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16 Attorneys for Defendant  
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17

18 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
19 FOR THE COUNTY OF SANTA BARBARA  
20 SANTA MARIA DIVISION

21 THE PEOPLE OF THE STATE OF  
22 CALIFORNIA,

23 Plaintiff,

24 vs.

25 MICHAEL JOSEPH JACKSON

26 Defendant.  
27  
28

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

AUG 16 2004

GARY M. BLAIR, Executive Officer  
BY Carrie L. Wagner  
CARRIE L. WAGNER, Deputy Clerk

*\* Unsealed pursuant to  
to 200405 court  
order ✓*

CASE NO. 1133603

REPORT RE PROSECUTION'S  
FAILURE TO PRODUCE  
DISCOVERY AND REQUEST FOR  
SANCTIONS

FILED UNDER SEAL

Hearing  
Requested: August 16, 2004

1 Defendant Michael J. Jackson ("Mr. Jackson") through his counsel, hereby  
2 reports to this Court the recent production of discovery pertaining, among other  
3 things, to ongoing and pending motions to suppress. Sanctions are appropriate for  
4 the prosecution's failure to provide discovery concerning the search of Brad Miller's  
5 office and Neverland Ranch.

6 This report and request for sanctions is based upon this notice, the attached  
7 memorandum of points and authorities, exhibits, the file and record and any other  
8 information presented prior to a ruling hereon.

9  
10 DATED: August 13, 2004

Respectfully submitted,

11 Thomas A. Mesereau, Jr.  
12 Susan Yu  
COLLINS, MESEREAU, REDDOCK & YU

13 Steve Cochran  
14 Stacey McKee Knight  
KATTEN MUCHIN ZAVIS ROSENMAN

15 Robert M. Sanger  
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16 Brian Oxman  
17 OXMAN & JAROSCAK

18  
19 By: Steve Cochran  
20 Steve Cochran  
21 Attorneys for Defendant  
MICHAEL JOSEPH JACKSON

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1 **I INTRODUCTION**

2 Again, the casual refrain by the prosecution that the defense "has everything"  
3 is demonstrably false. Feigning ignorance and only after examination in court on the  
4 issue, the prosecution just produced an "Operations Plan" prepared in November  
5 2003 for the searches of Mr. Jackson's ranch and the office of Bradley Miller.

6 These documents contain previously undisclosed information relevant to Mr.  
7 Jackson's motions to suppress evidence. Defense counsel have already commenced  
8 their examination of officers concerning the search of Mr. Miller's office. The  
9 prosecution held onto this document until 1 ½ business days before defense counsel  
10 present witnesses on the government's knowledge prior to the search and the  
11 execution of the search warrants.

12 The prosecution's last minute production deprives the defense of adequate  
13 time to review the material and thwarts Mr. Jackson's ability to present his defense.  
14 The failure to timely produce discovery is an affront to this Court's directive to  
15 deliver information, especially in view of the prosecution's promise that the defense  
16 "has everything."<sup>1/</sup>

17 Defense counsel must now recall witnesses who have previously testified to  
18 inquire about the information contained in the "Operations Plan." The prosecution's  
19 blatant discovery abuse unnecessarily extends the hearing, thus wasting this Court's  
20 time and resources. Sanctions are in order for the willful failure to produce  
21 discovery.

22

23

24

25 <sup>1/</sup> To this date, and despite the continuous efforts of defense counsel to assist, the  
26 prosecution has still not provided a complete set of search warrants, affidavits and  
27 returns as ordered by this Court. In addition, the prosecution has not provided numerous  
28 items of physical evidence for inspection and copying nor have they provided access to  
all documents, police reports or property inventories. Incredibly, only today (the last  
court day before the continued hearing), the prosecution disclosed for the first time, the  
identity of the "confidential reliable informant" referenced to in the search warrant  
affidavit.

1 **II. THE PERTINENT FACTS**

2 **A. The Operations Plan**

3 On August 12, 2004, the prosecution produced a November 14, 2003  
4 "Operations Plan" (Bates No. 003499-003509) prepared by the Santa Barbara  
5 County Sheriff's Department for the November 18, 2003 search of Mr. Jackson's  
6 ranch. The "Operations Plan" also references a briefing concerning the search of Mr.  
7 Miller's office. At the end of the document is a "Time Line" that contains a  
8 chronology of events and witness interviews that took place prior to the search. This  
9 information bears directly on the propriety of the warrants and the ensuing searches.

10 This "Operations Plan" was not previously produced, despite months of  
11 discovery, a motion to compel and briefing about the validity of searches. Without  
12 elaboration, the cover letter to the inexcusably late discovery claims that the  
13 prosecution was only advised that the document exists on August 10, 2004. <sup>27</sup> That  
14 letter and the Operations Plan are attached hereto as Exhibit A.

15 **B. The Motions To Suppress**

16 **1. Motion to Suppress, Part 1**

17 On June 21, 2004, defense counsel moved to traverse affidavits, to quash  
18 warrants and to suppress evidence seized in the search of Bradley Miller's Beverly  
19 Hills office. The hearing was calendared for July 9, 2004. That day, defense counsel  
20 requested a continuance of the hearing, in part, because of the prosecution's failure  
21 to produce correspondence among Mr. Dickerman, Mr. Geragos and Mr. Miller.  
22 This correspondence related directly to the government's knowledge that Mr. Miller  
23 was the private investigator of Mr. Jackson's prior counsel.

24 The Court continued the Motion to Suppress, Part 1 to July 27, 2004. Defense  
25 counsel examined five witnesses at this hearing: Detective Paul Zelis, Sergeant Steve  
26

27 <sup>27</sup> Defense counsel made their initial demand for discovery on January 30, 2004.  
28 The "Operations Plan" is responsive to the routine categories itemized in the defense  
discovery request. (See demand for discovery, attached hereto as Exhibit B.)

1 Robel, Detective Rod Fomey, Sergeant William Caldwell and D.A. Investigator  
2 David Tonello. Each of these witnesses played an the integral role in obtaining  
3 and/or executing the warrants. Defense counsel examined the witnesses about  
4 briefings that occurred prior to the search.

5 The contents of the "Operations Plan" bear directly on this examination. It  
6 appears to be a document distributed to the officers involved in the November 18,  
7 2003 searches. It sets forth an agenda for their briefing as well as an outline of facts  
8 the searching offices were asked to assume. The prosecution's failure to produce this  
9 material prejudiced defense counsel's ability to elicit testimony about these very  
10 issues.

## 11 2. Motion to Suppress, Part 2

12 On June 29, 2004, defense counsel filed their Motion to Traverse Affidavits, to  
13 Quash Warrants and to Suppress Evidence under Penal Code § 1538.5. This motion  
14 challenges and seeks to quash the remaining search warrants. The hearing was  
15 noticed for August 16, 2004, thus giving the prosecution nearly six weeks notice.  
16 Defense counsel has subpoenaed multiple witnesses to testify concerning the legality  
17 of the search. The officers' knowledge and instructions prior to the search is central  
18 to, among other things, the factual basis of the affidavits for the warrants, and  
19 whether the government exceeded the limitations of the warrants.

20 The prosecution waited until the eve of the hearing to produce these pivotal  
21 documents. Defense counsel is now forced to scramble around at the last minute to  
22 digest the newly discovered information and compare that information to the  
23 voluminous reports and other discovery.

## 24 III THE PROSECUTION SHOULD BE SANCTIONED

25 There is no credible explanation for the prosecution's failure to produce the  
26 November 14, 2003 "Operations Plan" until August 12, 2004. The prosecution has  
27 found the time and effort necessary to prepare for grand jury proceedings, conduct  
28 ongoing witness interviews and monitor forensic examination of seized items at the

1 expense of providing timely discovery. The effect of the prosecution's unwillingness  
2 to meet its discovery obligations should no longer be borne by Mr. Jackson. <sup>2/</sup>

3 The prosecution's blatant disregard of its discovery obligations has disrupted  
4 these judicial proceedings. This Court has scheduled multiple courts days for the  
5 hearings on Mr. Jackson's Motions to Suppress, Parts 1 and 2. The defense is now  
6 required to recall witnesses already examined, thus forcing counsel, the Court and its  
7 staff to expend additional time and resources to complete this hearing.

8 The prosecution's conduct warrants appropriate sanctions, including but not  
9 limited to:

- 10 1) a finding that the Operation Plan was subject to earlier production and  
11 the prosecution wrongly withheld the material;
- 12 2) a finding that the prosecution misrepresented to the Court that defense  
13 "has everything;"
- 14 3) an order allowing defense counsel to reopen the scope of exam for  
15 previously-called witnesses on the motion to suppress part 1;
- 16 4) monetary sanctions for disruption of proceedings and the affront to this  
17 Court's order re discovery;
- 18 5) any other appropriate relief.

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27 <sup>3/</sup> Although the defense has only had a few hours to analyze the Operations Plan,  
28 it appears to disclose evidence that the prosecution has not yet provided other reports  
about matters stated therein.

1 **IV. CONCLUSION**

2 The prosecution inexcusably held back the November 14, 2003 Operations  
3 Plan. A remedy more than nothing is necessary to prevent further abuse.

4 Dated: August 13, 2004 Respectfully submitted,

5 Thomas A. Mesereau, Jr.  
6 Susan C. Yu  
7 COLLINS, MESEREAU, REDDOCK & YU

8 Steve Cochran  
9 Stacey McKee Knight  
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13 Brian Oxman  
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15 By: Steve Cochran  
16 - Steve Cochran  
17 Attorneys for Defendant  
18 MICHAEL JOSEPH JACKSON  
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EXHIBIT A



THOMAS W. SNEEDON, JR.  
District Attorney

MARNIE B. PINSKER  
Assistant Director

DAVID M. SAUNDERS  
Chief Investigator



PATRICK J. MCINLEY  
Assistant District Attorney

CHRISTIE STANLEY  
Assistant District Attorney

ERIC A. HANSON  
Chief Trial Deputy

COUNTY OF SANTA BARBARA  
DISTRICT ATTORNEY

August 12, 2004

Robert Sanger, Esq.  
Sanger & Swyson, Lawyers  
233 East Carrillo Street, Suite C  
Santa Barbara, CA 93001

Re: Discovery Compliance

Dear Bob:

On Tuesday, August 10, 2004, we were advised of the fact that there was an operational plan written in conjunction with the search warrant on Neverland Ranch in November of 2003. Accordingly, please find attached to this letter discovery of that operational plan as pages 003499 through 003509.

Very truly yours,

Thomas W. Sneedon, Jr.  
District Attorney

Robert Sanger, Esq. is in receipt of the discovery items listed above

Date: 8/12/04

ROBERT M. SANGER

By: Genevieve L. Jones  
Genevieve L. Jones

TWS:sm  
Attachments

cc: Steve Cochran, Esq.  
Thomas A. McCoskey, Jr., Esq.  
R. Brian Cochran, Esq.  
Sara C. Yu, Esq.

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**Santa Barbara County Sheriff's Department  
Criminal Investigations Division  
Operations Plan**

Date: November 14, 2003  
To: All Concerned Personnel  
From: Sgt. Eric Koopmans  
Subject: Search Warrant - Michael Jackson's Neverland Ranch

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CASE SUMMARY

On June 13, 2003, CID re-opened a previous investigation regarding allegations of child abuse against Michael Jackson, as a result of a phone call from a Los Angeles attorney representing the victim and family. The initial investigation, conducted in February 2003, was based only on the allegation that Jackson had children sleeping with him in his bed. The case was closed after an interview with the alleged victim(s) determined no crimes were committed by Jackson. During this recent call, the attorney related that one of the initial victims made several new disclosures during a recent counseling session with a psychiatrist. The new disclosures included Jackson providing liquor to the victim(s), showing the victim(s) pictures of naked women, and inappropriately touching the victim(s).

CID detectives interviewed the victim(s), who made a number of new disclosures amounting to child molestations, child endangerment, providing alcohol to minors, death threats and false imprisonment. The main victim's brother and sister were also interviewed. They provided corroborating statements.

To further corroborate these allegations, a search warrant was obtained from Superior Court Judge (name). Refer to the search warrant Attachment A, for a complete list of items/evidence sought during the search.

LOCATION

The Neverland Ranch, owned by Michael Jackson, has a physical address of [REDACTED] Los Olivos. The ranch can be located [REDACTED] of the Thomas Guide. The ranch is approx. 2544 acres in size. The main outer gate is located on [REDACTED] and staffed with Jackson's security personnel. There is also an interior gate, staffed with security personnel, just prior to reaching the main grounds. There are a number of buildings and structures, including the main house (12,500 sq ft), guest house (2,800 sq ft), separate garage (2,895 sq ft), movie theatre (5,550 sq ft).

003499

arcade, security shed, large warehouse, 2 barns, amusement park rides, small zoo, etc., on the property. The main house has several hidden rooms with secret doors.

### BRIEFING

The operation will occur on Tuesday, Nov 18, 2003. A pre-operation briefing will be held at 0600 hours at the Solvang Vets Hall. During the briefing, Sgt. Robel will provide personnel with a summary of the case and what evidence will be searched for at the Neverland Ranch. Once Sgt. Robel has completed his summary of the case, Sgt. Koopmans will instruct personnel on how the operation will be carried out, including assignments for each detective/deputy, required gear and equipment, communication protocol, etc. Aerial photographs and maps of the Neverland Ranch will be displayed at the briefing to aid personnel in familiarizing themselves with the location.

### STAGING AREA

Once briefing is completed, all personnel will drive to Nojoqui Avenue, Los Olivos, and park on the shoulder next to the open field, opposite to the church. The caravan will wait for notification to proceed to Neverland Ranch.

### EXECUTION

Lt. Klapsakis, Sgt. Robel and Det. Zelis, along with a marked patrol unit with uniformed deputies, will proceed to the main gate and contact the guard. The guard will be advised of the reason for our presence (search warrant) and ordered out of the guard shack without making radio or phone notification to any other security staff. The guard will be detained by a second marked patrol unit with uniformed deputies.

Lt. Klapsakis, Sgt. Robel and Det. Zelis, along with the first marked unit and an additional marked unit (both baker units), will proceed onto the property and up to the main area. Confronting security/management personnel will be advised of the search warrant and provided a copy. Head of security/management will be ordered to radio their patrolling security personnel to stand down and allow SBSO personnel to move freely on the property. The main house, security shed and arcade will be immediately secured by uniformed personnel. The remainder of personnel (waiting in Los Olivos) will then enter the property.

Note: If Jackson is on the property, security will be heavy. Jackson's exterior security is believed to include patrolling K-9 units and camera equipped four-wheel-drive vehicles. Another concern is that the main gate cannot be opened without having the guard step out of the guard shack. The shack is equipped with cameras and a panic button to notify the rest of security. If we have to take the main gate guard by force, Jackson's security personnel posted in the security shed (located next to the main house) will see on his/her monitor the activity.

## COMMUNICATION

All communication for this operation will be done by cell phone (Nextels) to prolong detection by Jackson's security, media and public. Personnel will not use their radios unless there is an emergency. A cell phone list for all participating personnel will be provided at briefing. Freq. 7 will be used if radio communication is necessary.

## SERVICE OF WARRANT

Sgt. Robel and Det. Zelis will serve a copy of the search warrant to Jackson (if present). The main house will be searched by assigned personnel. Any of Jackson's friends or staff found in the house will have the choice to leave after being interviewed or remain in the main living room area. If Jackson is present, Lt. Klapakis, Sgt. Robel and Det. Zelis will contact him.

Forensics personnel will videotape the entire residence (interior) prior to beginning the search. The pre-determined scribe will set up in one of the rooms. Each item seized as evidence will be first photographed by Forensics personnel in the location the item is found. After a photo is taken, the finder will turn over the item to the scribe. The scribe will record/document the item on SH-451 property form, then package and seal the item into an evidence bag. Forensics personnel will again videotape the entire residence upon completion of the search. The search of the security shed, arcade and wine cellar will be processed by separate teams and in the same manner as the main house. All evidence will be booked in the Santa Barbara Property Room.

## VIDEOTAPING THE OPERATION

Chris O'Leary will be assigned to videotape the service of the warrant, from the initial contact at the main gate to contacting head of security/management and/or Mr. Jackson. This will be done to protect the department from any false accusations.

## COMPUTER EQUIPMENT

Detectives John McCammon and Perry Kuhl (High Tech Crimes Unit) will handle all computer equipment after photographed by Forensics personnel.

## CLOTHING, GEAR & EQUIPMENT

CID/SOD detectives will wear standard search warrant clothing (ID jacket, jeans, tennis shoes, etc.). Individual equipment will consist of vests, nylon gear, radios, cell phones, S/W kits, flashlights, etc. Detectives assigned as interviewers will have tape recorders & power microphones. All interviews will be recorded.

Deputies assigned to Security Detail will wear class D uniforms. Security Detail will need 4 marked patrol units, with at least one being four-wheel-drive.

Operations equipment will include laptop computers and portable printers (for scribes), the Santa Maria Station Rural Crime P/U truck and the Santa Barbara Property van (for seized evidence transportation), two C.P./Mobile Dispatch vans (one for On-Site C.P., and the other for Off-Site/Logistics), portable potty units, supply of extra batteries for flashlights, tape recorders, power mics, etc., large supply of evidence bags and packaging materials. Nevels will be assigned to key positions.

### MEDIA RELEASES

All media contact and information releases will be handled strictly by Cmdr. Bill Byrne and Sgt. Chris Pappas. Cmdr. Byrne and Sgt. Pappas will be on scene due to the anticipation of the operation being a major media event. Cmdr. Byrne and Sgt. Pappas will consult with CID staff prior to any news releases. A press conference in Santa Barbara will be conducted on the day after the search.

### COMMAND POST

It is anticipated that our presence at the Neverland Ranch will last late into the evening. Therefore, a Command Post will be established on-site, utilizing one of the C.P./Mobile Dispatch vans. Commander Donnelly will be the Incident Commander. Lt. Kitzmann will be the Operations Lieutenant. Sgt. Koopmans will assist Lt. Kitzmann. Coffee, soda, water and snacks will be available at the Command Post.

### PERSONNEL

The operation will be carried out by members from CID, SOD, ADMIN, NCOID and SCOD. DA investigators will also be assisting. Refer to the attached personnel roster for a complete list. Two CHP units will be assigned to handle any traffic issues [REDACTED] [REDACTED] CHP will handle any disruptions in traffic caused by the media or public. An ambulance will be on standby in the immediate area during the initial service of the warrant, since Jackson's security personnel are likely armed. Once the location is secure, the ambulance will be released.

### INTERVIEWS

CID detectives and DA investigators will be assigned to interview potential witnesses on scene. These detectives also may have to respond to off-site locations for Jackson's employees, who are off-duty on the day of the search. Interviews will be assigned by Sgt. Rebel. A list of potential questions will be provided to interviewers.

### OFF-SITE / LOGISTICS

An Off-site/Logistics Unit will be set up next to Mami's Tavern in Los Olivos, utilizing a second C.P./Mobile Dispatch van. The unit will be staffed by Lt. Reinstadler (unit supervisor), Sgt. Cintron (logistics support) and two deputies (runners). The unit will be

responsible for meals, equipment and additional supplies. The unit will also be the staging area for the PIO and the liaison for CHP and AMR.

### ADDITIONAL SEARCHES

There will be two other search warrants served in Beverly Hills and West Hills, simultaneously to the Neverland Ranch operation. Two separate teams, consisting of CID detectives and DA investigators, will carry out these two warrants. Personnel involved in these search warrants will attend a pre-operation briefing at 1400 hours on Monday, 11-17-03, at the Main Station.

Related Addresses

Janet's Old Address - [REDACTED] - The Arvizo's "bachelor apartment" that the Jackson Organization moved them out of.

Janet's New Address - [REDACTED] - Janet's current address with her boyfriend Jay. Note: Soon to be relocated.

Janet's Parents - [REDACTED] - Grandparents house where Frank and Vickie were harassing family.

Dino's Storage - [REDACTED] - The storage company that the Arvizo's belongings were stored at.

Hamid Maslehi - [REDACTED] - Home of the person who filmed the "reburial" film with the victims.

Brad Miller - [REDACTED] - Private investigator that had Janet's belongings at Dino's Storage under his name.

003504

## Named Individuals

- Frank Tyson, cell [REDACTED] Neverland [REDACTED]
- Vincent F. Argen, aka "Vinnie" DOB [REDACTED] cell [REDACTED]
- Jesus Salas, DOB [REDACTED]
- Ronald Komizer
- Dieter Wiesner
- Bradley Miller, private investigator
- Marc Schafel, Calabasas
- Hamid Mouschi, hm [REDACTED] cell [REDACTED]
- Asef, cell [REDACTED]
- Johnny, Johnny's Private Eye [REDACTED]
- Evelyn Tavarzi, aka "Evin", MJ's personal assistant
- Grace, nannie
- Pary, nannie
- Dr. Farschian, MJ's personal doctor

003505



## CASE # 03-5670 TIME LINE

Friday, June 13, 2003 – Lt. Klapakis is contacted by Attorney Larry Feldman and told of disclosures made by the Arvizo family to psychiatrist Dr. Stan Katz. The disclosures include the following:

- Michael Jackson providing alcohol to the Arvizo children
- Jackson showing Gavin and Star pictures of nude women
- Jackson allowing the Gavin and Star to sleep in his bed with him
- Jackson inappropriately touching Gavin and Star through their clothes

Friday, June 13, 2003 – Det. Zelis contacts Dr. Katz via telephone and obtains information regarding the disclosures made by the Arvizo family. Dr. Katz gives more detail regarding the above mentioned disclosures and his opinion is that the kids are credible.

Sunday, July 06, 2003 – Sgt. Robel and Det. Zelis meet with the Arvizo family in Goleta and begin the interview with Janet Arvizo. Janet states the following information:

- Her son Gavin Arvizo was diagnosed with an unknown kidney cancer in June 2000
- Soon after, Gavin meets Michael Jackson (via phone) while in the hospital
- MJ calls Gavin about every other day and sends gifts
- MJ invites Gavin and the family to Neverland where they stay for several days (Aug. 2000)
- MJ gives Gavin a laptop computer (possible Apple computer) and Ford Bronco
- Spring/ Summer 2001, both laptop and Bronco have problems and are sent back to Jackson, never to be returned
- No visits by the Arvizo family to Neverland in 2001, due to Gavin's chemotherapy
- Several visits to Neverland in 2002, sometimes MJ not there
- September 2002, the three Arvizo kids go to Neverland and "Living with Michael Jackson" is filmed
- February 05, 2003, "Living with Michael Jackson" airs in England, MJ has Arvizo family fly to Miami and are not allowed to see show (stay at Turnberry Reson). MJ gives Gavin alcohol
- February 07, 2003, MJ has Arvizo family return directly to Neverland, MJ gives Gavin and Star alcohol on plane flight
- MJ and the Jackson Organization tell the Arvizo family that there are death threats on the children and are not allowed to leave Neverland
- Janet gets Jesus Salas (Neverland employee) to drive them to Los Angeles, escaping Neverland.
- Frank Tyson (MJ's employee and long time friend) talks Janet into returning to Neverland due to threats.
- Janet is allowed to leave w/o her children, CPS calls Janet for interview
- February 20, 2003, CPS interviews the Arvizo family in LA, Jackson's security guard (AscV) threatens Janet not to say anything and gives her tape recorder to tape interview.
- Arvizo children taken back to Neverland, Jackson Organization wants family to go to Brazil (gets them passports)

003506

- March 10, 2003, Gavin has doctor appointment and taken to LA, Janet refuses to let Gavin return to Neverland

Monday, July 07, 2003 – Sgt. Robel and Det. Zelis continue the interview with Janet Arvizo at the CALM Cottage in Santa Barbara. Sgt. Robel and Det. Zelis also interview Davellin, Star and Gavin Arvizo at the CALM Cottage.

Davellin states the following during interview:

- Gavin and Star stay in MJ's bedroom while visiting Neverland, she says she is excluded
- Gavin and Star tell her of seeing pornography on computer and magazines
- She saw MJ give alcohol to Gavin and Star, she was also given wine, described wine cellar
- Gavin told her that MJ gave them alcohol every night (wine, vodka, and tequila), also wine was put in empty Coke cans for them to drink
- Gavin told her about watch given to him by MJ as bribe not to tell about alcohol
- Gavin and Star tell her of prank phone call game where they are made to drink alcohol if they don't make calls
- Gavin and Star tell her that MJ talked to them about masturbation, they saw MJ hump a mannequin and MJ nude on one instance
- She sees a change in Gavin's behavior, Gavin more aggressive and keeps to himself

Star states the following during interview:

- Described Gavin receiving gifts from MJ including laptop and Bronco
- On first meeting of MJ at Neverland says MJ wanted Gavin and Star to curse
- Frank Tyson present during first visit to Neverland
- Watched pornography on computer given to Gavin by MJ, Tyson connected laptop to internet and he and MJ surf porn sites, showing Gavin and Star nude women
- Gavin and Star sleep in MJ's bedroom
- Remembers going to Neverland about a total of seven times between 2000 and 2003, sometimes with only Gavin and always stay in MJ's bedroom
- Also describes given alcohol by MJ on plane back from Miami in Feb. 2003 and also at Neverland afterwards, alcohol everyday. MJ calls wine "Jesus Juice"
- Saw MJ lick Gavin's head on plane back from Miami
- Saw MJ masturbating Gavin while they were in MJ's bed (two times), MJ also masturbating himself during acts
- MJ did not want Star to stay in his bedroom and only wanted Gavin
- MJ wanted Gavin and Star to take sleeping pills (Star kept pill and was given to Feldman)
- Saw MJ nude on one occasion, MJ walked into bedroom with erection and told both they should do the same
- Described phone in MJ's room that monitors all other phones in Neverland
- MJ touched him over his clothes during ride in golf cart
- MJ humped a female child mannequin (both dressed) pretending to have sex with the mannequin
- Described briefcase containing Hustler and Playboy magazines in MJ's office
- Frank Tyson threatened to kill family if Star told of what MJ did with them

Gavin states the following during interview:

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- Met MJ (via phone) in 2000 while in hospital with cancer, MJ called him about three times a week, talked about video games, famous people and cartoons
- Shortly thereafter MJ invited Gavin and his family to Neverland
- During visit to Neverland, MJ wanted only him to stay in MJ's bedroom, but insisted Star be allowed to stay as well
- Described seeing pornography on laptop MJ gave to him (same events as described by Star)
- Slept in MJ's bed with Star, MJ and Frank Tyson slept on floor
- Visited MJ at Neverland as many as ten times between 2000 and 2003, also met with MJ at Universal Hihon
- MJ asked Gavin to be in film ("Living with Michael Jackson") and told to say how much MJ had helped him
- February 2003, MJ wanted him and the family to fly to Miami to make new conference regarding film
- In Miami, stayed at Turnberry Resort, no news conference. MJ gave Gavin wine in a Coke can
- Given wine on plane back to Neverland from Miami, MJ gave Gavin watch and said its worth \$75,000 so not to say anything about alcohol
- Directly after Miami returned to Neverland and told about death threats, given wine and alcohol every day, not allowed to leave Neverland
- MJ told him about masturbation and wanted to show him how, Gavin drunk, both laying on bed and MJ masturbated him, MJ told him its okay
- MJ masturbated Gavin every night that Star wasn't sleeping in MJ's bedroom (about 5 times) Gavin not made to do anything to MJ, no other disclosure
- All touching happened at Neverland after the visit in Miami
- Described magazines in briefcase and MJ humping mannequin (same as Star)
- Frank Tyson threatened to kill Janet if he ever said anything about alcohol

Wednesday, August 13, 2003 - Sgt. Robel and Det. Zelis meet with the Arvizo family in Los Angeles and conduct follow up interviews with Gavin, Star, Davellin and Janet. The follow up interviews were to clear up additional questions that arose after the original interviews.

Thursday, August 14, 2003 - Sgt. Robel and Det. Zelis collect a watch, pill and notes from the office of Attorney Larry Feldman. Watch is found to be worth only several hundred dollars and pill is a Nyquil gel-cap.

Tuesday, September 09, 2003 - Sgt. Robel and Det. Zelis travel to Kaiser Permanente Hospital in Los Angeles and interview Dr. Beatriz Kuizon and Dr. Cooper regarding Gavin's medical condition. It is learned that alcohol would not have affected Gavin's medical health.

Tuesday, September 30, 2003 - Lt. Klapakis, Sgt. Robel and Tom Sneddon travel to Los Angeles and meet with the Arvizo family. Jay and Janet are both told of the disclosures made by Gavin and Star. The family is informed of the court procedures regarding a case of

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this magnitude and what they are faced with. The family is left with the option of following through with criminal prosecution.

Wednesday, October 1, 2003 - Lt. Klapakis and Sgt. Robel pay the storage bill where Janet's property was stored by the Jackson organization and remove the property. Nothing of case value is found.

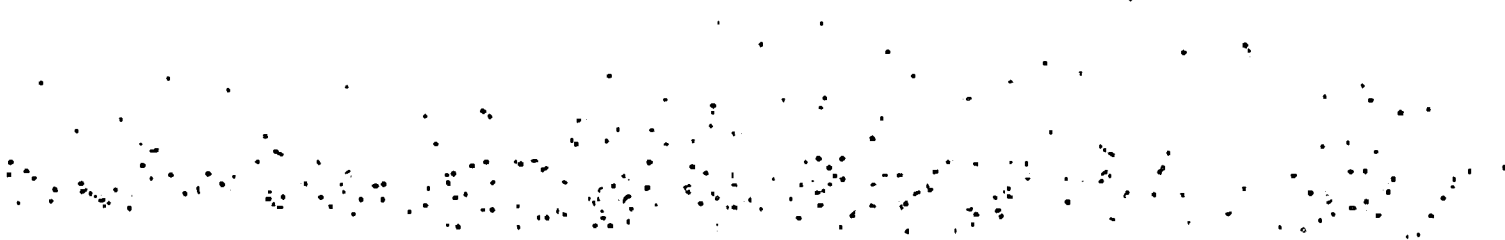
Thursday, October 9, 2003 - Sgt. Robel receives Gavin's medical records via mail from Kaiser Permanente Hospital. The records are booked into evidence and follow up report made.

Tuesday, October 28, 2003 - Sgt. Robel interviews Janet via telephone regarding passports, visas and Brazil trip. Follow up report is made.

- BRIEF REGARDING 836 P.C FOR  
- VENNIE AMEN  
-

60358F

EXHIBIT B



**KMZ Rosenman**  
KAYLEN MUCRIN ZAVIS ROSENMAN

SUPP COURSE PLAN ENR SUITE 2101  
LOS ANGELES, CA 90007, 2012  
310 788 4488 FAX 310 788 4488

STEVE COCHRAN  
steve.cochran@kzr.com  
310 788 4488 direct 310 712 8655 fax

January 30, 2004

By fax and mail

Gerald Franklin  
Deputy District Attorney  
1105 Santa Barbara St.  
Santa Barbara, CA 93101

Re: People v. Michael Joe Jackson  
Case Number 1133603

Dear Mr. Franklin:

Please accept this informal discovery request pursuant to Penal Code § 1054.5(b). On behalf of Mr. Jackson, we request the following disclosures:

1. The names and current addresses and telephone numbers of all witnesses you intend to call to testify at trial and of all percipient witnesses and potential witnesses, whether or not the prosecution intends to call such witnesses to testify against Mr. Jackson at trial. Penal Code sections 1054.1(a), 1054.1(e); *Brady v. Maryland* (1963) 373 U.S. 93. See also, *In re Littlefield* (1993) 5 Cal.4th 122;

2. All statements or utterances by Mr. Jackson, oral or written, however recorded or preserved, whether or not signed or acknowledged by the defendant including, but not limited to, all audio and video tapes. Penal Code section 1054.1(b), 1054.1(e); *Brady v. Maryland*, *supra*;

3. The content of any statements made in Mr. Jackson's presence while being interrogated by law enforcement that were intended or might reasonably be expected to have the effect of encouraging Mr. Jackson to give a statement about the offense to the police. *People v. Haydel* (1974) 12 Cal.3d 190; *Napue v. Illinois* (1959) 360 U.S. 264;

Gerald Franklin  
Deputy District Attorney

January 30, 2004  
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4. All physical evidence obtained in the investigation of the case against Mr. Jackson. Penal Code section 1054.1(c), 1054.1(e):

5. Any record of criminal arrests or convictions of Mr. Jackson. Penal Code section 1054.1(d)-(e);

6. Any exculpatory evidence, information, documents, and other materials in the possession of, or that have come to the attention of, the District Attorney or of any police department involved in the investigation of the case against Mr. Jackson. Penal Code sections 1054.1(e), 1054(e). *Giglio v. U.S.* (1972) 405 U.S. 150, 92 S. Ct. 763; *Brady v. Maryland*, *supra*;

7. The identity and whereabouts of any material informants. Penal Code section 1054.1(c), 1054(e). *People v. Hobbs* (1994) 7 Cal.4th 978;

8. All written or recorded statements of witnesses who will testify at trial. Penal Code section 1054.1 (e)-(f):

9. All written or recorded statements of percipient witnesses, whether or not they will be called to testify. Penal Code section 1054.1 (e)-(f):

10. Any record of criminal arrests or convictions (whether felonies or misdemeanors) of any witness to be called to testify against Mr. Jackson. Penal Code section 1054.1 (e), 1054(e); *People v. Lang* (1989) 49 Cal3d 991; *People v. Harris* (1989) 47 Cal-3d 1047. See, *People v. Pinholster* (1992) 1 Cal.4th 865, 938, 939; *People v. Pensinger* (1991) 52 Cal.3d 1210,1271;

11. All records concerning arrests of any alleged victims, complaints filed against any alleged victims, or information concerning incidents of specific acts of aggression by any alleged victims, as well as the names, addresses, and phone numbers of witnesses to such acts. Penal Code section 1054.1(e): *Engstrom v. Superior Court* (1971) 20 Cal.App.3d 240, 245;

Gerald Franklin  
Deputy District Attorney

January 30, 2004  
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12. All notes and reports of police officers and investigators concerning offenses charged. This includes field notes, bench notes and reports concerning all aspects of the case, e.g. the alleged crime, Mr. Jackson's arrest, law enforcement activities and observations, and conversations with witnesses. Penal Code section 1054.1(e)-(f):

13. Any evidence to be used in rebuttal of the defense case. *Izazaga v. Superior Court* (1991) 54 Cal.3d 356; *People v. Bunyard* (1988) 45 Cal.3d 1189.

14. The content and timing of communications between Larry Feldman and anyone from the sheriff or district attorney's offices.

15. The content and timing of communications between Dr. Stan Katz and anyone from the sheriff or district attorney's offices.

16. The content and timing of any communications between Tom Sneddon and anyone from the complainant's family.

17. A copy of physical evidence amenable to duplication, e.g., videotapes, audiotapes, etc.

18. Notice of evidence offered under Evidence Code §§ 1101 and 1108.

19. The results of any forensic analysis.

20. The content and timing of any communications between Jamie Masada and anyone from the sheriff or district attorney's offices.

21. The content and timing of any communications between Dr. Mathis Abrams and anyone from the sheriff or district attorney's offices relating to Mr. Jackson, the complainant and/or any member of the complainant's family.



Gerald Franklin  
Deputy District Attorney

January 30, 2004  
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22. The content and timing of any communications between anyone from the Federal Bureau of Investigation and anyone from the sheriff or district attorney's offices.

23. All telephonic records obtained as part of the investigation into the offenses charged.

24. All search warrants and supporting affidavits for phone records sought relating to Mr. Jackson, the complainant, the complainant's family and/or the offenses charged.

Please allow this letter to serve as a reminder that the prosecution has a duty to disclose evidence favorable to the defendant pursuant to the due process clause of the Fourteenth Amendment to the United States Constitution. (*United States v. Bagley* (1985) 473 U.S. 667, 674-78.) The prosecutor's duties of disclosure under the due process clause are wholly independent of any statutory scheme of reciprocal discovery. (*Izazaga v. Superior Court* (1991) 54 Cal.3d 356, 378.)

This is a request that continues through the completion of trial. Your cooperation and quick response to this request is appreciated.

Sincerely,

*Steve Cochran*  
Steve Cochran

*Benjamin Brafman*  
Benjamin Brafman

*Mark J. Geragos*  
Mark J. Geragos

*Robert M. Sanger*  
Robert M. Sanger

PROOF OF SERVICE BY MAIL

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen and not a party to the within action, and my business address is Katten Muchin Zavis Rosenman (the "business"), 2029 Century Park East, Suite 2600, Los Angeles, California 90067.

( ) I am readily familiar with the business's practice for collection and processing of correspondence for mailing with the United States Postal Service; such correspondence would be deposited with the United States Postal Service the same day of deposit in the ordinary course of business.

( ) (By Personal Service) I delivered such envelope by hand to the addressee(s) as indicated above.

(X ) By Facsimile Machine, I caused the above-referenced document(s) to be transmitted to the persons listed below:

On August 13, 2004, I served the foregoing documents described as REPORT RE PROSECUTION'S FAILURE TO PRODUCE DISCOVERY AND REQUEST FOR SANCTIONS on the interested parties in this action as follows:

Thomas W. Sneddon, Jr.  
District Attorney of Santa Barbara  
1105 Santa Barbara Street  
Santa Barbara, CA 93101

Fax: 805-568-2398

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct

Executed on August 13, 2004, at Los Angeles, California.

  
\_\_\_\_\_  
Marsha Davis