and Gavin went to the medical  
24 lab. Star and Davallin were still back at Neverland Ranch. They were supposed to  
25 return to the Ranch after the appointment. After Winnie spilled Gavin's urine sample,  
26 she finally felt she had something people were going to believe and that she was not  
27 crazy. In the past Frank had told her that they did things a certain way so that if she  
28 ever went to somebody they would be able to refute her. Mrs. Arvizo said that is why  
29 she has been very careful about not telling anyone what has happened to her and her



1 family. Mrs. Arvizo stated that along the way, she had to make things appear "natural  
2 and normal" and she went along with their requests.

3  
4 Among the things discussed in the previously noted November 15, 2003 conversation  
5 between District Attorney Sneddon and Mrs. Arvizo was the fact that what remained of  
6 the urine sample had been delivered to the lab that day. She subsequently received a  
7 letter from Kaiser Hospital stating that the sample was insufficient to do the creatine  
8 clearance test. Attorney Dickerman has the Kaiser letter.

9  
10 Directly after Gavin's medical appointment, she told Vinnie since she was going to  
11 Brazil she needed to get her nails done and other feminine beauty treatments. What  
12 she really wanted was to get as close as she could to her boyfriend's place of work to  
13 contact him. She told Vinnie she would return to Neverland, but first needed to stop by  
14 the salon, which was near her boyfriend's work. Vinnie called Frank at Neverland.  
15 Frank told Vinnie to take her to the salon, but they had to leave immediately afterward.

16  
17 From the salon Mrs. Arvizo called her boyfriend and told him of her situation. She said  
18 her boyfriend arrived at the salon shortly after. When Vinnie saw her boyfriend arrive,  
19 he told her it was time to go. Mrs. Arvizo said she wanted to spend some time with her  
20 boyfriend, but Vinnie responded it was not part of the plan. Vinnie stepped outside of  
21 the salon to call Frank. Vinnie then returned inside the salon and told her it was  
22 unacceptable and that she had to return to Neverland. When Vinnie again stepped  
23 out of the salon she noticed Gavin to be nervous and frightened. Gavin told her, "No  
24 Mommy, you're messing up the plan." She said that Frank's plan was for them to  
25 return to Neverland and immediately leave for Brazil. Mrs. Arvizo said she knew if she  
26 went back to Neverland Ranch, she would be made to go to some unknown city in  
27 Brazil. They described it as away from any hotels in a place that would have no  
28 Americans, so no one would recognize them and be able to send the killers there.

1 Mrs. Arvizo was asked if she ever went back to Neverland Ranch and she said no.  
2 She told Vinnie she had to make a court appearance regarding child support the next  
3 day (March 11, 2003). She said Davellin and Star would need to be present in court.  
4 Mrs. Arvizo explained this would be a chance for her to get all of her children in Los  
5 Angeles. They refused to bring Davellin and Star, and told her that she needed to  
6 return. When this plan failed, she thought of another way to get Davellin and Star out  
7 of Neverland Ranch. Mrs. Arvizo explained she had to make some type of plan that  
8 was not suspicious, because she said Frank told her he could make the children  
9 disappear.

10  
11 Mrs. Arvizo explained how she was able to get Davellin and Star out of Neverland  
12 Ranch. She told Frank that her parents were ill and she wanted the children to see  
13 their grandparents one last time before leaving for Brazil. She told Frank the  
14 grandparents would see that the children are well taken care of, and if anyone ever  
15 questioned the grandparents, the grandparents would say everything is fine with the  
16 children. Mrs. Arvizo had Jay Jackson contact her parents and tell them of the  
17 situation. He did, and they agreed to go along with the plan. Her father then called  
18 Neverland and spoke with the children, knowing that Frank would be listening to the  
19 phone call.

20  
21 Mrs. Arvizo's father told the children that he was ill and needed to see them. Soon she  
22 received a phone call from Frank. He told her that the children could only visit  
23 grandpa for one hour and that she had to promise him that she would return. Mrs.  
24 Arvizo told Frank she agreed to return, but she wanted the children to have two days  
25 with the grandparents, not just one hour. Frank agreed only after Mrs. Arvizo promised  
26 Frank she would stay in Brazil for as long as they wanted. Mrs. Arvizo said both  
27 Davellin and Star were then brought down by Vinnie to the grandparents' home.

28  
29 Mrs. Arvizo was asked if they had returned to Neverland Ranch after two days. Mrs.  
30 Arvizo said no. The day after they returned Davellin and Star to her she called Jesus

1 and left a voice-mail message, telling him they were not going to return. Frank then  
2 called her parents' house and told them they are not getting their things back. He  
3 repeatedly called her parents' home and left threatening messages on the answering  
4 machine. Mrs. Arvizo was asked if they still had the answering machine tape, and she  
5 said no.

6  
7 Michael's people continued to try to get the Arvizo children back to Neverland Ranch.  
8 They refused to return her things in storage. Someone slipped a note under her  
9 parents' front door indicating Gavin and Star needed to call Neverland immediately. In  
10 addition, Frank and Vinnie both came knocking on her apartment door. When she  
11 wouldn't answer the door, they started throwing rocks at her apartment.

12  
13 Mrs. Arvizo was asked why, in her opinion, Jackson's people lied to her about the  
14 death threats and were trying to move her to Brazil. Mrs. Arvizo replied, "Because they  
15 did wrong." Mrs. Arvizo was asked what they did wrong, and she said "because of the  
16 things they knew they did to Gavin, Star, Davellin and to her." She said she believed  
17 they thought because she lived in East Los Angeles, that nobody would care or miss  
18 them.

19  
20 Mrs. Arvizo was reminded of the CPS interview incident, and asked if the bodyguard  
21 Asef ever retrieved the second recorder. Mrs. Arvizo said as soon as the interview  
22 was over, the bodyguard entered the living room while the three ladies were still there.  
23 It was during this time she believes Asef retrieved the second recorder, but she did not  
24 know from where. Mrs. Arvizo added that Asef did not leave until he made sure that  
25 the three ladies from Child Welfare Services were gone.

26  
27 On Monday, July 7, 2003, at about 1150 hours, Detective Sgt. Steve Robel and I  
28 interviewed Davellin. The interview took place at the CALM Cottage in Santa Barbara.  
29 Davellin said she met Michael Jackson during the time Gavin was hospitalized in the  
30 year 2000. She explained that Michael Jackson was in telephone contact with Gavin

1 and Michael had invited the whole family to go to Neverland Ranch. Davellin said she,  
2 her father, her mother, Gavin and Star visited Neverland Ranch for about one week.  
3 While at Neverland Ranch, Davellin and her parents had their own rooms in guest  
4 units. Gavin and Star stayed in Michael Jackson's bedroom. Davellin went on to say  
5 Gavin told her Michael asked Gavin and Star to stay in his bedroom and that Michael  
6 told Gavin and Star to ask their parents during dinner for permission for them stay with  
7 him in his room.

8  
9 Davellin said Star told her that during this first visit to Neverland Ranch, Gavin and Star  
10 saw pornography on the computer. Star also told her about a book containing naked  
11 women in Michael's office. Gavin was present when Star told her this information.  
12 Gavin told her not to say anything because Michael would get mad. Gavin told her  
13 everything is secret and that they can't say anything.

14  
15 Davellin related that Gavin and Star visited Neverland Ranch many times without her.  
16 She had been to Neverland Ranch only twice before February of 2003. The second  
17 time she visited Neverland Ranch was when the TV show "Living with Michael Jackson"  
18 was being filmed in September 2002. The family learned about the airing of "Living  
19 with Michael Jackson" in the United Kingdom when reporters came to their house in  
20 Los Angeles. Right after the show aired in England, Michael called Gavin and invited  
21 the family to join him in Florida for a press conference "to fix all this."

22  
23 Davellin said she was mostly excluded from joining Gavin and Star when they were with  
24 Michael. She was never invited to stay in Michael's bedroom. Days would go by  
25 without her seeing Gavin or Star while at Neverland Ranch. Davellin told me Michael  
26 had given Gavin and Star nicknames. Gavin's nickname was "Apple Head" and Star's  
27 was "Blowhole." She did not get a nickname.

28  
29 Davellin was asked if she ever saw or heard of Michael ever doing anything  
inappropriate with Gavin or Star. Davellin said she saw Michael give alcohol to Gavin

1 and Star. During a visit to the Ranch, as she walked into the arcade room she saw the  
2 three go down a hidden staircase behind the jukebox. She followed Michael, Gavin  
3 and Star into the wine cellar where she saw Michael giving Gavin and Star cups of  
4 wine. I asked Davellin how she knew it was wine. She replied that they were in a  
5 wine cellar and there was nothing else there to be drinking. Also, Gavin later told her  
6 that they (Gavin and Star) drank wine with Michael in the wine cellar.

7  
8 Gavin also told her they were drinking alcohol every night and asked her not to tell their  
9 parents. Gavin told her that they drank wine and alcohol given to them by Michael in  
10 Sprite and Diet Coke cans. They also drank "Skyy" (a brand of vodka) and tequila.  
11 Gavin told her that he told Michael the doctors said he couldn't drink alcohol and  
12 Michael replied something to the effect of he, Gavin, shouldn't believe in doctors.

13  
14 On another occasion she walked into the kitchen at Neverland and saw Michael mixing  
alcoholic drinks and giving them to Gavin and Star. She said Michael called wine  
16 "Jesus Juice" and she personally heard Michael use the term "Jesus Juice."

17  
18 Davellin said that in Michael's jet on the way back from Miami in February of this year,  
19 she saw Gavin and Star drinking from Diet Coke cans. She said later, Gavin told her  
20 he was drinking wine on the plane and that Michael had given him a watch and jacket  
21 as a bribe not to tell anyone.

22  
23 Davellin said she was told by Gavin and Star that they played a game with Michael  
24 where they made prank phone calls. They told her that if they didn't make a prank  
25 phone call they had to drink alcohol.

26  
27 Both Gavin and Star disclosed to her that Michael talked about masturbation and if  
28 white stuff came out when they touched themselves. Gavin and Star also told her  
about Michael "humping" a mannequin and another instance when Michael undressed  
in front of Gavin and Star. Gavin also disclosed to her that Michael had touched

1 Gavin's "behind" with Michael's hand outside of Gavin's clothing and that Gavin felt  
2 uncomfortable. Michael talked to him about sex and that Michael wanted Gavin to  
3 leave his underwear in Michael's basket (hamper) when he changed clothes. Later she  
4 learned Gavin's underwear was never returned. When Gavin's clothes were sent back  
5 to him in a suitcase after they left Neverland for the last time, he found all of his  
6 clothes, except for his underwear.

7  
8 Davellin went on to say that she observed Michael always kissing, caressing and  
9 hugging Gavin. Michael would obsessively adjust Gavin's shirt all the time. Michael  
10 did this mostly with Gavin and not Star. She believes Michael's behavior with Gavin  
11 was inappropriate, however Gavin has not disclosed anything else to her. She feels  
12 that there is more that Gavin is not talking about. Davellin described seeing a change  
13 in Gavin's behavior. He used to be more open with her and now he keeps to himself.  
14 Before the last visit to Neverland, he was a "loving little boy," but now he is more  
aggressive and quiet. Davellin feels something is very wrong with Gavin.

15  
16 Davellin said Star did not disclose anything to her about being touched by Michael, but  
17 he told her of a phone in Michael's bedroom that could monitor all of the phone lines in  
18 Neverland Ranch. He told her of an instance where he walked into Michael's room  
19 and saw Frank and the "German guy" listening to Mrs. Arvizo's personal telephone call.  
20 Star told her that when they saw him they quickly turned it off.

21  
22 Davellin was asked why none of this was told to the CPS workers during the interview  
23 in February of this year. Davellin said she was scared to say anything. One of  
24 Michael's security guards was there and that he had talked with Mrs. Arvizo in the  
25 bedroom before CPS arrived. She was told of death threats on them and she felt she  
26 couldn't say anything. Also, while at Neverland Ranch she was told they could not  
leave because of death threats. She said that when they did call 9-1-1, it rang the  
security office at Neverland.

1 Davellin was asked to describe Michael's room. She said there is a hallway leading to  
2 Michael's bedroom. In the hallway is a double door which has a code lock and a  
3 surveillance camera. She did not know the code, but Gavin and Star may know it.  
4 After entering the double doors, there are stairs that lead down into a room. She  
5 explained that Michael's bedroom has two levels. On the lower floor there is a TV,  
6 jukebox, couch and fireplace. There are two restrooms on the lower floor and a  
7 staircase that leads to the upper level which contains Michael's bed. On the level that  
8 contains Michael's bed, there is also a computer, tapes and a pull-down TV screen.  
9 This concluded our initial interview with Davellin.

10  
11 On August 3, 2003 at 1702 hours, there was a follow-up interview of Davellin in Los  
12 Angeles. The interview took place at the same location as her mother's interview.  
13 Davellin was asked how Gavin has been acting. Davellin described Gavin as  
14 becoming progressively more argumentative. Davellin was asked if Gavin has shared  
any information from our previous interview with him. She said no.

15  
16  
17 Davellin was reminded of the wine cellar incident, and she was asked to describe the  
18 wine cellar. She described going down a staircase and turning to the right where there  
19 are some "cubby holes" that contained sleeping bags. There is a doorway leading into  
20 a room. In the room were wine bottles on the wall, and a counter with a cupboard of  
21 cups. When asked when she observed the wine cellar, she said it was many times  
22 during their last visit to Neverland Ranch after the trip to Miami. Davellin added that  
23 she observed Michael, Gavin, Star, and Frank come up from the wine cellar many times  
24 carrying cups.

25  
26 Next, Davellin was asked about the time they left Neverland Ranch late in the evening.  
27 Davellin explained that a worker by the name of Jesus took them out of Neverland at  
28 her mother's request. She believes the car used to transport them was a black Rolls  
Royce, and that they left about midnight. The reason for them leaving Neverland late  
at night was because Michael's people were very controlling and told them they could

1 not leave Neverland. They were not allowed to call their grandparents and say where  
2 they were. They were being told there were death threats on their lives. When asked  
3 who Michael's people are, she said Frank, Minnie, Deiter, and Ronald. She added  
4 they were also not allowed to watch the news. Deiter and her mother were in a room,  
5 and they were always yelling. When asked if she heard what they were yelling about,  
6 she said she only heard yelling. Deiter also told them what to say and how to behave,  
7 and what they were supposed to tell everybody regarding the filming.

8  
9 Davellin was asked if she or anyone in her family had ever been threatened and she  
10 said they were told about having death threats on their lives. They did not give a  
11 reason for the death threats. She was specifically asked if death threats were made to  
12 her and she said that she could not remember. When asked if she was scared while  
13 they were at Neverland, she said yes, and that she just wanted to leave.

14  
15 Davellin was asked if she recalled the CPS workers' interview at their home, and she  
16 said yes. She was asked who was present at the interview. She said the three social  
17 workers and Michael's security guard. She did not know the security guard's name.  
18 She did not know why he was there. He just showed up on that day. Aja, Chris  
19 Tucker's fiancée, and their son, were also there. When asked the reason for Aja's  
20 presence, she said she was there only as a friend. Also present during the interview  
21 were Gavin, Star, and their mother. Davellin was asked if Aja, the baby, and the  
22 security guard were allowed to remain during the interview. She said no. She  
23 explained they were asked to leave. At that time, Aja and the baby left and the  
24 security guard pulled her mother into the bedroom and closed the door. A few  
25 moments later, the security guard left and her mother rejoined them. She observed  
26 something black in her mother's hand. Later her mother told her the security guard  
27 had given her a tape recorder and wanted her to place it in the room while they were  
28 being interviewed by the social workers.



1 Davellin was asked why during the interview with the social workers, she did not say  
2 anything about the threats and not being able to leave Neverland Ranch. She said,  
3 "We were so scared, we didn't want to say anything." She told us that she told the  
4 social workers that everything was okay. Davellin was asked if anyone told her to say  
5 that and she said yes. Davellin said before leaving Neverland Ranch for their meeting  
6 with the CPS workers, Michael's people told them to tell the social workers that  
7 everything is okay and that there is nothing wrong. When asked who told them to say  
8 that, she indicated Frank and Daiter told them at different times. She was asked if she  
9 was told by Frank and Daiter of any consequences if they did not say what they  
10 wanted, she said no.

11  
12 Davellin was asked if she recalled what Gavin and Star had told her about a  
13 mannequin and she said yes. She was asked if she had seen the mannequin. She  
14 said Michael had several mannequins and did not know which one it was.

15  
16 Davellin was asked if Gavin and Star had described to her any more detail about the  
17 incident where Michael was naked in front of them. They told her that Michael walked  
18 naked one time in front of them and acted like nothing was wrong.

19  
20 On Monday, July 7, 2003, at about 1335 hours, your Affiant and Detective Sgt. Steve  
21 Robel interviewed 12-year-old Star. The interview took place at the CALM Cottage in  
22 Santa Barbara. Star said he attends John Burrows School and receives average  
23 grades. He is involved in a Navy-sponsored kids program called Sea Cadets.

24  
25 During the rapport building and developmental assessment, I noted Star appeared to  
26 have age-consistent knowledge and behavior. When asked if he knew the difference  
27 between right and wrong, he indicated that he did. When asked to give an example of  
28 something wrong, he said "to lie." Another example of something wrong was to "steal."  
29 When asked what happens if one lies or steals, he said "get in trouble." An example of

1 something right, he said was "to tell the truth." Star said he was taught right and wrong  
2 by his mother.

3  
4 Star told us he met Michael Jackson when he was nine years old through Gavin, who at  
5 the time was in the hospital for cancer. Star said he was not sure why, but Michael  
6 Jackson called Gavin at the hospital. Shortly after Michael Jackson began talking on  
7 the phone with Gavin at the hospital, the family was invited by Michael to go to  
8 Neverland Ranch. Star said his biological father, mother, sister, Gavin and he were  
9 picked up by Michael's limo and taken to Neverland for one night. His father, Gavin  
10 and he stayed in one guest unit and his mother and sister stayed in another. During  
11 the visit, Michael Jackson gave DVDs and a laptop computer as gifts to Gavin.

12  
13 During their first visit, Star said activities included going on rides and driving golf carts.  
14 While riding in golf carts, Michael wanted Gavin and Star to curse. Michael asked  
15 them "what's your favorite curse word." Their parents were not present during this  
16 incident. The family was returned home the next day in Michael's limo. He could not  
17 recall anything else that happened during this first visit.

18 Star stated that Michael Jackson remained in telephone contact with Gavin. Michael  
19 would call and talk with Gavin for hours. When asked how often Michael would call  
20 Gavin, he said Michael called once every other day. He did not know what Michael  
21 and Gavin talked about.

22  
23 Star told us he was not sure if the following incident happened on the first visit or  
24 second visit to Neverland. Michael's long-time friend, Frank Tyson, was present with  
25 them in Michael's bedroom. Frank connected Gavin's laptop computer to the internet  
26 and Michael started searching for pornographic websites. Michael typed either  
27 www.pussy.com or www.teenpussy.com and they (Gavin and Star) saw "naked ladies."  
28 Star described seeing a female holding her shirt up and exposing her breasts and  
Michael commented "Got milk?" Michael's son, Prince, was sleeping nearby and  
Michael told Prince he was "missing out." Frank Tyson told them not to tell their

1 parents about the porn. Michael asked Gavin to stay in Michael's bedroom. Star  
2 reiterated he was not sure if it was on the first or second visit.

3  
4 Star told us that on the same night they saw porn on the computer, they all slept in  
5 Michael's bedroom. He and Gavin slept on Michael's bed while Frank and Michael  
6 slept on the floor in sleeping bags.

7  
8 Star had a difficult time being able to recall each individual visit to Neverland Ranch.  
9 When asked, he said he remembers going to Neverland Ranch a total of six or seven  
10 times. On some visits to Neverland, Michael would not be there. He recalls one time  
11 going to Neverland with only his father and Gavin.

12  
13 In February of this year (2003), Michael invited Gavin to Miami to do a press  
14 conference regarding the TV show. He, his sister, Gavin and their mother traveled to  
15 Miami aboard Chris Tucker's private plane to meet with Michael. Once they arrived  
16 they stayed in the same hotel as Michael. He added that no press conference took  
17 place while they were there.

18  
19 Star said that while in Miami, Gavin was acting strange. Gavin told him that he was  
20 drinking wine with Michael. Gavin would meet often with Michael in the bathroom.  
21 When he asked Gavin what he and Michael were doing in the bathroom, he told him  
22 they were just talking. Star said he thinks they were in Miami for three days, but was  
23 not sure.

24  
25 Star described the following incident as happening on Michael's private plane during  
26 the return flight from Miami. Michael gave him a can of Diet Coke to drink. Upon  
27 tasting it, Star said it tasted like rubbing alcohol. Gavin told him that it was wine. He  
28 observed a red color around the rim of the can. Michael also told him there was wine  
29 in the can. Star said Michael was acting funny on the plane. Michael was poking  
30 others in the "butt" with his foot. He was making crank calls on the plane to unknown

1 people and asking, "Does your pussy stink?" During the flight, he observed Gavin fall  
2 asleep with his head on Michael's chest. He saw Michael licking the top of Gavin's  
3 head while Gavin was asleep. Star physically showed us Michael's action by sticking  
4 his tongue out and moving his head, much like a cat would do when grooming. Others  
5 on the plane were Michael's children, two nannies, Michael's doctor, his sister and his  
6 mother. The nannies' names were Patti and Grace (unknown last names). He  
7 believed the doctor's name to be Dr. Farshchian. When the plane landed, a limo took  
8 them all directly to Neverland Ranch.

9  
10 During their stay at Neverland Ranch after visiting Miami, Star said he and Gavin both  
11 slept in Michael's bedroom. He described drinking alcohol every day and that he and  
12 Gavin were given wine and vodka by Michael. When asked how he knew it was  
13 vodka, Star replied "that's what it said on the bottle." He said Michael called wine  
14 "Jesus Juice." They drank in Michael's bedroom, his office and the arcade room.  
15 Michael would give Gavin more alcohol than he gave to Star.

16  
17 On one occasion during this stay as Star was walking up a staircase that leads to  
18 Michael's bedroom, he saw Gavin and Michael in Michael's bed. Gavin was asleep or  
19 passed out from drinking. Gavin was wearing pajamas and Michael was wearing a t-  
20 shirt, underwear and socks. Both Gavin and Michael were on top of the sheets. He  
21 saw Michael "jacking off" under his underwear with his right hand. Michael's left hand  
22 was under the front of Gavin's pajama pants. Michael was lying on his back and Gavin  
23 was sleeping on his side. Star said he then left to go sleep in the guest quarters.

24  
25 Star told us he observed Michael and Gavin in Michael's bed a second time under the  
26 same circumstances. Again he was walking up the staircase to Michael's bedroom  
27 and again saw Michael doing the same thing to Gavin as described above, but this time  
28 Michael had his own penis out of his underwear while "stroking it." He said Michael's  
29 penis was "hard." When asked to explain, Star stated Michael had an erection in his  
30 penis. Star again left to go sleep in guest quarters.

2 Star stated that Michael often wanted Star to leave the bedroom and only have Gavin  
3 sleep in Michael's room. Star described being locked out of Michael's bedroom once  
4 with Gavin still inside with Michael.

5  
6 Star described another incident where Gavin was sleeping in Michael's bed. Star was  
7 half asleep in a chair next to the bed. Michael came into the bedroom and got into bed  
8 with Gavin. He believes Michael thought he was asleep. He observed Michael scoot  
9 up to Gavin who was curled up and sleeping on his side. Michael began moving his  
10 hips back to front against Gavin's back side. Gavin was wearing pajamas and Michael  
11 was wearing underwear. Star said he then pretended to wake and Michael quickly  
12 moved away from Gavin and pretended to be asleep.

13  
14 Star described Michael Jackson's bedroom as having double doors that have several  
15 locks, including a combination lock. He said the combination is either 1950\* or 1849\*.  
16 The 1849\* is a general combination for Neverland Ranch and Star believes 1960\* is  
17 the combination to Michael's room. Michael's bedroom is two levels or floors. On the  
18 first floor is a fireplace, digital piano, big-screen TV, phone and two bathrooms. The  
19 floor is a combination of exposed wood and tan-colored carpeting. A staircase leads  
20 to a second-floor room that has Michael's bed. The railing at the top of the stairs is  
21 made of wood and matches the floor. There is a picture of Michael with celebrated  
22 geniuses hanging on the wall above Michael's bed, a TV screen that comes down from  
23 the ceiling and a table with a computer on it.

24  
25 Star stated that on one occasion Michael wanted Gavin and him to take sleeping pills.  
26 Michael told him to go and get the sleeping pills from Rudy the head chef. Michael  
27 wanted Gavin and Star to take the pills, but somehow the subject changed and the pills  
28 were forgotten. He kept the sleeping pill and their attorney now has it.

1 Star described seeing Michael Jackson naked on one occasion. Gavin and he were  
2 sitting up on the edge of Michael's bed watching TV in Michael's bedroom. Michael  
3 walked into the bedroom completely naked, except for socks. When they saw Michael  
4 was naked, they quickly looked away. Michael told them "it's okay, it's okay" and sat  
5 on the bed with them, and then said "you guys should do the same." Star said  
6 Michael's penis was erect during this incident.

7  
8 When asked to describe Michael's penis, Star said he did not remember details  
9 because he only glanced at it, but motioned with his hands that Michael's penis was  
10 approximately five to seven inches long. Sgt. Robel asked what happened next. Star  
11 stated the incident happened quickly and they left the room.

12  
13 Star told us that Michael Jackson's bedroom has a phone that can monitor all of the  
14 phone lines at Neverland Ranch. During their stays at Neverland, Michael Jackson  
15 would keep him and Gavin away from clocks and "dates." This made it difficult for  
16 them to keep track of how long they were at Neverland Ranch.

17  
18 When asked, Star said Michael Jackson touched him inappropriately. The incident  
19 occurred when they were in a golf cart. Star was driving the golf cart and Michael was  
20 next to him. Michael then reached over and touched Star's "testicles and penis" over  
21 his clothes with Michael's left hand. He did not say anything to Michael and continued  
22 driving the golf cart.

23 On another occasion Michael told them a story about a movie where a kid was  
24 masturbating and then "humped" a dog. Michael talked about masturbation and asked  
25 them if white stuff came out of their private area.

26  
27 Star described seeing a black suitcase in Michael's office which contained pornography  
28 magazines. The magazines included Playboy and Hustler. They contained only  
29 pictures of naked women, not men or children. They also saw Michael "hump" a

1 female child mannequin on Michael's bed. Michael was dressed and only acted like  
2 he was having sex with the mannequin.

3  
4 Star said that Michael once told him never to tell about anything that they did, even if a  
5 gun was held to his head. Star said Frank Tyson threatened him by saying he would  
6 have all of the family killed if Star told anyone what they did with Michael Jackson.  
7 When asked, Star said he was scared of Frank

8  
9 Star told us he has seen a change in Gavin since the last visit to Neverland. He said  
10 Gavin gets angry more often and at times is quieter than before.

11  
12 It was determined after our interview with Star on July 7, 2003 that there were follow-up  
13 questions that needed to be asked: On Wednesday, August 13th, at about 1532  
14 hours, your Affiant and Detective Sgt. Robel conducted a follow-up interview at a Los  
15 Angeles hotel near the victims' residence. The interview began by asking Star if there  
16 was anything that he had shared with Gavin, or Gavin with him, after our initial  
17 interview. Star said no.

18  
19 Star was asked where he stayed during the very first stay at Neverland Ranch. Star  
20 said, "The guest units." Star was asked about Davellin's statement that on the very  
21 first visit, they stayed in Michael's bedroom. Star replied, "That was on the second  
22 night." He was unsure how many days they had stayed on the Ranch on the first visit.  
23 He believes it was on the second day of the first visit that they stayed in Michael's  
24 bedroom. Michael and Frank also stayed in the bedroom. Star described Frank as  
25 Frank Tyson. He is a 23-year-old Italian with black curly hair.

26  
27 When asked during the CPS interview why he did not disclose anything about what  
28 was going on with Michael's people and Michael himself, Star replied that Michael had  
scared them by threatening them that he was going to kill them. He then clarified that  
it was not Michael that actually made the threat, but "Michael's people." He was asked

1 if he was personally threatened or if he heard a threat, and he said yes. Frank told  
2 him that if Star didn't protect Michael, something bad would happen to the family. The  
3 threat was made at the snack area of the theater at Neverland. He was the only one  
4 there at that moment. Frank made another threat a couple days before the CPS  
5 meeting. Star was asked if Frank knew that they would be meeting with the ladies from  
6 Child Welfare Services, and he said yes. When Star was asked why he thought Frank  
7 had made that threat, he said, "Because he already knew what Michael did to us." If  
8 they had told the truth, Michael would have gone to jail. When asked if he was  
9 threatened by anyone else, he said no.

10  
11 Star said that he was not actually asked any questions by the CPS workers. Their  
12 questions were mainly directed at Mrs. Arizo and Gavin. He is sure he did not say  
13 anything bad about Michael, because he was scared.

14  
15 Star was asked if he remembered the "escape" from Neverland Ranch. He said yes.  
16 It was late at night and Deiter and Ronald were there. They were threatening his  
17 mother. His mother then asked a person by the name of Jesus if there was any  
18 chance he could take them home, because they were afraid. Jesus got a car, and  
19 around midnight they left.

20  
21 Star was asked if Deiter or Ronald ever made any threats to him and he said no, but  
22 Deiter would have chats with them about what and what not to say. By this he meant  
23 they were told what to say to the camera for the rebuttal show. He was asked if they  
24 were told what to say to CPS, and he said he believes so, but is not really sure  
25 because it was so long ago.

26  
27 Star was asked to describe to us the guest quarters at Neverland Ranch. He said  
28 there were four guest units. Two faced the house and two faced the lake. Each of the  
29 guest units has a single room with an attached bathroom. Each guest unit was  
30 furnished differently.



2 Star was reminded of the previous interview, where he mentioned the word "jacking off"  
3 to describe what Michael was doing to himself. He was asked what he meant by  
4 "jacking off." He said, "He was masturbating." When asked for his definition of  
5 masturbating, he replied, "Where you stroke your penis." He was asked if he saw  
6 Michael doing that and he said yes. He described Michael's left hand touching Gavin  
7 and Michael's right hand stroking Michael's penis. He said Michael's left hand was  
8 inside the front of Gavin's boxer shorts.

9  
10 Star was asked if there was anything he has forgotten to share with us or that we had  
11 not asked about. He believes there was something else, but he could not remember.  
12 He was asked if he was truthful with everything he has told us and he said yes. He  
13 was asked if they had met any other children visiting Neverland that he thinks this may  
14 have happened to. He said they had met two children, Marie Nicole and Aldo. He  
15 believes they are Frank's sister and brother. Aldo is 11 years old and Marie Nicole is  
16 either 14 or 15.

17  
18 On Monday, July 7, 2003, at about 1500 hours, your Affiant and Detective Sgt. Steve  
19 Robel interviewed Gavin at the CALM Cottage in Santa Barbara. Sgt. Robel began the  
20 interview by asking Gavin some personal information. Gavin indicated he will be  
21 entering 8<sup>th</sup> grade and currently has average grades. He likes football and baseball,  
22 but is precluded from playing because of doctor's orders. I noted that during the  
23 rapport-building and developmental assessment portion of the interview, Gavin  
24 appeared to have age-consistent knowledge and behavior. I also noted that Gavin  
25 spoke in low tones and appeared to be a little shy or reserved. Gavin was asked if he  
26 knew the difference between right and wrong. He indicated that he did. He was asked  
27 to give an example of what is wrong. He said, "stay up too late" and "fighting." He  
28 also said it is wrong to "break something" and "kill people." When asked, Gavin said  
"help people" and "call 9-1-1" are examples of something right to do. He has learned

1  
2 right and wrong by figuring it out himself and also was taught the difference by his  
3 parents.

4 Gavin told us that he met Michael Jackson in the year 2000. He was in the hospital  
5 with cancer when Michael placed a telephone call to him. He was not sure if Michael's  
6 contact with him was made through the "Make a Wish Foundation" or other contacts.  
7 Michael called him regularly and they talked about video games, famous people, and  
8 the Simpson's. Michael called him about three times a week and also called him at  
9 home when he left the hospital. Shortly after Michael began calling, he invited him and  
10 his family to Neverland Ranch.

11  
12 Gavin recalled that Michael Jackson sent a limousine to pick up the family. It took  
13 them to Neverland Ranch for their first visit. His mother and father, his sister Davellin,  
14 his brother Star and he all went to Neverland Ranch and met Michael in person for the  
15 first time. The first visit to Neverland Ranch was for one night.

16  
17 Gavin said he was not sure if it was the first or second visit to Neverland that Michael  
18 asked him to stay in Michael's bedroom. He said at first Michael wanted only him to  
19 stay in the bedroom, but he insisted to Michael that Star be allowed to stay as well.  
20 Michael told him to ask his parents during dinner if he and Star could stay in the  
21 bedroom.

22  
23 Gavin said it was during this time that Michael gave him a laptop computer as a gift.  
24 He described the computer as a black-colored "Apple" computer. Later, while in  
25 Michael's bedroom, Frank, who is a friend of Michael's, connected the laptop to the  
26 internet. Michael, Frank, Star and he then began looking at "porn" on the computer.  
27 They saw "naked girls." He added that Michael told him not to tell his parents about  
28 what they were doing. Gavin said that night he and Star slept in Michael's bed while  
29 Frank and Michael slept on the floor.

1  
2 Gavin told us he visited Neverland Ranch about five to ten times. He recalled being at  
3 Neverland with only his father, Mrs. Arvizo, and possibly Star on one occasion. During  
4 some of his visits to Neverland Ranch, Michael was not there.

5 Gavin remembered once visiting with Michael Jackson at the Hilton in Universal City.  
6 His father took him to Universal City to meet Michael. His father drove the "Bronco"  
7 truck that Michael had given him as a gift. The visit was only for the day. When  
8 asked what they did, Gavin said he watched a movie with Michael and his children  
9 while lying in bed. He said they talked, hung out and wrestled around.

10  
11 Gavin told us that the Bronco and laptop computer given to him by Michael were later  
12 taken back.

13  
14 Gavin recalled one visit to Neverland Ranch where only his sister, Star and he were  
15 there. On the first day of that visit, Michael wanted him to make a film. Michael told  
16 him he would put him in the movies and that this was Gavin's audition. Michael told  
17 him to say on the film how Michael had helped him. His sister and Star watched as he  
18 was filmed. Michael was there during the first day, but then left. After Michael left,  
19 they stayed in the guest units for a couple of days.

20  
21 Gavin told us that the next time he saw Michael Jackson was in February of this year  
22 (2003). Michael called him and wanted him to fly to Florida for a news conference.  
23 Gavin, his mother, sister and Star flew to Florida on Chris Tucker's private plane to  
24 meet with Michael. When they arrived in Florida, there was no press conference.

25  
26 Gavin said that during the stay in Miami, Michael Jackson gave him wine. Michael told  
27 him that he had something to relax him. Michael emptied a Diet Coke can and filled it  
28 with wine. Michael told Gavin it was wine and to "just drink it." He drank the wine and  
29 that it gave him a headache.

1 Gavin said Michael also gave him cans filled with wine on the flight from Miami and  
2 gave him a watch. Michael told him the watch was worth \$75,000 and not to say  
3 anything about the alcohol.

4  
5 After Miami, they returned to Neverland where Michael gave him wine, "Skyy" vodka  
6 and Bacardi every day. Michael told him not to tell anyone and that it was "their little  
7 secret." Michael Jackson also gave alcohol to Marle Nicole (Frank's sister or cousin).

8  
9 When Sgt. Robel asked Gavin if Michael Jackson had ever touched him  
10 inappropriately, I observed Gavin's demeanor to change. Gavin sighed, became quiet,  
11 lowered his head and took some time to answer. Gavin was reassured that he was  
12 doing the right thing. Gavin said the following incident took place during the last days  
13 of the visit to Neverland Ranch directly after returning from Miami.

14  
15 Michael had him drink alcohol and he felt "kinda drunk." Michael told him that boys  
16 have to masturbate or they go crazy. Michael told him a story of a boy who had sex  
17 with a dog. Michael told him that he wanted to show Gavin how to masturbate. He  
18 told Michael "no," but Michael said "I'll do it for you" and "I'll show you." Michael then  
19 grabbed him in his private area. Gavin said that both he and Michael were wearing  
20 pajamas and lying on Michael's bed. Michael placed his hand down the front of  
21 Gavin's pajamas and started masturbating him. Gavin said he told Michael he didn't  
22 want to do it, but Michael kept masturbating him. Michael told him "it's okay" and "it's  
23 natural." Michael did not stop masturbating him for a long time. Gavin added that  
24 Michael asked him "if you masturbate, does white stuff come out?" Gavin could not  
25 recall if he ejaculated.

26  
27 Gavin told us that Michael masturbated him every night that Star wasn't sleeping in  
28 Michael's bedroom. When asked, he said this occurred less than five times. He was  
not made to masturbate Michael and never saw Michael's penis during these incidents.  
He did say that Michael once made him touch Michael's "private part" over the clothes.

2 Gavin said on another occasion Michael showed him a black suitcase containing  
3 magazines and comics of naked women. The magazines included Hustler and  
4 Playboy. Once he also saw Michael pretend to have sex with a child female  
5 mannequin. Michael was fully dressed and had the mannequin on his bed. He  
6 described Michael "humping" the mannequin as if he was having sex with it.

7  
8 Gavin did not disclose any other inappropriate touching by Michael. He did say that  
9 Michael hugged him a lot and would kiss him on the head a lot. Gavin said that all of  
10 the inappropriate touching happened at Neverland after the trip to Miami when he slept  
11 in Michael's bed almost every night.

12  
13 Gavin said during the stay at Neverland after Miami, Frank was mad at Gavin's mother.  
14 Frank called his mother a "bitch," because she wanted to leave Neverland Ranch.  
15 While at Neverland, Frank also threatened to have Mrs. Arvizo killed if Gavin ever said  
16 anything about the alcohol. Gavin told us he was scared that they would be killed.  
17 When asked, Gavin said Michael never threatened him.

18  
19 On Wednesday, August 13, 2003, at about 1530 hours, Detective Sgt. Robel and I  
20 conducted a follow-up interview of Gavin. The interview took place in a Los Angeles  
21 hotel near Gavin's residence.

22  
23 The interview began by Sgt. Robel asking Gavin if, while he was at Neverland Ranch,  
24 Michael Jackson ever said he wanted to be alone with Gavin. Gavin said "Yes."  
25 Michael would often tell him that he wanted to have a "meeting" with him. He and  
26 Michael talked about what Gavin wanted to be when he grew up. He told Michael he  
27 wanted to be a comedian and actor. Michael told him that he could help him. Gavin  
28 added that they just talked about "regular stuff." Gavin was asked if during their phone  
conversations Michael had ever said he wanted Gavin to go to Neverland Ranch alone.  
Gavin answered, "Yes." Also, Michael at first wanted only him to go to Miami. The

1  
2 question was clarified by asking Gavin if during any of the many phone calls that he  
3 received from Michael, Michael ever invited him to Neverland Ranch by himself. Gavin  
4 said Michael would tell him, "I want you to come to my ranch." He did not know if  
5 Michael was requesting that he come alone and he would always ask Michael if he  
6 could bring his family.

7 Gavin was asked why he met with Michael Jackson at the hotel at Universal City. He  
8 explained he was talking with Michael on the phone when Michael told him he was at  
9 the Hilton Hotel in Universal City. The conversation with Michael was about visiting.  
10 Gavin described his visit with Michael at the Universal City Hilton as watching  
11 television for about two hours. After about two hours, Michael left to go to a studio.  
12 During the visit, Gavin's father was in an adjacent room.

13  
14 Gavin was asked what color was the wine given him by Michael in Miami and if anyone  
15 else was given wine. He said it was white wine and Michael poured it into a can.  
16 Michael gave him the wine while both of them were in Michael's bedroom. Michael  
17 poured it into a Coke can and gave it to him to drink. He and Michael then joined his  
18 family in the living room and he continued to drink the wine from the can, which was  
19 unknown to anyone else. No one else was given alcohol at that time. When asked  
20 how much he drank, he said only one can-full. When asked how much he drank on  
21 the plane flight back from Miami, he said a whole can of wine. Michael would tell him,  
22 "Keep on drinking, take another sip."

23  
24 Gavin was asked to describe or clarify how he felt when he described himself in the  
25 prior interview as feeling "kinda drunk" while in Michael's bedroom. Gavin said he felt  
26 like someone had spun him around a lot and when he sat down the room continued  
27 spinning. He also felt this way in the wine cellar arcade and just about every time  
28 Michael gave him alcohol. He was asked if he felt this spinning sensation just when he  
and Michael were alone together, and he said "Yes".

1  
2 Gavin was asked to clarify why Michael Jackson gave him a watch and jacket. He  
3 explained that Michael gave him the watch and told him it was so that he would not tell  
4 about the alcohol at the hotel. He described the watch as being all gold with a gold  
5 wristband with diamonds on the face of the watch with blue stones instead of numbers.  
6 The watch brand was "Rado." Michael gave him the jacket while they were in Miami  
7 and it was not given to him for any particular reason. Your Affiant now has both the  
8 watch and the jacket.

9 Gavin was asked why Michael Jackson gave him a Bronco. He explained that he was  
10 telling Michael that their car was not that good and Michael gave them the Bronco so  
11 that Gavin could be taken to his doctor's appointments. This happened in 2000.

12 Gavin was asked why the Bronco and the laptop were taken back. He said he did not  
13 know and added that the laptop had a battery problem, and that his mother contacted  
14 Evie (Michael's assistant) and told her about the problem. His mother mailed the  
15 laptop to Evie, and they never received it back. He said basically the same thing  
16 happened with the Bronco. Something was wrong and they promised to fix it and it  
17 was never returned.

18  
19 Gavin was asked to clarify how long they were at Neverland Ranch directly after they  
20 returned from Miami. He said he was not sure, because they were not allowed to keep  
21 track of dates and time, but he believes it was weeks. Gavin was asked if he knew the  
22 reason why they were not allowed to leave Neverland Ranch. He replied, "I don't  
23 know, only that they didn't want us to leave." When asked how he knew that they did  
24 not want them to leave Neverland Ranch he said, "Every time we tried to leave, they  
25 would stop us." When asked how they would stop them he said, "The security was told  
26 to stop us if we went to the gate." When asked who exactly told them they could not  
27 leave he said, "Frank," and that Frank did not give a reason. Gavin recalled one  
28 incident where they contacted a manager by the name of Jesus (later identified as  
29 Jesus Salas), and they asked to leave. He described the family packing their bags late  
30 at night and leaving in a car with Jesus.

2 Gavin was asked if while at Neverland, he had ever been threatened. He said only his  
3 mother was threatened. When asked if he heard the threats he said Frank told him, "I  
4 could have your mother killed." The threat took place in the main house at Neverland  
5 Ranch, and believes his sister and Star were present at the time the threat was made.  
6 When asked why he thought the threat was made, Gavin said because "my mom  
7 always wanted to leave" and "she was always telling him that she did not want to stay  
8 there anymore, she wanted to go home." Gavin was asked how he felt about the  
9 threats towards his mother. He said he was scared, and he believed the threats to be  
10 credible because Michael Jackson is a billionaire.

11  
12 Gavin was asked about the Child Protective Services (CPS) interview and who was  
13 present. He said there were three ladies, his mother, and a security guard. Gavin  
14 was asked why he did not disclose anything to the CPS people. He said by then they  
15 were really afraid of Frank and Michael. He explained that Michael would tell Frank,  
16 and Frank would tell them things as if it was coming from Frank in order to make  
17 Michael look good. When asked if he was afraid of Frank, he said, "yes." He was not  
18 directly threatened not to say anything, but they were afraid and he observed the  
19 security guard take his mother into the bedroom prior to the interview. When asked  
20 what he was afraid of, Gavin said he was afraid they might kill his mother.

21  
22 Gavin was asked if he knew what the relationship was between Frank and Michael.  
23 He said they told them they were cousins or something. He described Frank as being  
24 Italian. Frank was light-skinned with curly hair, about 5' 8", with a skinny build. Frank  
25 is 20-something and that Michael has known Frank since Frank was a baby. Jackson  
26 told him Frank was born in New Jersey.

27  
28 Gavin was asked where at Neverland Ranch he was given drinks by Michael Jackson.  
He said Michael gave him drinks in Michael's bedroom and also in the arcade. He  
described a wine cellar located below the arcade. When asked what type of drinks he



1 was given by Michael, he said white wine, red wine, vodka and Jim Beam. Gavin was  
2 asked to describe the arcade. He said the arcade was in a separate building located  
3 behind the main house. It is a two-story building that contains video games on both  
4 the first and second levels. Gavin described the wine cellar to be below the first level  
5 of the arcade. To access the wine cellar, you have to go down a flight of stairs that  
6 leads to a door. Past the door is a small room, which contains a couch, a vase, and  
7 another door that leads to a room that contains wine bottles. Gavin said that  
8 sometimes it would be just he and Michael in the wine cellar. At other times Star would  
9 be there and sometimes his sister would be there. Sometimes Michael would also give  
10 wine to Marie Nicole and Aldo (unknown last name). Gavin added that Aldo would not  
11 always drink because he did not like it. They would sometimes drink straight from the  
12 bottle and sometimes from glasses. The wine was sometimes red and sometimes  
13 white. When asked how much he drank while in the wine cellar, he said sometimes  
14 one to three glasses.

16 Gavin was asked about the sleeping arrangements while at Neverland Ranch and who  
17 slept in Michael's bed. He said, "Me, and sometimes my brother." He was unsure, but  
18 said Star slept in Michael's bed possibly seven times. When asked if Michael was in  
19 the bed also, he said, "yes." Gavin added that sometimes Star, Aldo and Michael  
20 would all be in the bed. Sometimes it would be he and Michael, and sometimes it  
21 would be he, Aldo and Michael.

23 Gavin was reminded that it was very important that he be honest and to give as much  
24 detail as he possibly could. He was then asked about his initial interview's description  
25 of Michael speaking about masturbation. He was asked what he thinks masturbation  
26 means. Gavin said that his grandma had explained to him that grown men must  
27 masturbate, because if they don't, they may go out and rape a woman. Gavin was  
28 asked to describe what masturbation is. He said it is when a grown man touches  
himself in his private area. When asked what he meant by private area, he said,  
"penis." When asked what else happens, Gavin said, "ejaculation."

2 Gavin was asked if Michael Jackson did that to him. He said, "Yes." He was drinking  
3 at the time Michael did that to him. He was asked how much he had drank. Gavin said  
4 that he had a couple of gulps from a wine bottle and felt lightheaded. Gavin was  
5 asked how long Michael Jackson masturbated him. He said until he ejaculated.  
6 Gavin clarified that Michael masturbated Gavin with his hand. When asked where he  
7 ejaculated he said, "Inside my pants." He added that his pants were up and that the  
8 incident occurred on Michael's bed. Gavin was asked again if the masturbation was  
9 for 5 or 10 minutes, and he said he did not know.

10  
11 Gavin was asked to clarify if anything was said by Michael prior to masturbating him.  
12 He said Michael had told him that he wanted to show him how to masturbate. He does  
13 not believe Michael said anything during the actual act of masturbation. He said  
14 ejaculation is "When sperm comes out of the penis." He was asked if Michael said  
15 anything after the act of masturbation and he said that Michael asked him if it felt good.  
16 Gavin did not reply to Michael's question. He was asked if Michael had done anything  
17 to himself, and he said that he did not think so. When asked if he was made to do  
18 anything to Michael, he said, "I don't know. I don't think he did." Gavin believes  
19 Michael asked him something about touching Michael, but he told Michael he didn't  
20 want to.

21  
22 When asked if Michael did anything else to him, Gavin replied, "No." Gavin said these  
23 incidents occurred toward the end of their last visit to Neverland before they stopped  
24 going to Neverland. When asked how many times Michael had done this to him, he  
25 replied, "Every time my brother wasn't there, for a total of five times." When asked if he  
26 ejaculated every time, he said, "Yeah, I think so." Gavin was asked if Michael ever  
27 kissed him, rubbed him, or did anything else. He said Michael would rub his back and  
28 also kiss him on his head a lot. When Gavin was reminded that he told us that  
Michael had made him touch Michael on the outside of Michael's pants, he said he

1  
2 could not remember that, Gavin was asked if Michael had been drinking during the  
3 times that Michael masturbated him and he indicated yes.

4 He said Michael would tell him to put his underwear he was wearing during the  
5 masturbation into Michael's hamper before showering. This happened after each time  
6 Michael masturbated him. He said this happened about seven times. The underwear  
7 was not given back to him. Michael bought him new ones. Gavin described his  
8 underwear as white "Hanes" brand briefs, size small.

9  
10 Gavin described the suitcase containing magazines he mentioned during the first  
11 interview. It was hard plastic, about the size of a normal briefcase, and with locks  
12 popping up on each side, much like a briefcase. It was located on the first level of  
13 Michael's bedroom, down a hallway, past a door in a small room that contained a small  
14 couch.

15  
16 Gavin was asked to describe the mannequin Michael "humped." He believes it was a  
17 black girl wearing overalls, but indicated that Michael has several mannequins of both  
18 boys and girls, and the mannequin may have been wearing a dress.

19  
20 Gavin was asked who connected the computer to the Internet and who searched for  
21 porn. He said it was Frank. He could not remember the website. Gavin recalled the  
22 images of the pornographic website to be pictures of naked teenage females. The  
23 girls were on beds, exposing their private areas. None of the pictures were of males.  
24 Michael was the one who directed Frank to go to specific sites.

25  
26 Gavin was asked why he thought Michael wanted him to do the filming for the show.  
27 He said Michael was probably going to use the film to make himself look good. He  
28 thought the film was going to be kept by Michael for himself. Michael told him that this  
film was going to be sort of his audition, and that Michael was going to put him in  
movies. Michael told him what to say on the film. This all occurred on the occasion

1 when a part of the "Living with Michael Jackson" video was being filmed at the  
2 Neverland Ranch.

3  
4 Gavin was told that it is very important in this investigation and he tell us everything  
5 and not to hold back any information. He was told it is important that he be honest,  
6 and not to be embarrassed. Gavin said there was nothing else. This concluded the  
7 interview.

8  
9 Your Affiant has detailed in this affidavit the fact that the child victims and their mother  
10 were interviewed separately and admonished not to discuss their interviews or this  
11 case with each other. It is important to note that during the course of the two interviews  
12 detailed in this affidavit, Mrs. Arvizo was not aware that Gavin had been molested. She  
13 believed the focus of our investigation was the family's having been held against their  
14 wishes at the Neverland Ranch upon their return from Miami and their escape in March.  
15 Mrs. Arvizo told your Affiant she had contacted an attorney to help get their  
16 possessions back and to set up contacts with law enforcement to report what had  
17 happened to them. She emphasized that she was not interested in money.

18  
19 Your affiant is aware through a conversation with Sgt. Robel that around 5:00 p.m. on  
20 September 30, 2003, that Sgt. Robel, Lt. Klapakis and District Attorney Tom Sneddon  
21 met with Mrs. Arvizo and her family in a Los Angeles hotel and informed her that our  
22 conversations with her children had established that Gavin had been molested. This  
23 was the first time she was aware of the nature of her children's disclosures to law  
24 enforcement.

25  
26 Your Affiant has read and reviewed the affidavit of former Santa Barbara County  
27 Sheriff's Detective Deborah Linden, outlining the details of a 1993-94 child molest  
28 investigation of Michael Jackson. The victim in that investigation was a 13-year-old  
boy. Detective Linden is now San Luis Obispo City Chief of Police.

PAGES 65 – 72 (line 23) HAVE

BEEN REDACTED.

FINDINGS WILL BE ISSUED.

1 The Arvizo family's separately-elicited accounts corroborate one another. A trained  
2 forensic psychologist evaluated the youngsters and deemed them credible. The mere  
3 fact of forty-five-year-old Jackson's three-year-long interest in the adolescent Gavin is  
4 corroborating in itself; it would strike a reasonable person as grossly abnormal. So is  
5 the way that interest manifested itself: endless telephone conversations with the  
6 youngster, inappropriate and relatively public touching, kissing, licking and cuddling of  
7 him; expensive gifts, cross-county flights, the relocation of the family from their modest  
8 quarters in Los Angeles, his efforts to have them take up residence in Brazil.

9  
10 Importantly, Gavin Arvizo's account of the extravagant attention paid him and his family  
11 by Michael Jackson and the man's physical interaction with him mirrors the story

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19  
20 [REDACTED]

21 investigating officers who executed a warrant to search and inspect Jackson's person.

22  
23 In the now-famous interview of Michael Jackson by the BBC's Martin Bashir in "Living  
24 with Michael Jackson" that aired on February 6, 2003, Jackson denied that inviting  
25 Gavin to his bed was sexually motivated: "It's not sexual," he insisted. "We're going to  
26 sleep. I tuck them in. We play, I put a little, like, ah, music on. I tell a story to 'em; I  
27 read a book. It's very sweet. I put the floplace on. We give 'em hot milk. You know,  
28 we have a cookies. It's very charming. Very sweet. It's what the whole world should  
do."

1  
2 In contrast, none of the children's accounts, even to the CPS workers, mentions "hot  
3 milk," "cookles," and "reading stories."

4 Requested Search Of Hamid Moslehi's Residence/Film Studio

5  
6 It is your Affiant's training and experience that individuals in the film business usually  
7 maintain copies of the things filmed. Often the items maintained include the entire  
8 filming process, as well as the finished product. The film can also be converted into  
9 DVD or discs and stored, saved or viewed on a computer. Moreover, your Affiant  
10 believes there is probable cause set forth in the affidavit to believe that Hamid Moslehi  
11 is a professional filmer who does some of that work in his residence which doubles as  
12 his corporate headquarters. It is reasonable to believe that his corporate headquarters  
13 would contain documents in the form of letters, invoices, bills or other such documents  
14 billing Michael Jackson, Neverland Ranch, Brad Miller, MJJ Productions, or one of the  
15 other individuals or agents of Michael Jackson named in this search warrant for the  
16 filming of Mrs. Arvizo's children's February 20, 2003 in what your Affiant will call the  
17 "Michael Jackson Apology."

18  
19 Requested Search Of Office Of Investigator Miller

20  
21 Your Affiant believes this affidavit also establishes probable cause to believe that  
22 private investigator Bradley G. Miller was employed by or acting as an agent for  
23 Michael Jackson or representatives or employees of Michael Jackson in the prolonged  
24 false imprisonment of Mrs. Arvizo's family and the unlawful taking of Mrs. Arvizo's  
25 hidden Michael Jackson-Gavin correspondence from her stored contents. The affidavit  
26 reflects that the storage unit was in Brad Miller's name and billed to his business  
27 address. He was also present at the Hamid Moslehi filming of the Mrs. Arvizo family's  
28 forced "Michael Jackson Apology" film. Based on Jay Jackson's conversation with  
George, the owner of Dino's, regarding customer access to the storage unit, it is

1  
2 reasonable to conclude that any entry into the storage unit, any search thereof, or the  
3 taking of the notes stored there was done by Brad Miller or with his permission.

4 Therefore, your Affiant also believes there is reasonable and probable cause to believe  
5 that Brad Miller, as a licensed, professional investigator, may still have the notes or  
6 some documentation in the form of the notes, or correspondence, memoranda or other  
7 such writings reflecting their transfer to someone else. It is also reasonable to believe  
8 that a search of his business records will produce records showing his employment by  
9 Michael Jackson, MJJ Productions, or one of the other Michael Jackson agents  
10 responsible for the false imprisonment of the Arvizo family. Such records would include  
11 letters, memorandums, invoices, billings and cancelled checks confirming his payment  
12 of the rental of Dino's Storage facility where the Arvizo family possessions were kept  
13 and the letters were taken.

14  
Requested Search Of "Neverland Ranch"

15  
16  
17 Your affiant believes there is reasonable and probable cause to believe that at Michael  
18 Joe Jackson's "Neverland Ranch," there is corroborating evidence of Jackson's  
19 pedophilic interests, in the form of the pornographic magazines he shared with Gavin  
20 and Starr, children's underwear, and briefcase containing the magazines of naked  
21 women shown the boys.

22  
23 According to the Arvizo children's statements to investigators, they stayed in the main  
24 residence and Mrs. Arvizo stayed in one of the guest houses. They also visited almost  
25 all of the buildings and entertainment attractions surrounding the ranch's main  
26 residence, including but not limited to the arcade, theatre, tree house and "trophy"  
27 building.

28  
29 Your Affiant has attached as Exhibit "1" to this affidavit an aerial photograph of  
30 Neverland Ranch, depicting the various buildings and attractions which have been



1 identified by name. The accuracy of these designations was established from the  
2 following sources:

3 1) On September 16, 2003, the Arvizo family was shown Exhibit "1". They identified  
4 the main residence, guest quarters, arcade, theatre, tree house, train station, zoo,  
5 carnival and recreational area;

6 2) In October, 2003, District Attorney Tom Sneddon provided Investigators with  
7 photographs taken during the 1993-94 investigation of the main residence, both  
8 exterior and interiors and most of the outbuildings depicted on Exhibit "1." Mr. Sneddon  
9 also related that he was personally present during the consensual photo and video  
10 documentary of the premises arranged by Michael Jackson's then-attorneys and  
11 viewed the main residence, arcade and theatre, as well as surrounding areas;

12 3) From a review of a video tape taken on the same consensual search referenced  
13 above; and

14 4) from conversations with other sheriff's personnel familiar with the ranch and its  
15 buildings.

16  
17 As noted on Exhibit "1" and confirmed by the sources noted above, both the arcade and  
18 theatre are outbuildings, unconnected to the main residence. The arcade is a two-story  
19 wood-trimmed building immediately adjacent to the tennis courts. The series of guest  
20 quarters are near, but not attached to, the main residence.

21  
22 From some of these same sources, your Affiant determined that the ranch has a  
23 security headquarters building near the main residence, and is connected to the main  
24 residence by a stone archway. It is believed that the security headquarters contains  
25 surveillance monitoring systems. (A photograph of a security building is attached as  
26 Exhibit #2.) The photograph has "HQ" in black on front with an arrow pointing to the  
27 building. Designation "Exhibit 2" is on the back of the photo.

28  
29 Also from reviewing the 1993-94 photographs and talking to District Attorney Sneddon,  
30 your Affiant determined that at the time of these photos the downstairs area of Michael

1 Jackson's bedroom also contained his bed. In all other respects, it is consistent with  
2 their description. The photos do confirm the existence of the staircase leading to a  
3 second floor area capable of accommodating the bed as described by the children.  
4

5 As set forth in this affidavit, your affiant has personally met with the Arvizo family,  
6 including each of the children on multiple occasions. Your affiant has arranged to have  
7 all individuals searching the premises authorized by this search warrant to have recent  
8 photographs of the children for use in connection with the existence of the search  
9 warrant.  
10

11 Your affiant also requests authorization to video and photo document each of the  
12 premises to be searched. The affidavit sets forth specific information detailing the  
13 location of events at Neverland Ranch and Moslehi's residence. Photo and video  
14 documentation will be necessary to further refine, preserve and authenticate the  
location or condition of the premises for further investigation and trial purposes.  
15

16 Your affiant believes there is reasonable and probable cause to believe that at  
17 Neverland Ranch, Hamid Moslehi's business headquarters located in his residence at  
18 [REDACTED] and at Private Investigator Bradley  
19 G. Miller's office located at 211 South Beverly Drive, Suite 108, Beverly Hills,  
20 California, there are notes, personnel records, telephone records, lists of names and  
21 telephone records, phone message pads, appointment books, rolodexes, business  
22 cards, telecopies or facsimile material, contracts, agreements, bills, invoices, receipts,  
23 photographs, calendars, diaries, cash receipts journals, cash disbursement journals,  
24 payroll journals, ledgers, reports, writings, day planners, correspondence, and  
25 cancelled checks related to the investigation of the false imprisonment of Janet Arvizo  
26 and her family and the molestation of Gevin Arvizo.  
27

28 It is reasonable to infer that some of these records may be stored either in a computer  
29 or on some type of computer storage device such as floppy disks, zip drives, removable

1 tape cartridges, or CD-ROMs. I know that many people use computers to conduct their  
2 business, and that unlike drugs or stolen property, records are typically kept on the  
3 premises for years after they were created.

4  
5 Your Affiant discussed the practicality and risks associated with an on-premises search  
6 of computer records and systems with Det. McCammon, who is assigned to the  
7 Sheriff's High Tech Crimes Unit. Det. McCammon explained to me that based upon his  
8 training and experience, computer systems commonly consist of computer hardware,  
9 software, and data. Some computer systems may include multiple computers  
10 connected together, including workstations and servers. Det. McCammon believes that  
11 some of the information sought to be searched/seized may be contained on computers,  
12 separate computer media, personal digital assistants (e.g., Palm Pilot) and/or digital  
13 cameras.

14  
15 Searching the subject's computer, separate computer media, personal digital  
16 assistants, and/or digital cameras to the degree necessary to discover all stored  
17 information encompassed by the warrant requested in this case would be impractical,  
18 risky and difficult. A search performed at the premises could risk destruction of  
19 evidence. Persons concerned about detection are able to "rig" their computers in such  
20 a way that an otherwise innocuous instruction acts as a signal for the computer to  
21 erase data. Det. McCammon or other investigators may not be able to perform even a  
22 cursory search without spending a great deal of time at the scene ensuring that the  
23 computer has not been "rigged." Those persons may also employ computer security  
24 programs which can only be bypassed, if they can be circumvented at all, by specialists  
25 using a sophisticated laboratory. It would also be difficult to perform a thorough search  
26 of the subject's computer at the scene because Det. McCammon or other investigators  
27 may not be familiar with the operating system used on that computer. Computers are  
28 capable of storing large amounts of data; a thorough search of a single computer may  
take days or weeks. It would be impractical to perform such a search at the premises.

1 It would also be difficult to search all loose computer media at the scene. The subject  
2 may maintain too many disks to allow a thorough search within a reasonable time.  
3 Some removable storage media may contain the equivalent of tens of thousands of  
4 pages of information. An investigator cannot exclude even those floppy disks labeled  
5 as commercial software, because it is easy for anyone to copy new information onto  
6 those media. It is impossible to know how many floppy disks are at the premises until I  
7 arrive. In addition, in order to avoid using the subject's computer (which may be  
8 rigged) to examine the separate computer media, Det. McCammon would have to bring  
9 another computer onto the premises. It is impossible to predict which application  
10 programs (as well as other programs, such as drivers) out of the hundreds available  
11 have been used by the subject to create files stored on the computer media.  
12 Therefore, it is impossible to ensure that any computer brought onto the premises could  
13 be used to examine the media.

14  
15 Thus, I request permission to remove all computers and computer media for further  
16 examination.

17  
18 As discussed above, I am requesting permission to search and seize computer  
19 systems, computer networks, computer hardware, personal digital assistants, digital  
20 cameras, software, and data located at the premises. I intend to search and seize  
21 computer equipment, which could be considered to be computer peripherals, including  
22 but not limited to monitors, keyboards, input devices (such as mice and trackballs),  
23 printers, tape drives, optical/CD-ROM drives, and modems (used to communicate with  
24 other computers), found together or separately from one another.

25 I need to seize monitors, keyboards, input devices, and printers because they are  
26 integral parts of computer systems and are used to completely perform the functions of  
27 those computer systems, including the display of data (potential evidence) contained  
28 within those systems. In order to ensure accurate retrieval of the evidence contained  
29 within the computer, I need to be able to seize and analyze the computer in its current  
30 configuration. I need to seize modems because they may contain evidence (in the form

1  
2 of stored phone numbers) of other computers with whom the user(s) of computers  
3 found at the premises communicated.

4 I also request permission to seize any documentation or other material describing the  
5 operation of any computer, software, and/or computer peripherals found at the  
6 premises, including instructions on how to access the data, files, or other materials  
7 stored within same, including but not limited to computer manuals, printouts,  
8 passwords, file name lists, "readme" and/or "help files." That information may be  
9 necessary to enable Det. McCammon or other investigators to operate computers and  
10 software searched and/or seized in accordance with the warrant requested by this  
11 affidavit. That documentation is also relevant insofar as it may contain information  
12 identifying the owner and/or user of that computer, and provide evidence that the owner  
13 of the computer knew how to operate the computer.

14  
15 Your Affiant is aware that computer and computer-related items subject to seizure  
16 pursuant to the requested warrants may contain privileged information. Therefore, after  
17 consulting with District Attorney Tom Sneddon, the following plan was developed to  
18 ensure that no such computerized information will be accessed without an opportunity  
19 for the individuals whose computers are seized, or their designees, to meet with  
20 investigators and identify which information they may claim is legally privileged. The  
21 information so identified will then be downloaded, sealed and delivered to the Santa  
22 Barbara Superior Court for judicial determination whether the information qualifies as  
23 legally privileged. In the event it is determined that downloading could or would reveal  
24 the content or nature of the contents a special master will be sought.

25  
26 Within 48 hours of the seizure of any computer or computer-related items, your Affiant  
27 or his designee will notify the owners thereof that they have 10 days within which to  
28 identify any computer information for which they assert a privilege.

1  
2 Your affiant request that the affidavit be sealed and not disclosed to the public for 45  
3 days. There are numerous individuals and events that require further investigation.  
4 Your affiant believes the information or items obtained pursuant to this search warrant  
5 may also require follow-up investigation. Immediate disclosure of the information in the  
6 affidavit would jeopardize the Santa Barbara Sheriff's Department's further  
7 investigation of this offense.

8 Most of the pre-search warrant investigative individuals identified or events set forth in  
9 this affidavit were not followed up on before the warrant for fear of jeopardizing the  
10 warrant and with the knowledge that they would substantially have increased the  
11 likelihood that the evidence or information would have been destroyed. For this  
12 reason, investigators are requesting an opportunity to complete those tasks not  
13 reasonably possible prior to the execution of this warrant. Hence, the request for 45  
14 days sealing.

15  
16 Your Affiant commenced the actual physical mechanics of preparing this affidavit and  
17 attached search warrant at \_\_\_\_ a.m./p.m. of November \_\_\_\_, 2003; and your Affiant  
18 affixed his signature under oath to this affidavit before the undersigned magistrate at  
19 the time and date attested by said magistrate; and elapsed time reflected herein has  
20 been diligently utilized by your affiant in the mechanics of physically preparing these  
21 documents, locating and consulting with District Attorney Thomas Sneddon in reference  
22 to the aforementioned preparation; locating the appropriate magistrate; and  
23 transporting these documents to the magistrate for his official action in connection  
24 therewith.

25  
26 Your Affiant has reasonable cause to believe that grounds for the issuance of a search  
27 warrant exist, as set forth in Section 1524 of the Penal Code, based upon the  
28 aforementioned information, facts and circumstances.

1 WHEREFORE, your affiant prays that a search warrant be issued for seizure of said  
2 property to be disposed of according to law.

3  
4  
5 \_\_\_\_\_  
6 Signature of Affiant  
7

8 Detective  
9 \_\_\_\_\_  
10 Position of Affiant  
11

12  
13  
14 Sworn to before me and subscribed in my presence  
15 at \_\_\_\_\_ a.m./p.m. on November \_\_, 2003.  
16  
17

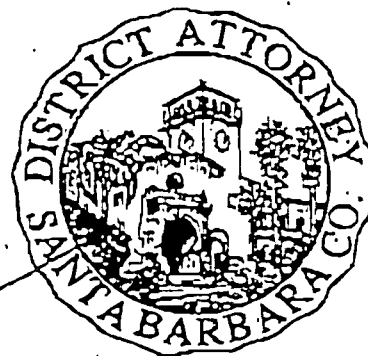
EXHIBIT C



# Memorandum

Date: November 10, 2003  
To: Sgt. Steve Robel and Paul Zelis  
From: Thomas W. Sneddon, Jr., District Attorney *TWS*  
Subject: Michael Jackson Investigation

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On Saturday, November 8, 2003, at approximately 1000 hours, I arrived in Beverly Hills for the purpose of ascertaining a description of the premises located at 211 South Beverly Drive, Beverly Hills, California, which is the purported office of Brad G. Miller. I turned right off of Wilshire Boulevard onto Beverly, traveled south for a block and a half, and on the right-hand side of the street I saw a two-story brick-trimmed building with the numbers 211 directly over large wooden double doors. I parked my car and went inside of the building and found the roster of occupants posted in a glass-enclosed container. In reviewing the occupants, I found the name of Brad Miller, with the number 205 directly to the right of his name. I photographed the roster. Slightly to my rear and left was a staircase. I went up the stairs to the top and turned left and proceeded to the end of the hallway. On the last door on the left-hand side of the hallway, was a double door with the number 205 next to it. The door contained about a half a dozen names of either attorneys or business management firms. The Brad Miller or Brad G. Miller was not among those listed on the door.

Thereafter, I walked the entire second floor location looking at other office spaces for either the name Brad Miller or Brad G. Miller on the door. I found none. Some of the other doors had names of businesses on them while others were simply blank with the room number next to it. I did this twice to ensure that I was not overlooking anything. I then proceeded down Beverly until I was able to turn around and come back on Beverly heading towards Wilshire Boulevard. I stopped immediately across the street from the building and took a series of photographs of the building. I then found a nearby phone booth with a Beverly Hills Yellow Pages. In the Yellow Pages I found the name of Brad Miller. I cannot recall whether there was a "G" in the name or not. I do not believe there was any address attached to the name, but there was a telephone number of [REDACTED]

I then proceeded to the pre-arranged meeting place at the rear of the Federal Building on Wilshire Boulevard to meet with Janet Arviso. The purpose of the meeting was to secure her signature to some applications for victims compensation, to pick up several items of evidence that she wanted turned over to investigators relevant to the investigation of Michael Jackson and to show her several photographs. The first thing I did was have Ms. Arviso sign the applications. The second thing I did was to show her a series of Department of Motor Vehicles photographs of

printouts that had been earlier obtained by investigators and provided to me. In order to ensure that Ms. Arviso did not see the personal identification information or that it was a Department of Motor Vehicles record, I cut out two pieces of paper which I placed over that information and thus the only thing shown to the witness was the photograph itself. The first photograph shown to Ms. Arviso was that of Brad Miller. Upon seeing the photograph, she immediately said, "That is Brad Miller." The second photograph was of Evelyn Joanne Tavasci. Ms. Arviso indicated she was not familiar with the person depicted in that photograph. The third photograph shown to Ms. Arviso was that of Jesus Salazar Salas. I showed her the photograph, she immediately said, "That is Jesus, head of security at Neverland." The last photograph was that of Hamid Moslehi. Again, when shown the photograph she immediately stated that that is "Hamid." Accompanying this memorandum will be the Department of Motor Vehicles image records that were used to show Ms. Arviso, as well as the sheets used to cover up the information.

Lastly, I received from Ms. Arviso and gave her a receipt to that effect, a CD disk with the writing on the front of it, "Michael Jackson and Gavin," and, a black jacket, which I did not examine. It was in a bag and I simply placed the disk and the jacket in the trunk of my car. Those items remained in my car until both items were moved to a secured location within my office.



IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SANTA BARBARA

SEARCH WARRANT

COUNTY OF SANTA BARBARA )

) ss.

Case No. \_\_\_\_\_  
(For Court's Use Only)

State of California )

THE PEOPLE OF THE STATE OF CALIFORNIA, to any Sheriff, Marshal, or Policeman in the County of Santa Barbara: Proof by affidavit, having been this day made to me by Sheriff's Detective Paul Zells, that there is probable cause for the issuance of a Search Warrant on grounds set forth in Penal Code Section 1524.

YOU ARE HEREBY COMMANDED to make a search at any time of the day only, good cause having been shown therefore, of the following described property:

So much of Suite 108 as contains the offices of Bradley G. Miller, Private Investigator, located in the office building located at 211 South Beverly Drive, Beverly Hills, California; further described as a two-story brick-trimmed building with the numbers "211" directly over large double doors affording primary public access to the building.

in the County of Los Angeles, State of California, for the following described property:

Records of Investigator Miller's professional employment by Michael Jackson or MJJ Productions or an individual or entity shown on the face of the document to be associated with Michael Jackson or MJJ Productions; letters, memoranda, invoices, billings and canceled checks evidencing his payment of the rental of a storage locker at Dino's Storage facility at 12841 Saticey Street, North Hollywood, California 91605; letters, passports, visas and other documents relating to one or more members of the Arvizo family, and/or reflecting his receipt and later disposition of property that had been stored in that facility

Computer systems including, but not limited to, personal computers, laptops, notebooks, workstations, and/or servers. Computer networks including, but not limited to, servers, hubs, switches, routers, modems, and/or cabling. Computer hardware including, but not limited to, monitors, input devices, printers, modems, scanners, peripherals, hard disk drives, floppy disk drives, magnetic tape drives, cassette tape drives, removable storage media drives, optical CD-ROM drives, and/or cabling found together or separately from one another. Personal Digital Assistants (PDA), docking devices, and/or cabling. Software and data, including but not limited to, hard disks, floppy disks, tapes, removable media, optical CD-ROM media, and/or networked data

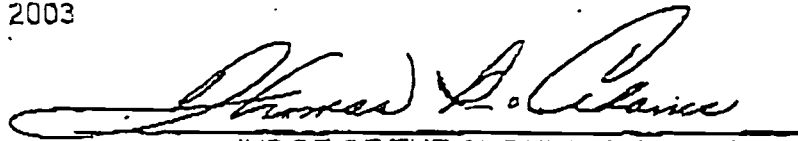
storage. Documentation or other material describing the operation of any computer systems, computer networks, computer hardware, software, and/or computer peripherals found at the premises, including instructions on how to access disks, files, or other material stored within same, including but not limited to computer manuals, printouts, passwords, file name lists, "readme" and/or "help files."

AND TO SEIZE IT IF FOUND and retain it in your custody subject to order of court as provided by law. The Affidavit in support of this warrant was sworn to and subscribed before me this 17th day of November, 2003 at 5:30 a.m./p.m.

You are further authorized to photograph and/or videotape the interior and exterior of the premises to be searched and photo-document personal property observed in the course of the search.

Wherefore I find probable cause of the issuance of this Search Warrant and do issue it.

Dated this 17th day of November, 2003

  
JUDGE OF THE SUPERIOR COURT

**EXHIBIT E**

1. Name of Court: Search Warrant  
 #109  
 211 So. Beverly St., Los Angeles

SHERIFF'S DEPARTMENT  
 SANTA BARBARA COUNTY  
 PROPERTY FORM

2. Case Number: 03-5670

3. Where Seized: PRVIZO  
 4. Seizing Office & Date: PRVIZO #2522 11-18-03  
 5. Description of Type of Asset: 0  
 6. Other Information: 0

| Item #  | Quantity | Unit  | Description                                   | Value | Tag #  |
|---|----------|-------|---|-------|--------|
| 811   | 1        | Video | LOK VHS T-120 VIDEO RE: HT PRVIZO 9-11-03     | E 0   | 122980 |
| 812   | 1        | Video | MICHAEL VHS T-120 RE: PRVIZO                  | E 0   | "      |
| 813   | 1        | Video | MICHAEL VHS T-120 PRVIZO JACKSON              | E 0   | "      |
| 814   | 1        | Video | MICHAEL VHS T-120 JACKSON - PRVIZO            | E 0   | "      |
| 815   | 1        | Video | SONY VHS T-120 PRVIZO MAKE 03-0503 MTS        | E 0   | "      |
| 816   | 1        | Video | MICHAEL VHS T-120 MTS - PRVIZO 2003           | E 0   | "      |
| 817   | 1        | Audio | THE CASSETTE MTS TEL TALKER 2-13-03           | E 0   | "      |
| 818   | 1        | Audio | THE CASSETTE MICHAEL JACKSON PRVIZO STAFF     | E 0   | "      |
| 819   | 1        | Video | THE BLUE SCREEN VIDEO PRVIZO MAKE II          | E 0   | "      |
| ITEM # 819 TAKEN FROM CONFERENCE/VIDEO OFFICE                           |          |       |   |       |        |
| 820   | 1        | Video | SONY VHS T-120 MICHAEL JACKSON - UNWRAPPED    | E 0   | "      |
| 821   | 1        | Video | TO GEORGE/MICHAEL MICHAEL JACKSON             | E 0   | "      |
| ITEM # 820 & 821 TAKEN FROM MICHAEL OFFICE<br>PLASTIC STORAGE CONTAINER |          |       |   |       |        |
| 822   | 1        | Other | Office Stub #5,000 - MICHAEL J. JACKSON 5-103 | E 0   | "      |
| 823   | 1        | Other | CONFIDENTIAL "MITS"                           | E 0   | "      |
| ITEM # 822 & 823 TAKEN FROM TOP OF<br>MICHAEL'S OFFICE DESK             |          |       |   |       |        |

THIS COPY IS CONTAINED IN THE PROPERTY BOOK OF THE SHERIFF'S DEPARTMENT OF SANTA BARBARA COUNTY AND IS TO BE RETURNED TO THE SHERIFF'S DEPARTMENT OF SANTA BARBARA COUNTY UPON THE RETURN OF THE PROPERTY TO THE OWNER OR TO THE COURT TO WHICH IT IS REFERRED BY THE COURT ORDER.

EXCEPTIONAL DISTRIBUTION IS AUTHORIZED  
 TO: \_\_\_\_\_  
 BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
 RECORD ORIGINAL

|            |         |
|------------|---------|
| SEARCHED   | INDEXED |
| SERIALIZED | FILED   |

1. District or Commission SEARCH WARRANT  
San Joaquin Co. 4100 Beverly

SHERIFF'S DEPARTMENT  
SANTA BARBARA COUNTY  
PROPERTY FORM

2. Case Number  
03-5670

3. All items are to be  
tagged  NO

| 4. Inventory Number                  |              | 5. Inventory District or Block No. |                         | 6. Date & Title of Return |                            | 7. Condition of Item (Type of Property to be Returned) |           | 8. Inventory Agency |               |
|--------------------------------------|--------------|------------------------------------|-------------------------|---------------------------|----------------------------|--|-----------|---------------------|---------------|
| 9. Item No.                          | 10. Item No. | 11. Section No.                    | 12. Item Name           | 13.                       | Describe Property          | 14. Type of Item                                       | 15. Value | 16. Date of Item    | 17. Item No.  |
|                                      |              |                                    | <u>MOTOR CYCLE</u>      |                           | <u>CONCRETE ROAD DRIVE</u> | <u>E</u>   | <u>0</u>  |                     | <u>122980</u> |
| <u>(SEIZED FROM MILLER'S OFFICE)</u> |              |                                    |                         |                           |                            |  |           |                     |               |
|                                      |              |                                    | <u>MOTOR CYCLE</u>      |                           | <u>CONCRETE ROAD DRIVE</u> | <u>E</u>   | <u>0</u>  |                     | <u>4</u>      |
| <u>(SEIZED FROM MILLER'S OFFICE)</u> |              |                                    |                         |                           |                            |  |           |                     |               |
|                                      |              |                                    | <u>2000 OLIVE DRIVE</u> |                           | <u>CONCRETE ROAD DRIVE</u> | <u>E</u>   | <u>0</u>  |                     | <u>4</u>      |
| <u>(SEIZED FROM MILLER'S OFFICE)</u> |              |                                    |                         |                           |                            |  |           |                     |               |

03-5670

This form is to be used for the purpose of recording the receipt of property seized by the Sheriff's Department of Santa Barbara County. It is not to be used for the purpose of recording the receipt of property seized by any other law enforcement agency.

EXCEPTIONAL DISTRIBUTION IS AUTHORIZED  
TO: \_\_\_\_\_  
BY: \_\_\_\_\_ DATE: \_\_\_\_\_

Signature: \_\_\_\_\_  
Date: \_\_\_\_\_



## PROOF OF SERVICE

I, the undersigned declare:

I am over the age of 18 years and not a party to the within action. I am employed in the County of Santa Barbara. My business address is 233 East Carrillo Street, Suite C, Santa Barbara, California, 93101.

On June 21, 2004, I served the foregoing document NOTICE OF MOTION TO SUPPRESS PURSUANT TO PENAL CODE SECTION 1538.5 AND NON-STATUTORY GROUND (PART 1); DECLARATION OF ROBERT M. SANGER; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF on the interested parties in this action by depositing a true copy thereof as follows:

Tom Sneddon  
Gerald Franklin  
Ron Zonen  
Gordon Auchincloss  
District Attorney  
1105 Santa Barbara Street  
Santa Barbara, CA 93101  
805-568-2398

Jed Beebe  
Santa Barbara Superior Court - Cook Division  
312 East Cook Street  
Santa Maria, CA 93454  
805-346-7584

BY U.S. MAIL - I am readily familiar with the firm's practice for collection of mail and processing of correspondence for mailing with the United States Postal Service. Such correspondence is deposited daily with the United States Postal Service in a sealed envelope with postage thereon fully prepaid and deposited during the ordinary course of business. Service made pursuant to this paragraph, upon motion of a party, shall be presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after the date of deposit.

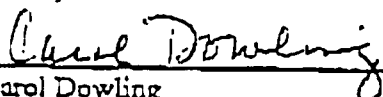
BY FACSIMILE - I caused the above-referenced document(s) to be transmitted via facsimile to the interested parties at

BY HAND - I caused the document to be hand delivered to the interested parties in open court.

STATE - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

FEDERAL - I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

Executed June 21, 2004, at Santa Barbara, California.

  
\_\_\_\_\_  
Carol Dowling