

*The Case for the Defense*

February–June 2005

Lead defense attorney Tom Mesereau had two major weapons in his arsenal. The first sat directly to his left at the defense table every day. Michael Jackson, the internationally known superstar beloved by millions was a powerful presence in the courtroom, even if he might never take the stand. Jackson was far bigger than life, always perfectly turned out in a custom-cut dark suit, accessorized with his trademark armband and matching vest. The wardrobe people who came to dress him each morning at 4:00 A.M. often made sure his family was color coordinated to complement his attire.

Mesereau's second weapon was the recently remarried Janet Arvizo Jackson, the accuser's mother. She, of course, was a prosecution witness, but Mesereau was able to call her testimony into question at every turn.

From his opening statement to the jury on February 28, 2005, "Mesmerizing Mez," as he was known among the legal community in his home base of Los Angeles, made clear that Janet Arvizo was nothing but a "hustler" out to get Michael Jackson's money.

Mesereau's contention was that Mrs. Arvizo was such an experienced con artist that when Michael Jackson decided to move on to help other children, she put in motion a multilayered scheme of extortion and retribution. The defense attorney stressed that Arvizo went to see two lawyers before she ever talked to police.

"Just as they realize all of this free ride, this party, was ending, did they go to the police with the molestation allegation?" Mesereau rhetorically asked the jury. "No. They went to a lawyer. And then they went to another lawyer, never to the police, until they had worked out all their legal rights and opportunities."

What Tom Mesereau failed to mention was that Janet Arvizo had gone to a lawyer before her son ever mentioned anything about molestation.

In late March 2003, she met with attorney Bill Dickerman, a sole practitioner based in Los Angeles, in hopes of pressuring Team Jackson into returning the contents of the apartment they had packed up and put into storage when they moved her and her family out. She also wanted legal advice on whether she could stop future airings of the Bashir documentary—for her son's sake.

Dickerman quickly realized he needed help and contacted the only other lawyer known to have successfully challenged the Jackson organization —Larry Feldman, the man who had negotiated the Chandlers' settlement in 1993.

It was Larry Feldman who suggested to Mrs. Arvizo that both of her sons be taken to Dr. Stanley Katz, a clinical psychologist, for evaluation. Dr. Katz individually interviewed each member of the Arvizo family, and as a mandatory reporter of suspected child abuse, it was he, along with Larry Feldman, who reported his findings to authorities.

At trial, Dr. Katz testified that when he gently questioned Gavin about what had occurred during his time with Jackson, the boy cried and became visibly upset and the interview was terminated. Gavin, then thirteen years old, did not make a full and complete statement about what he alleged happened until June 2003, when he met for the first time with Sergeant Steve Robel and Detective Paul Zelis of the Santa Barbara Sheriff's Department. The officers said they then alerted the boy's mother.

In his opening remarks, Tom Mesereau steered clear of the above-mentioned timeline of events, focusing instead on painting Mrs. Arvizo as someone who was after Jackson's money.

“First of all, ladies and gentlemen, I am going to prove to you in this case that there is a pattern by Janet and her children of ensnaring people for money,” Mesereau began. “We will prove to you, the mother, with her children as tools, was trying to find a celebrity to create their life and give them advantages they didn't have. And they were looking far and wide for that celebrity. And unfortunately for Michael Jackson, he fell for it. That's where it all begins.

“I want to let all of you know that I think an opening statement is a contract,” Mesereau continued. “You make promises in an opening statement, you better fulfill them. Because at the end of the trial, the jury's going to know whether you did or didn't. And I say to you right now, I am going to make some promises in this case, I am going to fulfill them, and I want you to judge me accordingly at the end.”

With that vow on the table, Michael Jackson's lead defense attorney promised he would prove that Janet Arvizo had personally tried to “hustle” money from comedian Jay Leno, comedian-actor George Lopez, comedian Louise Palanker, and a local KNBC weatherman and comedian Fritz Coleman. Leno, Lopez, Palanker, and Coleman would all be called upon to testify during the trial. All of them flatly denied Mesereau's claim. Jay Leno, for example, took the stand on May 24, 2005, and testified he did place a call to Gavin in the

hospital. The boy also left him several messages, but at no time did any members of the Arvizo family ever ask him for money.

Mesereau made similar statements about Arvizo hustling money from boxer Mike Tyson and actors Adam Sandler and Jim Carrey, none of whom were called to testify.

Mesereau said he would prove that in the fall of 2000, Janet Arvizo told the comedian Fritz Coleman that her family desperately needed money because of her son's illness and conned him into organizing a fund-raiser at the Laugh Factory, Hollywood's famous comedy club.

"And we will prove to you," Mesereau told the jurors, "that as you entered the Laugh Factory for the fund-raiser, there was Gavin with his hand out in the lobby, with Janet prodding him on. Fritz Coleman doesn't know where the money went. It has disappeared in thin air. Where do you think it went?"

But Mesereau's promise was hollow. Several witnesses, among them the comedy club owner Jaime Masada, testified that Janet Arvizo did not attend either of two fund-raisers held at the Laugh Factory for her son. Fritz Coleman told the jury he didn't see her there and he didn't organize anything; he simply stopped in during one of the events. Testimony made it clear that it was David Arvizo, Gavin's father, who was behind the fund-raising attempts and it was David Arvizo who took control of any money raised. No one testified that Janet had anything to do with any aspect of raising money.

Mesereau also claimed during his opening statement that the Arvizos "successfully hustled \$2,000 out of actor Chris Tucker" on December 22, 2000. But when Chris Tucker was called as the defense team's final witness, he testified to no such thing. Tucker said he had voluntarily contributed "fifteen hundred dollars or more" to David Arvizo after he was told that one of the fund-raisers didn't net much money.

If anything, the testimony from Louise Palanker, George Lopez, his wife Ann Lopez, and the owner of the Laugh Factory, Jamie Masada, painted Gavin's father as the hustler in the family, and a family court had ordered him to stay away from his wife and children.

The jockey-sized Masada told the jury in a thick Israeli accent that after the Bashir program aired in America, Gavin was besieged at school and elsewhere by taunts of "faggot" and other derogatory names. He felt so sorry for the family he spoke to others about their situation. "I said, 'Janet, [a] particular person wants to give you— actually, offered to give me a check, as much an amount of money [as] you want, and wants you to just take care of your kid and family, and feels bad for all of that stuff.... I know this particular person, he

would give you whatever money you need,' you know. You need to buy a house? Whatever you need, he would get you the money.”

“What did she say?” the prosecutor prompted him.

“She said, ‘No, tell them all I need [is a] friend. I don’t need money. I just need pray[er]. Thank you very much, but tell them we need a friend. That’s all we need.’ ”

It was later reported the benefactor was comedian Howie Mandel.

The jury also learned that David and Janet Arvizo had been estranged since the fall of 2001. In theory, then, none of David’s actions should have been held against the mother and children for events in 2003. But even after all the testimony that contradicted his opening statement, Tom Mesereau continued throughout the trial to call Janet Arvizo and her oldest son “a motherson grifter team” who, if they didn’t directly ask for money, had the talent to manipulate others to feel so badly for them that they would simply open up their wallets and give.

Jurors heard, for example, that Jaime Masada gave \$50 bills to all the Arvizo children if he liked their comedy camp performance; he paid for judo lessons and for other amenities for the family. A man named Hamid Moslehi, Jackson’s longtime videographer, told the jury he, too, helped Janet Arvizo. After just a half-hour phone call with her and after seeing her at the taping of the rebuttal video for Jackson, Hamid said he loaned her \$2,000.

Louise Palanker and Fritz Coleman once picked the Arvizos as the family they wanted to sponsor for several hundred dollars’ worth of Christmas gifts, a small microwave for the parents, and some video games for the kids. Yet when they testified none of these people said they felt manipulated by Janet Arvizo. They said they helped out of a sense of charity.

When Gavin was most seriously ill in 2001, David Arvizo had taken a lot of time off from his job as a warehouse worker at a local grocery store to be with his son in the hospital. At that point, Janet worked as a waitress at the Bonaventure Hotel in downtown Los Angeles and didn’t earn enough money to meet the daily expenses for a family of five. Insurance covered most medical costs, but there were always extra expenses.

Louise Palanker, the comedienne, writer, and producer who had worked with the Arvizo children at the Laugh Factory comedy camp in 1999 and had always stayed in touch, came to the family's rescue in 2001. In June and then again in July, Palanker gave David Arvizo generous cash gifts, two \$10,000 checks to ease their burden.

"I was in a position where I could help this family, and I didn't want to—I didn't want Gavin to ever be alone in the hospital," said Palanker, an attractive small blond woman with glasses. "And I didn't see how a family of their means would be able to take off work and be with him if I didn't do this."

When the doctors at Kaiser Permanente said Gavin could go home to recover but only if he had an elaborate "clean room" in which to stay, Louise Palanker worked with the family to help plan, and fund, that room. Together, they determined that such a room could be created at Janet's parents' home. To make a germ-free environment, they had to remove the wall-to-wall carpeting and get an independent source of filtered air into the room.

Tom Mesereau had told the jury in his opening remarks that Palanker was "upset" when she saw that the family had used her money to buy a huge TV and DVD player instead. During her testimony, however, Palanker said she was pleased.

"It looked like they had bought a nice big bed for Gavin, some bedding. They explained that the carpet had been ripped up. And I saw the tile— and then...the floorboards had been fixed so that it could be dust-free. And there was some kind of air conditioning/air filtration device right outside the window. And they had bought a big television and a DVD player. I believe the whole family would sit in there on the bed and watch it."

Palanker acknowledged there had been trouble with payment to a contractor she had recommended for the clean-room improvements. The problem was traced to David, who had failed to pay an outstanding \$800 bill. Within two weeks, Palanker said, David Arvizo was back asking her for more money. He claimed that Janet had spent all the money "on votive candles— praying." Palanker told the jury she didn't believe him and she cut him off completely.

Jackson's defense team had some success painting all the Christmas gifts, substantial cash donations, and loans as the work of a skilled con artist. The head hustler was Janet Arvizo, Mesereau told the jury time and again.

The defense attorney also focused considerable time and attention on the Arvizo family's 1998 lawsuit against JCPenney and Tower Records in which they ultimately won a \$152,000 settlement. It was part of what Mesereau referred to as Janet Arvizo's "welfare fraud."

On August 27, 1998, David, Janet, Gavin, and Star were all detained at the JC Penney store in West Covina, California, for shoplifting.

The incident began when the two boys and their father were inside the store and eight-year old Gavin, his arms full of school uniforms, headed out the door toward the family car. Janet Arvizo wasn't with them at the time; ironically, she had gone elsewhere in the mall to drop off her résumé for a new job—as a "loss prevention agent," someone who handles store security.

There are differing reports as to whether Gavin was instructed by his father to shoplift the clothes, or if the boy was trying to trick his father into buying them.

Janet Arvizo left the mall to find her husband and boys engaged in a parking lot confrontation with security guards from JC Penney. Guards from a nearby Tower Records store had also come out to the lot to assist. Testimony entered into the record suggests that as soon as Janet arrived on the scene, a fight broke out almost immediately as she allegedly backhanded one guard and tried to strike another. The boys also jumped into the fray to help their mother. According to Janet Arvizo, her husband stayed off to the side as the fight continued.

Gavin, who had not yet been diagnosed with cancer, came away with a fractured elbow and other bumps and scrapes. His brother, six-year old Star, received a concussion. In photographs shown to the jury at Jackson's trial, Janet Arvizo was seen with massive bruises on her arms, legs, and face. David, who had avoided the altercation, was unharmed.

A lawsuit, filed against JC Penney and Tower Records by the Arvizos on July 22, 1999, claimed battery, false arrest, false imprisonment, malicious prosecution, negligence, intentional infliction of emotional distress, and defamation. During sworn depositions in the case—taken months later—Janet Arvizo's story about what happened that August afternoon in the mall parking lot changed considerably. Her personal injury attorney, Anthony Ranieri, was called by the defense to testify at Jackson's trial.

“Do you recall in that deposition Janet Arvizo saying that she was fondled approximately twenty-five times by JC Penney’s security guards on that particular day?” Mesereau asked.

“Yes, I recall that,” Ranieri sighed.

“And had she ever told you that before?”

“She had not.”

“Was that the first time you ever heard Janet tell that story?”

“It was.”

“How many times do you think you had discussed these alleged events with Janet before that deposition?”

“No less than twenty-five. I talked to her quite often,” the attorney said in an almost beleaguered tone. The jury had already heard about Janet’s manic-sounding mood swings—“she was either very high or very low” as one witness put it—and that she had a habit of making frequent and lengthy phone calls.

“And you’re saying that in those approximately twenty-five discussions, she never told you about her being fondled twenty-five times by JC Penney security guards? Were you surprised when she said that under oath?”

“Yes,” the attorney said in a firm voice.

Sixteen months after the lawsuit was first filed, Janet Arvizo suddenly recalled during depositions how the guards had sexually assaulted her in the parking lot that day, squeezing her nipples twenty-five times and allowing her breasts to spill out of her shirt as she was handcuffed behind her back. She complained of being “rubbed in her pelvic area for one to five minutes,” according to Dr. John Hochman, who had been called in by JC Penney to evaluate the participants in the parking lot incident.

The defense used Janet’s late-blooming memory of sexual abuse to underscore questions about her truthfulness. The defense also suggested that the bruises found on her body could have been inflicted by her husband. Yet in both depositions she gave in the JC Penney case, Janet swore that her husband

never beat her. That was at odds with what she later told welfare officials when she applied for assistance.

Prosecutors defended Janet at trial, explaining that to reveal such an intimate secret would be to invite another beating.

Janet Arvizo is reported to have endured her first, violent marriage by keeping her head down and for the most part letting her husband have his way. In late 2002, when her oldest son once again became the object of Michael Jackson's attention, her marriage was over and she was in charge of making the family's decisions. To many in the courtroom, she seemed ill equipped to do so.

The jury saw graphic photos taken after the JC Penney altercation of Janet Arvizo's battered and bruised body. Wearing nothing but her bra and panties she was seen literally covered in black and purple bruises from her shoulders to her ankles. Tom Mesereau said over and over that the photos were taken weeks after the JC Penney incident, leaving plenty of time for David Arvizo to have inflicted the injuries on his wife. The prosecution countered that that was not true and that the photographs were taken within "a couple days" of the altercation. There was no concrete proof presented to the jury by either side to show exactly when the photos were taken.

The case against JC Penney and Tower Records was settled in the fall of 2001. It is not known whether the store's attorneys considered it a nuisance suit, easier to just pay off, or whether they decided there was some merit to the claim that the guards had overreacted. No matter, \$152,000 changed hands and it broke down this way: Ranieri and his law firm received about \$80,000; Gavin Arvizo was awarded \$25,595 for his injuries; Star Arvizo received \$8,576; David Arvizo was paid \$5,000; and Janet Arvizo got a little over \$32,000 for her injuries. The Arvizos put both boys' money into trust fund accounts that could not be touched until they were older. Shortly after the settlement, Janet Arvizo used the bulk of her money for cosmetic surgery. She then filed for divorce from her husband and applied for welfare assistance.

Tom Mesereau was certainly correct on one point: Janet Arvizo was a welfare cheat. An employee from the Los Angeles Department of Social Services appeared to say Arvizo never revealed the existence of the settlement money the family had received on any of the forms she filled out for assistance, and she had signed the forms under penalty of perjury. Arvizo had also funneled at least three of her welfare checks of \$769 each through her boyfriend Jay Jackson's bank account. Jay Jackson testified that he had been the one who suggested she do that since she didn't have her own bank account.



It was a way, he explained to the jury, for Janet to save the \$25 check-cashing fee. The defense painted it as an illegal transaction.

It was interesting to watch juror number twelve, Eloise Aguillon, a forty-four-year-old Hispanic woman, during this portion of testimony. She had worked as a welfare eligibility supervisor for social services for twelve years, and she took copious notes about Janet's interaction with the welfare system. Her ex-husband was a police officer. I wondered if she thought Janet Arvizo had committed serious transgressions or if she had seen much worse misuse of the welfare system.

During the trial, I learned from law enforcement sources that Team Jackson had done everything it could to get Janet Arvizo convicted of welfare fraud before the criminal trial began. It would have been a big plus for them to go into trial with the accuser's mother a convicted welfare cheat. Defense attorney Brian Oxman was reportedly in charge of the effort and he, in turn, brought in a lawyer named Tony Capozzola from Redondo Beach.

In January 2005, Capozzola sent a thick packet of information about Janet Arvizo to the number two man at the district attorney's office in Los Angeles.

Capozzola's cover letter read in part, "Please find enclosed package confirming what I believe to be a prima facie case of massive welfare fraud perpetrated upon the County of Los Angeles and the State of California...."

Capozzola knew that welfare recipients are required to reveal any and all outside support they receive each month. In the dossier he worked up on Janet Arvizo, Capozzola had added up the value of all the food and lodging at Neverland that Janet and the children had enjoyed as guests of Michael Jackson, the airplane tickets to Miami, the cost of clothing and luggage for the family (purchased in advance of the trip to Brazil), and other items. The grand total was more than \$70,000.

With the possibility that Los Angeles authorities might open up a welfare fraud or perjury case against her, Janet Arvizo was forced to take the stand on April 13, 2005, with the understanding that she would invoke her Fifth Amendment right against self-incrimination if any questions about welfare came up.\* The jury was made aware of the possibility that she might take the Fifth, but Judge Melville instructed the panel, "You must not draw from the exercise of this privilege any inference as to the believability of the witness...."

The defense began to present its case on May 5, 2005. The first two witnesses were twenty-two year- old Wade Robson and twenty-three-year-old Brett Barnes. Both men denied on the stand that Michael Jackson ever sexually molested them. It was powerful testimony and went directly to the defense team’s main theme: that Michael Jackson should be judged differently from all other grown men who repeatedly slept with young boys.

On the stand, the Australian-born Robson categorically denied Blanca Francia’s story that she had seen him, as a boy, with Michael Jackson in the shower. He said it simply never happened.

Under cross-examination by prosecutor Ron Zonen, Robson acknowledged that Michael Jackson had been instrumental to his career, creating opportunities for him that he likely would otherwise not have had. Testimony revealed that Robson’s father was mostly absent from the boy’s life, having visited Neverland only once with him, on the very first trip when he was just seven years old. And, on the family’s first trip to Neverland, Robson said, he asked his mom if it was okay to stay in Jackson’s bedroom. She said it was.

“Had you ever crawled into bed with a thirty year- old man prior to that day?” Zonen asked.

“My father,” Robson said a bit defensively.

“Okay...” “But other than that, no.”

“Any person who you had just met?”

“No.”

“All right,” Zonen said in his gentle way. “And in fact, throughout your entire adolescent years, you had never slept with any other man other than Michael Jackson and your father. Is that correct?”

“Never slept in a bed with any other man, no.”

Robson detailed all the places he had slept with Jackson—at Neverland, at his mother’s apartment in Hollywood, in a hotel in Las Vegas, and at Jackson’s condo in Century City while his mother stayed across the street at the Holiday Inn. All the occasions occurred before he was fourteen because after that, he told the jury, he never slept with Jackson again. Neither he nor his mother thought

the relationship with Jackson was unusual, he insisted. He was adamant that nothing sexual had ever occurred.

“What you’re really telling us is nothing happened while you were awake; isn’t that true?” Zonen asked. The heads of at least three jurors snapped up from their notebooks.

They had already heard how young boys played themselves ragged at Neverland, literally staying up all night—night after night. Most of them were parents and may have had children capable of sleeping through just about anything if they were tired enough.

“I’m telling you that nothing ever happened,” Robson said decisively.

Zonen asked Robson if he thought it was appropriate for a thirty-five-year-old man to be sleeping with an eight-year-old boy?

“I don’t see any problem with it,” the young man answered.

“If you knew that the person, the thirty-five year- old man who was sleeping with an eight year- old boy, possessed a great quantity of sexually explicit material, would that cause you concern about that person’s motivations while he was in bed with the boy?” the prosecutor asked.

There was a long pause as Robson seemed to struggle with an answer. Finally he responded in a quiet voice, “Yes.”

Mesereau rose to his feet for redirect. He knew he had to follow up on that line of questioning.

“If you had known Michael Jackson, as a grown man, was reading Playboy, Hustler, Penthouse—magazines like that showing naked women—would that have concerned you?” Mesereau asked, knowing full well that the stack of erotic material at the clerk’s desk contained much more than run-of-the-mill adult magazines.

“No. That’s what I was going to say afterward,” Robson hurriedly tried to explain. “Depends on what kind of material, what kind of pornographic material you were talking about.”

“Would that have concerned you?”

“No.”

“No further questions,” Mesereau said returning to his seat at the defense table.

Ron Zonen was up in a flash, making a beeline to the clerk’s desk on the far right side of the room. As he walked, he told the witness he would like to show him a couple of exhibits that had already been introduced. After he gathered up two of Jackson’s coffee-table-size picture books, he walked to the witness stand and laid the books in front of Wade Robson. Every juror’s eyes were locked on the books.

“Let’s start with one titled Boys Will Be Boys. I’d like you to take a look at a few of the pages. Just go ahead and start turning pages, please. Stop there for a moment. Would you describe the picture on the right side?”

“There’s a young boy with his legs open and he’s naked,” Robson’s posture began to wilt.

“The picture prominently displays his genitalia, does it not?”

“Yes.”

“That boy looks, to you, to be approximately how old?”

“Maybe eleven or twelve,” Robson said cautiously.

“That’s how old you were when you were sleeping with Michael Jackson; is that right?”

“Yes.”

Zonen took his time, asking the witness to flip through the book and describe other pictures he saw. A naked boy sprawled on a rock, Robson said, another with his private parts posed for the camera, a third, a fourth...all “about eleven or twelve years old,” according to Robson. His shoulders began to droop further forward.

“Would you be concerned about having your twelve-year-old child in bed with a person who possesses a book like that?”

“No,” Robson replied, but the answer sounded more like a question.

“You would have no such concern?” Zonen pressed.

“No. It’s—to me, it doesn’t—it’s not a pornographic book. It’s sort of, you know—I don’t know, just a book.”

Zonen directed the witness’s attention to the second book he had brought to the stand entitled *A Sexual Study of Man*, and once again asked Robson to flip through the pages. Wasn’t it a book depicting two men engaged in various sex acts with each other? Sex acts like masturbation, oral sex, or sodomy?

“Yes,” Robson said through a tightened jaw.

“Would you be concerned about a person who possesses that book crawling into bed with a ten year- old boy?”

“Yes, I guess so.”

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When Joy Robson, Wade’s mother, took the stand, she couldn’t say enough kind things about Michael Jackson. “I feel like he’s a member of my family,” she said. “I know him very well. I trust him. I trust him with my children. He’s not the boy next door—he’s just a very unique personality.” Neverland, she declared, is “the happiest place on earth...Peaceful, very beautiful. Inspirational.”

Under cross-examination by Sneddon, Joy Robson acknowledged that she refused to allow police to take a statement from her son back in 1993 when the Jordie Chandler allegations first surfaced. She was worried, she said, that her son might be “manipulated.”

“You felt that your son could be manipulated easily?” the district attorney asked.

“No, but I wasn’t going to take that chance. He was ten.”

“You weren’t concerned about the fact that the defendant in this case, Mr. Jackson, might manipulate your son?”

“No concern at all that he would manipulate my son,” she said raising her chin.

“But two law enforcement officers, you thought they would?”

“Possibly. I don’t know them. I know Mr. Jackson.”

In response to questions, Joy Robson also described the bizarre late-night trip that she and her son had taken to Neverland in late 1993. Right before Christmas, the very night Michael Jackson returned to America in the wake of the Chandler scandal and immediately following reports that he had just been in drug rehab, the star telephoned the Robsons. He wanted Wade to be brought to him.

“Both of you, late in the night, drove to Neverland Valley Ranch, correct?” the DA asked Mrs. Robson.

“Correct.”

“When you got to Neverland Valley Ranch, it was about one-thirty in the morning, correct?”

“Correct.”

“When you got there, you went to the guest quarters and your son went to Mr. Jackson’s bedroom, correct.”

“I don’t remember where I slept, but he did go to Michael’s bedroom.”

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When Brett Barnes took the stand, he described to the jury how at the age of five, he and his sister wrote a letter to his idol and took it to the airport in Melbourne when Jackson arrived to perform in concert. They handed the letter to one of Jackson’s dancers on the tarmac and later Michael Jackson actually phoned them at their home. The year was 1987—the same year that Wade Robson met the superstar in Australia.

They spoke via telephone all the time, Barnes said, and when he was nine, the whole family was treated to a visit to Neverland, all expenses paid. They visited often after that, he told the jury, sometimes staying for a month at a time. Sometimes, the boy visited alone.

“Has Mr. Jackson ever molested you?” Tom Mesereau asked.

“Absolutely not. And I can tell you right now that if he had, I wouldn’t be here right now,” Barnes said in a stern, deep voice.

“Has Mr. Jackson ever touched you in a sexual way?”

“Never. I wouldn’t stand for it.”

“Are you aware of any allegations being made that Mr. Jackson inappropriately touched you when you were with him?”

“Yes, I am. And I’m very mad about that... because it’s untrue, and they’re putting my name through the dirt. And I’m really, really, really not happy about it.”

Under cross-examination, Brett Barnes testified that he couldn’t remember much about his extensive world travels with the pop star. But he revealed that he had shared a bed with Michael Jackson until he was nineteen years old.

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Marie Lisbeth Barnes, Brett’s mother, began her testimony by telling the jury that she had spoken to Michael Jackson on the telephone for years before they had actually met. The mega-star had received her son’s letter in 1987, she explained, and had begun calling them on the phone. It wasn’t until December 1991 that Michael Jackson invited them to an all-expenses paid visit to Neverland. They stayed for three weeks, taking side trips to Disneyland and Las Vegas. Mrs. Barnes told the jury she trusted Jackson “implicitly”—always did, always would.

Like her son, Mrs. Barnes seemed to have forgotten some of the details of her time with the King of Pop. She couldn't remember exactly when her son started sleeping in the same bed with Jackson, but she said it wasn't all the time, just "on occasion."

When the family accompanied Jackson on a South American concert tour, she said her twelve-year-old son spent the night in Michael Jackson's bed only "at times." That testimony would prove interesting in light of what her daughter would soon say under oath. Mrs. Barnes also did not remember having written Michael Jackson a letter while her family was on the Dangerous Tour with the star. When the prosecutor confronted her with the letter in court, she remained silent for a long time as she scanned the two pages, written on September 9, 1992.

In the letter, Barnes told Michael Jackson she was sorry for her "outbursts" and that she loves him as much as she loves her own family. "Bill [Bray] told me yesterday that we were responsible for your illness. I feel like killing myself," it read in part.

"Well, it was a personal matter between Mr. Jackson and myself," Barnes said as she lowered the pages to the desktop of the witness box and fixed her eyes on the prosecutor.

"What did you say to him that caused you to feel like killing yourself?" Zonen asked.

"During the tour, there was a particular city that we were visiting. There wasn't quite enough VIP passes for everyone...and I was informed that I wasn't able to go and see the show. And I was upset over that. I'm ashamed to be telling this to everyone...I didn't realize that particular outburst was going to make him feel bad," she explained.

"Did you tell Mr. Jackson in this letter that you were prepared to leave?"

"Yes, I did," she replied.

"Did you tell him," ADA Zonen paused, glancing at his notes to get the quote right, "'The only thing that we will not do, we will not leave without Brett, and that could be a bit of a problem.' Did you anticipate at that point that Brett would not want to go with you if you left?"

"Yes, because Brett was having such a great time and he would have been very disgruntled about having to leave and probably would have been throwing tantrums."



Mrs. Robson's admission underscored the discipline problems parents whose children spent time with Michael Jackson encountered. With no rules, no regulations, the children are led to believe they are in charge. It also underscored the sense of entitlement adults around Jackson came to feel.

Jurors also heard testimony from Barnes's older sister, Karlee. Karlee called Neverland a wonderful place, "like stepping into paradise."

She remembered precisely that of the hundred or so nights that they spent at the ranch, Michael Jackson was there about 80 percent of the time. Karlee said she was sure that every single night that Jackson was at the ranch during their visits, her brother slept with him. She, herself, spent exactly two nights in the master bedroom suite, she told the jury. After that, she wanted her privacy.

Assistant DA Gordon Auchincloss asked Karlee about traveling with the Dangerous Tour.

"How old was your brother at that time?"

"I was what? Thirteen [or] fourteen. So he would have been about eleven or twelve." "

And virtually every night on that tour, Mr. Jackson slept with your brother Brett?"

"Yes."

"How many nights would that have been, approximately?"

"Let's see, let's divide 365 days into half...if I said I spent half the year overseas with him one year—and half of the year overseas with him the other year, I think that would total about 365 days altogether."

"Okay. So 365 nights he spent the night alone with your brother in his room?" Auchincloss asked.

"Yes," she said.

"Did that ever—did that ever seem odd to you?"

"No," Karlee said with a shake of her head and a big smile.

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The jury heard from Blanca Francia, June Chandler, Janet Arvizo, Joy Robson, and Marie Lisbeth Barnes—five different mothers, from five very different walks of life, who had allowed their young sons to be alone with Michael Jackson. None of them was wealthy, and everywhere they went with the King of Pop he picked up the tab, no matter how extravagant the cost, no questions asked.

Except for Blanca Francia, each one of these mothers testified that Jackson had urged them from the start to consider him part of their family, to trust him, to understand that he would always be there for them. Yet when it came to the Arvizo family accepting Jackson's freely given gifts or feeling like they were part of Jackson's extended family, it was, according to Tom Mesereau, a "hustle," a "con game," part of a manipulation by a "mother-son grifter team."

During jury selection, Tom Mesereau had read out a witness list that sounded like a guest list to an after-party on Academy Awards night. But ultimately there would be no Elizabeth Taylor, Quincy Jones, Diana Ross, Stevie Wonder, or Kobe Bryant to appear for Michael Jackson. Besides comedians Jay Leno and Chris Tucker, who had befriended Gavin Arvizo and then thrown his allegiance to the Jackson side, the only other celebrity to appear at Michael Jackson's trial was Macaulay Culkin.

Juror number three, fifty-one-year-old Susan Drake, looked as star struck as any teenybopper when the diminutive Macaulay Culkin walked into the courtroom on May 11, 2005. The actor was dressed casually in a white Oxford shirt with button-down collar and a black blazer. As he strode to the witness box, all the jurors watched transfixed. But it was Drake, a horse trainer who coincidentally lived just a few miles from Neverland, who could not contain her joy at seeing a real, live movie star. Her broad smile radiated from the back row of the jury box as Culkin took the oath and sat just feet away from her.

Oddly for an actor who had been working since he was four years old, Culkin sounded nervous. He explained to the jury how he had first met Michael Jackson at the age of nine or ten. Out of the blue, Jackson had called him after the movie *Home Alone* hit theaters and propelled the boy into a superstardom of his own. Jackson had told him he could relate to what was probably happening to Culkin—because of all the attention he was suddenly getting—and he suggested they get together at Neverland. The movie star traveled there with his parents and siblings. Culkin agreed that he still thought of Michael Jackson as a "close friend."

"What do you think of these allegations?" Mesereau asked.

“I think they’re absolutely ridiculous,” Culkin replied.

“When did you first learn that these prosecutors were claiming that you were improperly touched?” Mesereau knew full well it wasn’t the prosecutors who had first raised questions about Jackson’s relationship with the boy—it was members of Jackson’s own staff at Neverland: Blanca Francia, Adrian McManus, Philippe LeMarque, to name three.

“I—somebody called me up and said, ‘You should probably check out CNN, because they’re saying something about you.’ ”

“And did you check it out?”

“Yes, I did...I learned that it was a former cook...and there was something about a maid or something like that. It was just one of those things where I just couldn’t believe it. I couldn’t believe that, first of all, these people were saying these things...and people were thinking that kind of thing about me. And at the same time it was amazing to me that they—that nobody approached me and even asked me whether or not the allegations were true.”

“Now, are you saying these prosecutors never tried to reach you to ask you your position on this?” Mesereau prompted.

“No, they didn’t,” said the actor, giving the impression that he was completely unaware that as far back as August 1993, authorities had repeatedly tried to get past his handlers to talk to him. And “No,” he said, he did not know that after the raid on Neverland in 2003, law enforcement had tried again to speak with him.

During cross-examination, however, Culkin admitted that his current lawyer had counseled him not to give an official interview to police in the 2003 case.

Under direct questioning by Mesereau, Culkin was asked whether Michael Jackson had ever acted inappropriately with him. In a sure, firm voice, Culkin answered that he had not.

The jury also heard about Macaulay Culkin’s trip to Bermuda with another child actor and Michael Jackson. When Culkin was about eleven, he was invited to Bermuda with the family of a boy

named Brock Goldstein. The boys had appeared in a film together. When Michael Jackson found out about the trip, he asked if he could “tag along.” Culkin told the court he said yes.

It was slowly becoming apparent to court observers that Michael Jackson had created a terribly lonely life for himself. At the apex of his problems in 1993, upon returning to America from drug rehab, he had called a mother and son in Hollywood to be with him in the middle of the night. He spent years calling the Barnes family in Australia, from whatever point on the globe he happened to be, simply to talk. And he invited himself on a holiday with an eleven-year-old boy. Other mega-celebrities had found ways to maintain a rewarding personal life—why hadn’t Jackson?

Prosecutor Ron Zonen zeroed in on the details of Culkin’s trip to Bermuda.

“You’re an eleven-year-old child, but you felt it was okay to invite Mr. Jackson to attend a trip that you were going on with another family?”

“Yeah, I mean, and they were fine with it, from what I remember.”

“Well, did you consult with them before you invited Mr. Jackson to come along?”

“To be honest, I don’t remember.”

“Did Mr. Jackson travel with you to Bermuda or did he meet you there?”

“I honestly don’t remember.”

“When he got there, he gave you a watch, did he not?”

“I think that’s when he gave me the watch.”

“It was a Rolex?”

“Yes.”

“He gave a Rolex to an eleven-year-old child?”

“Yeah.” Culkin nodded. “I was not a person without means, so it wasn’t anything that was all that awe-inspiring.”

“Did Mr. or Mrs. Goldstein say they thought the Rolex was an inappropriate gift for a child?”

Culkin didn’t remember.

Didn’t the Goldsteins complain that Jackson was taking young Macaulay away from the rest of the group without telling anyone?

Culkin didn’t remember.

In Bermuda, Zonen asked, did they change hotels because of Mr. Jackson’s arrival?

“I don’t remember,” Culkin responded, “but probably.”

“Was it your expectation that while in Bermuda you would be sharing a hotel room and a bed with Mr. Jackson?”

“I don’t remember it being, like, an expectation,” the actor replied. “It was—I may have fallen asleep in the same bed with him there, but it was just as likely I’d fall asleep on the couch watching TV.”

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On May 17 the jury heard from two witnesses who worked for the Los Angeles Department of Children and Family Services’ Sensitive Case Unit. This special office was established because of the first Jackson case, borne out of the realization that cases involving high-profile individuals need special handling. Jordie Chandler’s file had been leaked to the media—to me—and the powers that be wanted to make sure that never happened again.

The caseworkers who testified, Irene Lavern Peters and Karen Walker, told the jury about their follow-up to a cold call received from a school official who was worried after seeing Gavin Arvizo in the Bashir documentary. The two women, along with a third female social worker, met the Arvizos on

February 20, 2003, at the apartment of Janet Arvizo's boyfriend, Jay Jackson. Janet told them she picked that location because she was "hiding out" from the media fallout post-Bashir.

When the social workers arrived at the apartment they had no way of knowing that the family had just finished taping the rebuttal video at Hamid Moslehi's house and had not gotten much sleep. They were also confronted with extra people in the house. Azja Pryor was there with her young son "for support," as Janet explained. And Asef Vilchic, who was employed by Jackson's private investigator Brad Miller, was also milling around. He had a tape recorder he planned to activate once the official Department of Children and Family Services interview began. Just why Team Jackson thought it necessary to clandestinely record the session was never explained. The social workers informed the outsiders that they would have to leave. As he exited the apartment, Vilchic turned on the recorder and the jury heard him telling Janet Arvizo to leave it run. After he left, she turned it off.

Once the apartment was cleared the visitors explained to Janet Arvizo that they had received a complaint of "general parental neglect" and "possible sexual abuse" of her son Gavin.

After a meeting that lasted about two and a half hours, during which the mother and all three of the children were questioned about their lives and the time they spent at Neverland, the social workers packed up and left. Under questioning, Tom Mesereau asked Irene Peters if the mother or children ever complained that they were being held against their will.

"No," she replied.

Did any of them say anything had ever happened at Neverland?

"No."

When asked if the boys ever slept with Michael Jackson, Janet said, "That never happened."

"But what did thirteen-year-old Gavin say?" Mesereau asked.

"I asked him very point-blankly, had he ever slept in the bed with Michael Jackson," she said.

"And what did he say?"

“He told me, ‘No.’ ”

“And what else did you ask him?”

“I did ask him had he ever been touched sexually, inappropriately, at any time...and he became a little upset. He says, ‘Everybody thinks that Michael Jackson sexually abused me. He’s never touched me.’ And he was just very upset about it.”

“Okay,” Mesereau continued. “Did he ever complain about anything Michael Jackson had ever done?”

“No, he did not.”

Under cross-examination by DA Sneddon, Irene Peters admitted that before she went to see the Arvizos, she had seen news reports in which Michael Jackson said he enjoyed sleeping with children and she knew Gavin had appeared on the Bashir documentary sitting next to Jackson as the entertainer revealed this. She also told the jury that she knew from her years of training that children don’t always disclose sexual abuse the first time they are asked, especially if they are asked by a stranger.

“And you’re also familiar,” Sneddon asked her, “from the same training, that it’s unlikely that a teenage boy is going to tell another female adult that he’s been molested in the presence of his mother, correct?”

Peters answered in a measured, slow tone, “That could be one of the things, yeah...”

“That was one of the things you were taught, wasn’t it?”

“Yeah,” she said, nodding her head in agreement.

“So, in fact, the day that you were there talking to Gavin Arvizo and asking him questions about whether he was inappropriately touched by Mr. Jackson, other than his younger brother Star, everybody in the room was a female, correct?”

“Yes. Uh-huh.”

Irene Peters and her supervisor, Karen Walker, had thirty days to investigate the complaint. They worked in a unit that was specifically set up to handle celebrity cases and all the baggage that comes with that. This was not an allegation against someone who had never been faced with such a complaint before; this was Michael Jackson, who had just been on worldwide television talking about sleeping with children, a man who had had similar allegations lodged against him ten years earlier. Yet the social workers never went back to speak to Gavin Arvizo or to any other family member. Although they had until the middle of March to file their report, they concluded work on the case on February 27, just a week after meeting the Arvizos.

Irene Peters told the jury she concluded the children were well-fed and clothed, they were not in an unsafe environment, they appeared to be supervised properly, and every member of the family had nothing but praise for Michael Jackson. She acknowledged she knew they hadn't been to school in a while, but she was under the impression that they were getting homework sent to them. Peters quoted from her final report:

“The allegation of general neglect by the mother...the allegations of sexual abuse by Michael Jackson are UNFOUNDED at this time.” Case closed.

On December 9, 2004, a memo detailing that top-secret Sensitive Case Unit conclusion was leaked to the media. It was a sure bet the prosecution didn't leak it.

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The remaining witnesses called by the defense were there to impeach the testimony and the integrity of members of the Arvizo family. Two women who knew Janet from an L.A.-area dance school the children had attended inferred that she was materialistic and racist.

Workers from Neverland described Janet's behavior during her visits as either, “very excited and happy” or “not speaking,” and she was said to have spent almost all her time at the ranch in her guest unit.

Several ranch employees described the boys, Gavin and Star, as rude and bossy. They littered, they cursed, and they threw things at passersby from atop the Ferris wheel. Angel Vivanco, a kitchen worker, testified that Gavin once demanded liquor be put in his milkshake or he would tell Michael Jackson and Vivanco would get in trouble. Star once brandished a knife, although Vivanco said he thought he was just “kidding around.” Another time, the twelve-year old Star wanted a snack and ordered him to, “Give me the fucking Cheetos.”



Star was also said to have brought an adult magazine, rolled up and hidden in his shorts, to the amusement park one day. A maid, Maria Gomez, complained to the jury that it was a tremendous job cleaning up the “filthy mess” the boys made. A former Neverland security guard named Shane Meridith said he once caught the boys laughing and giggling in the wine cellar, a half-filled bottle of wine on the counter near them. But Meridith testified the boys held no glasses, he smelled no alcohol, and he had not bothered to write up a report about it. When he told the boys to leave, they did.

A young cousin of Michael Jackson’s, Rijo Jackson, was also called to the stand to offer negative testimony about the Arvizo brothers. He was a tiny, dark-skinned boy with dark eyes and dark hair pulled back into a ponytail that fell almost to his waist. Rijo Jackson was a beautiful child, about eleven or twelve years old. He told of a night at Neverland where he saw the brothers run upstairs into Michael’s master bedroom suite with a bottle of wine, leaving the jury with the impression that they drank it.

On cross-examination, however, Rijo Jackson testified that when the bottle was delivered to the room, it was closed and he never saw it opened. The brothers dashed out of the room, emptyhanded, just a short while later. Rijo also told of an incident that occurred one evening in a guest unit at Neverland.

“I saw them go to the TV and turn to a channel that had, like, naked girls on there, and doing other stuff, like nasty stuff,” the boy said.

“What nasty stuff?” Tom Mesereau asked.

“They were, like, jacking off and everything.”

Okay. What did you do when you saw Gavin and Star jacking off?”

“I told my sister and she told me to go to Michael’s room.”

On cross-examination, Ron Zonen asked the boy for details of the Arvizo brothers’ masturbation and Rijo began to cry, getting twisted up in the story. Zonen asked if the boy had indeed gone to Michael Jackson’s room that night as his sister suggested. Yes, he said he had, but he didn’t tell his cousin what the brothers had been doing because he was “scared.”

“Did you spend that night in bed with your cousin Michael?” Zonen asked.

“Yes,” the boy answered with a nod of his head.

“Okay. Did you do that often—share a bed with your cousin Michael?”

“Yes.”

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Michael Jackson never took the witness stand at his criminal trial. But many court watchers agreed it was as if he had testified anyway. The jury watched the entire, uncut Bashir documentary and more than two hours of outtakes of Jackson waxing poetic about everything from his efforts to establish an International Children's Day to celebrity animal birthday parties he planned for his pet chimpanzee Bubbles.

Closing arguments began on June 2, with Ron Zonen appearing for the state. His message was clear from the very beginning.

"Ladies and gentlemen," he said. "This case is about the exploitation and sexual abuse of a thirteen-year-old cancer survivor at the hands of an international celebrity. The case is about a woman trying to protect her children from a collection of overpaid employees all determined to profit at the expense of her and her children."

For the defense, Tom Mesereau's argument was all about the integrity of the family making the allegations against his client.

"You have heard so much testimony about the scams of Mrs. Arvizo. The prosecutor gets up and tries to prop her up, justify her actions, explain her as a nice person, tells you you can trust her, tells you everyone should trust her. And he especially looks at you in the eye and says, 'She never asked for money.'

"The issue in this case is the life, the future, the freedom, and the reputation of Michael Jackson. That's what's about to be placed in your hands. And the question you have before you is very simple. Do you believe the Arvizos beyond a reasonable doubt, or not? If you don't, Mr. Jackson must go free."

With these clear-cut messages in mind, the jury set out to deliberate the fate of the superstar. Michael Jackson stood erect at the defense table and looked intently at each juror as they filed out of the courtroom.

***\*In September 2005, the Los Angeles District Attorney's Office did take action against Janet Arvizo Jackson. She faced six years in prison for welfare fraud and perjury. Appearing in court six months pregnant, she ultimately agreed to restitution of some \$18,000.***

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