

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

APR 20 2005

GARY M. BLAIR, Executive Officer

*By Carrie L. Wagner*

CARRIE L. WAGNER, Deputy Clerk

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Attorneys for Defendant  
MICHAEL JOSEPH JACKSON

REDACTED PURSUANT  
TO CRC 2073

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

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiffs,

vs.

MICHAEL JOSEPH JACKSON,

Defendant.

) Case No. 1133603

)  
) MR. JACKSON'S OPPOSITION TO THE  
) DISTRICT ATTORNEY'S EMERGENCY  
) MOTION TO QUASH DEFENDANT'S  
) SUBPOENA FOR MANUEL RAMIREZ;  
) DECLARATION OF ROBERT M. SANGER

)  
) DATE: TBA  
) TIME: TBA  
) DEPT: SM-8

MR. JACKSON'S OPPOSITION TO THE DISTRICT ATTORNEY'S EMERGENCY MOTION TO QUASH  
DEFENDANT'S SUBPOENA FOR MANUEL RAMIREZ

**ORIGINAL**

DECLARATION OF ROBERT M. SANGER


I, Robert M. Sanger, declare:

1. I am an attorney at law duly licensed to practice before the courts of the State of California. I am co-counsel for the defendant herein, Michael Joseph Jackson.
2. I have a good faith belief that Manuel Ramirez, Davellin Arvizo's boyfriend, is a percipient witness to the activities of the Arvizo family during a time period that is relevant to this case.
3. I am informed, through our investigation, that Davellin Arvizo lived with Mr. Ramirez, at his mother's house, during the summer of 2003. Davellin and Mr. Ramirez shared a joint bank account.
4. I believe that Mr. Ramirez's testimony will corroborate the testimony of other percipient witnesses.
5. The defense investigation has shown that Davellin Arvizo made exculpatory statements to Carol Lemere, a friend of the Arvizo family.
6. Davellin told Ms. Lemere that: (1) Janet Arvizo physically abused the Arvizo children; (2) Janet Arvizo taught the Arvizo children to shoplift and this is what took place during the J.C. Penney incident; and (3) she did not get along with her mother. (An interview of Carol Lemere by defense investigator, Scott Ross, is attached as Exhibit A.)
7. The defense investigation has demonstrated that Davellin Arvizo made exculpatory statements to Angel Vivanco, a Neverland employee with whom Davellin maintained a relationship with during and after her time at Neverland. This relationship occurred during February through April of 2003, just prior to her relationship with Mr. Ramirez.
8. Davellin told Mr. Vivanco that: (1) she did not get along with her mother; and (2) her mother was planning "something big" with regard to Mr. Jackson and that she did not wish to participate in these plans.
9. We have reason to believe that Davellin Arvizo made similar exculpatory statements to Manuel Ramirez.
10. We have further reason to believe that Davellin Arvizo moved out of her mother's residence,

1 and into Mr. Ramirez's home, due to her initial unwillingness to participate in her mother's  
2 plan to make false allegations against Mr. Jackson.

3 11. Mr. Zonen's claim that Mr. Ramirez was subpoenaed "because he is Davellin Arvizo's  
4 boyfriend and refused to give a statement to the defense investigator" is unfounded.

5 I declare under penalty of perjury that the foregoing is true and correct and was executed on  
6 April 20, 2005, at Santa Barbara, California.

7   
8 Robert M. Sanger

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 ARGUMENT

3 I.

4 MANUEL RAMIREZ IS A PERCIPIENT WITNESS TO THE ACTIVITIES OF THE  
5 ARVIZO FAMILY

6 Manuel Ramirez is the boyfriend of Davellin Arvizo and has known her since 2001.  
7 (Declaration of Ronald Zonen.) The defense investigation has shown that Davellin lived with  
8 Mr. Ramirez, at his mother's house, at the same time the family first brought their allegations to  
9 law enforcement. Davellin and Mr. Ramirez shared a joint bank account. (Declaration of  
10 Robert M. Sanger.) The testimony of Manuel Ramirez will corroborate the testimony of Carol  
11 Lemere and Angel Vivanco regarding: (1) Janet Arvizo using her children to obtain money; (2)  
12 Janet Arvizo's abuse of her children; (3) Janet Arvizo's plans to obtain money from Michael  
13 Jacksons; and (4) Davellin's initial unwillingness to participate in her mother's schemes.

14 Davellin Arvizo made exculpatory statements to Carol Lemere, a friend of the Arvizo  
15 family. Davellin told Ms. Lemere that: (1) Janet Arvizo physically abused the Arvizo children;  
16 (2) Janet Arvizo taught the Arvizo children to shoplift and this is what took place during the J.C.  
17 Penney incident; and (3) she did not get along with her mother.

18 Davellin Arvizo made exculpatory statements to Angel Vivanco, a Neverland employee  
19 with whom Davellin maintained a relationship with during and after her time at Neverland. This  
20 relationship occurred during February through April of 2003, just prior to her relationship with  
21 Mr. Ramirez. Davellin told Mr. Vivanco that: (1) she did not get along with her mother; and (2)  
22 her mother was planning "something big" with regard to Mr. Jackson and that she did not wish to  
23 participate in these plans.

24 It is probable that Davellin made similar exculpatory statements to Manuel Ramirez. We  
25 have further reason to believe that Davellin moved out of her mother's residence, and into Mr.  
26 Ramirez's home, due to her initial unwillingness to participate in her mother's plan to make false  
27 allegations against Mr. Jackson. (Declaration of Robert M. Sanger.)

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II.

CONCLUSION

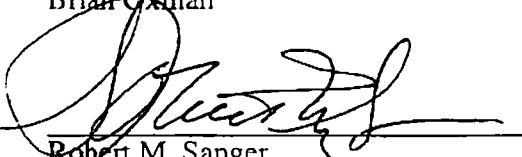
The Court should not deny the motion to quash the subpoena of Mr. Ramirez.

Dated: April 20, 2005

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

SANGER & SWYSEN  
Robert M. Sanger

OXMAN & JAROSCAK  
Brian Oxman

By:   
Robert M. Sanger  
Attorneys for Defendant  
MICHAEL JOSEPH JACKSON

*Exhibit A*

Interview by: S. Ross

Date: 11/12/04

Location: [REDACTED]

### Carol Lemere

Carol Lamere was interviewed at her home on 11/12/04. She met the Arvizo family through the tap school owned by Arlene Kennedy on Olympic and Fairfax. Her son Quai was a few months older than Gavin and in the same class. Ms. Lamere knew Michael Jackson previously, and had received a call from Rene Watson who indicated one of the kids in the class was sick and dying and wanted to meet Michael Jackson. Ms. Lamere contacted Michael Jackson secretary, Evy and made the arrangements.

Ms. Lamere recalled that when Gavin was in the hospital Janet was never there and at the time, living with her mother at the house in El Monte. Although still married, Ms. Lamere says the family would not let Janet go to the hospital as she was disruptive. Ms. Lamere said that according to Davellin, the reason Janet didn't go to the hospital was she did not like the environment.

Davellin added that Janet had a boyfriend who was a CHP officer while still married to David. After the problems within the family, Davellin started living with Ms. Lamere. This was after Gavin had been diagnosed. She recalled this to be the summer of 2000, at the current address in Culver City where she now resides.

Davellin was not crazy about her grandparents and asked Ms. Lamere if she could stay with them and would stay weeks at a time. She would tell stories about being awakened at 2:00 in the morning by Janet; being beaten with a cord by their mother; and being forced to clean the house. Davillin also would tell how Janet would hit their father, David.

Ms. Lamere said that Davillin would cry constantly and indicated that Janet would hit the children, all three of them. She was concerned about the behavior displayed by Star, indicating Star would flirt with grown women in an "unnatural manner."

Each time Davillin appeared at the house, she would have new stories about Janet and at one point in the summer of 2000 said that they were going to get a big house in the Hollywood Hills. She had no idea what that meant. In August or September of 2000, Carol went to see Michael Jackson and asked for a vehicle for the Arvizo's while Jackson was staying at the Bellaire Hotel. He indicated David

had no way to get Gavin to and from the hospital and Janet would not let David have the family car. Ms. Lamere indicated that Jackson referred to her as Gavin always saying that his mother was "loco". Jackson made arrangements to give David Arvizo the Bronco as well as sending Gavin a laptop computer. Ms. Kennedy was also present when a Playstation was delivered in the hospital in August or July of 2000.<sup>3</sup>

Ms. Lamere said that Janet had this voice that she would use to manipulate the kids to get them into places or get them things for free. She would not bring food to locations that they were going to and then tell people that she had not money so that they would be fed by whomever they were going to visit. She indicated that Davillin became jealous when Gavin got sick because of the attention he was getting and that Gavin would go to the ranch and who would meet Michael Jackson and who would stay at Neverland Ranch and when they would go.

Carol found out that Jaime Masada was doing a fund raiser. She did not go but heard that Gavin told jokes and performed. She added that Gavin advised her that Janet never went to the fund raiser although it was Janet that told Carol what a great job that Gavin did at the show.

She heard a story from David about a time when Janet arrived at the parent's house and had gone on a glass breaking fit over David not giving her the check from the fund raiser. She indicated that Janet went around her parent's house and started breaking every single piece of glass in the home, demanding that she be given the check and continued to damage the house until she received it.

Ms. Lamere referred me to an attorney named Nancy Catulla, [REDACTED] that Janet had approached for purposes of trying to learn how to set up an account to deposit money on Gavin's behalf. When Nancy called Janet and said they needed Gavin's account number to put a donation into the account, Janet advised them to just put it into her account. Janet's response was how much can you get and how fast can you get it. Carol indicated Janet called every day looking for money from various people. She added Janet would get David Arvizo up in the middle and would force him to walk down the street and it was common for him to be struck by her with various cords, electrical or other.<sup>4</sup> She referred to David as a wimp when it came to Janet. She later referred to David as a "pussy" when it came to Janet.

Davillin would tell her stories that Janet would get the children to shoplift and believes this is what actually took place while they were at JC Penney's. While

<sup>3</sup> According to Louise Polanker a Playstation was delivered to them by Fritz Coleman and Ms. Polanker Christmas of '99.

<sup>4</sup> Refer to David's story of being struck by jumper cables.



Davillin was living with them, she learned that Davillin worshipped her father and would ask David to come over and cook her dinner. Indicating that David was the one who was always there cooking and cleaning, taking care of the family since they were small children. She recalled one evening when the entire Arvizo family came over to her home one night and brought some ice cream. Gavin jumped into bed and woke Quai up to join the rest of the family to have ice cream. In the middle of this gathering, for no known reason, Janet Arvizo got "weird and angry" and all of sudden demanded that the entire family leave. When the family indicated that they wanted to stay, Janet took the car and left the entire family there, coming back about 5 minutes later. All three children and David were standing outside when Janet got out of the car and started screaming and hitting David. She did not know what happened after they left later on and referred to all three of the children talking about how crazy their mother was except Star. She still doesn't know what happened but heard that Janet wanted him to ask something of Carol to do with money and David refused to do it.

Janet would say to Carol that Gavin was going to die and started to make preparations for his funeral. It was David that repeatedly indicated that he was going to be fine, that he was going to get better and kept a positive thought. Davellin was very upset about Janet trying to bury Gavin before he was dead.

She referred to Davellin telling her a story of one night she heard a fight coming from the bedroom with her mother and another man, not their father and believes the argument was about her mother going to do plastic surgery.

In another story, Janet said she had been jumped by a black guy and as such was unable to go meet with Arlene Kennedy on a specific date because of the assault. According to Carol, the facts of the assault were the same as the facts of the JC Penney incident. With respect to the JC Penney incident she believes that this was a coordinated shoplifting attempt that went bad and Janet saw an opportunity to turn it into a money making venture. In September of 2000, Carol recalls Davellin telling her that very soon they were going to buy a big house in the Hollywood Hills. She indicated that Michael Jackson had shown her brothers how to get to porn sites which Ms. Lamere did not believe they would need any assistance with. She described Gavin as being very computer literate on how to surf the internet.

Carol called Evy and told Michael he needs to get away from the Arvizo family. She believes this message was not forwarded to Jackson. Carol received a call approximately one month before the divorce proceedings indicating now that David was beating her, Carol adding that she did not believe it. She allowed Davellin to come over to her house and set up everything for Davellin to have a place to stay and now understood the story to change that David was the one that was beating the family the entire time and David was now the one making the kids

shop lift as opposed to Janet. She believed that Janet sent Davellin to live at her house so that she could do nothing more than reverse the stories that she had been telling the entire summer. At one point when Carol confronted Janet about the accusation about David, Janet yelled at her over the phone, "If you don't believe me you'll never see the kids again" and added that she never has seen them since. Carol went into Court for David when he was tried for the domestic violence and indicated Janet wheeled herself into court in a wheelchair. She did not see the kids in the courthouse that day. She referred to Janet trying to get David's sisters arrested but didn't have all of the detail. She recalled the court said Janet was lying and that Janet had lied to the prosecution about David's sisters.

She said that now the kids are saying that David also molested them and described the kids as trained con-artists. Carol received a call from Frank Casio to ask why Carol was telling them (the Arvizos) to ask Jackson for money. Carol called David and indicated that Janet was demanding that David ask Jackson for money and again at this time contacted Grace and advised Michael to stay away from the family.

Carol has had no communication with Janet since David's trial. At one proceeding in the Jackson matter, she was sitting next to a prosecutor in court when Janet testified and Janet became accusatory indicating that Carol was bothering her during the proceedings. When Janet made the indication that "someone was bothering her" Rene Watson stood up and got angry when Janet pointed out that it was not Rene but Carol. Carol believed that it was nothing more than her presence that bothered Janet because she knew the truth about Janet.

Arlene Kennedy received a call from Janet indicating that the press was holding her prisoner, using the exact words that she had used against Michael Jackson. She indicated that Arlene also went to the hospital to see Gavin and that Janet was never there. Carol had heard about a deal she made with 48 Hours and that possibly had made a book deal.

Carol never gave Janet a check, never gave her any money, that Janet was collecting money from a place called The Summit where Carol told her to stop.

Carol recalled the Thanksgiving of November of 2000 where she had cooked the family dinner as Janet indicated they were unable to cook for themselves, stating that they didn't have any money and they didn't have any food. Janet always indicated that David didn't provide and they never had any food in the house. Carol recalled taking Star to Magic Mountain and described him as being very sexual. Star was at a restaurant and gave a waitress a five dollar tip at the age of 9, the last five dollars that he had and asked the waitress for her phone number. She described the waitress as being late teens early 20's and when the waitress refused

to give him the phone number, Star became very angry and demanded the five dollars back. She believes that Star is crazy about his mother and would make up and say anything that Janet asked him to say to help their cause. Carol believes that Davellin is also trying to work this up to buy "the house in Hollywood Hills". She believe that Gavin is honest and is surprised that he would make up a story although Gavin was all about the money and that Gavin was one of those kids that liked money. Janet repeatedly told people they had no insurance and that they needed money to pay the medical bills even though that Carol was advised or aware that Gavin was being treated by Kaiser.

With respect to David pleading guilty to the domestic violence charges, she characterized it that if David had gone to jail which he may have had he gone to trial and been convicted, he would have lost work and as such would not have been able to maintain the health insurance that Gavin needed. It was easier for him to plead guilty or no contest and go back to work.

Carol's closing opinion of Janet is that she should be in a mental institution.

Davellin also advised Carol about the story about Janet jumping out of the car and abusing David while driving back from Las Vegas and the Chris Tucker movie.<sup>5</sup>

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<sup>5</sup> Please David Arvizo's version of this incident.

**PROOF OF SERVICE**

I, the undersigned declare:

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

On April 20, 2005, I served the foregoing document MR JACKSONS OPPOSITION TO THE DISTRICT ATTORNEYS EMERGENCY MOTION TO QUASH DEFENDANTS SUBPOENA FOR MANUEL RAMIREZ on the interested parties in this action by depositing a true copy thereof as follows:

District Attorney of the County of Santa  
Barbara

Tom Sneddon  
Gerald Franklin  
Ron Zonen  
Gordon Auchincloss  
312 East Cook Street  
Santa Maria, CA 93454  
Fax - 805-568-2398

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

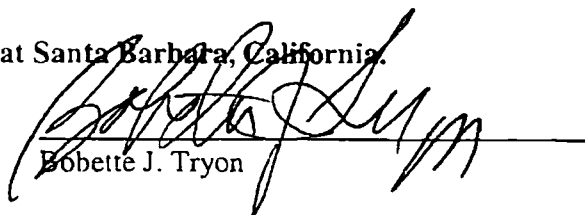
       **BY FACSIMILE** - I caused the above-referenced document(s) to be transmitted via facsimile to the interested parties at the above-referenced numbers.

  **X**   **BY HAND** - I caused the document to be hand delivered to the interested parties at the address above.

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

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

Executed April 20, 2005, at Santa Barbara, California.

  
Bobette J. Tryon