

1 THOMAS W. SNEDDON, JR., DISTRICT ATTORNEY  
County of Santa Barbara  
2 By: RONALD J. ZONEN (State Bar No. 85094)  
Senior Deputy District Attorney  
3 GORDON AUCHINCLOSS (State Bar No. 150251)  
Senior Deputy District Attorney  
4 GERALD McC. FRANKLIN (State Bar No. 40171)  
Senior Deputy District Attorney  
5 1105 Santa Barbara Street  
Santa Barbara, CA 93101  
6  
7

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

MAY 23 2005

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

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **IN AND FOR THE COUNTY OF SANTA BARBARA**  
10 **SANTA MARIA DIVISION**

11  
12  
13 THE PEOPLE OF THE STATE OF CALIFORNIA,  
14 Plaintiff,  
15 vs.  
16 MICHAEL JOE JACKSON,  
17 Defendant.  
18  
19  
20

No. 1133603

REDACTED PURSUANT  
TO CRC 2073

MOTION TO EXCLUDE OR  
LIMIT THE TESTIMONY OF  
WITNESSES JULIO AVILA  
AND PRUDENCE BRANDO

DATE: May 23, 2005  
TIME: 8:30 AM  
DEPT.: SM2 (Melville)

21 **INTRODUCTION**

22 During chambers discussions with Mr. Messereau and Mr. Auchincloss concerning  
23 the admissibility of character evidence on the victims in this case, the court indicated that  
24 character evidence against the victim and his brother that did not bear directly upon  
25 credibility or the central issues of this case would not be admitted. The defense now  
26 seeks to admit such irrelevant character evidence through witnesses Julio Avila and  
27 Prudence Brando to show that Gavin and Star Arvizo misbehaved at Neverland by writing  
28

1 grafitti on a wall, possessing pornography and throwing candy from the amusement park  
2 rides.

3  
4 **POINTS AND AUTHORITIES**

5 Evidence code sections 1101, 1103 and 782 set out general and specific  
6 limitations on the admissibility of the character evidence against victims of child  
7 molestation which have already been extensively briefed and argued before this court and  
8 will not be repeated here.

9 **ARGUMENT**

10 Mr. Avila's and Ms Brando's reports are attached for the courts reference. As  
11 can readily be seen, these two witnesses have no personal knowledge of the facts of this  
12 case and will be testifying to prior bad acts of the victim and his brother that have no  
13 bearing upon the issues before this jury. Mischievious conduct by these teenagers does  
14 not shed any light on their credibility or the facts they testified to.

15  
16 **CONCLUSION**

17 The sole purpose for admission of the testimony of this testimony is to prejudice  
18 the jury against Gavin and Star Arvizo through the improper use of character evidence  
19 regarding unrelated events. The People respectfully request that this testimony be  
20 excluded.

21  
22 DATED: May 23, 2005

23 Respectfully submitted,

24 THOMAS W. SNEDDON, JR., DISTRICT ATTORNEY

25  
26 BY:

27   
28 GORDON AUCHINCLOSS  
Senior Deputy District Attorney

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

DECLARATION OF JULIO AVILA

I, Julio Avila, hereby declare:

I am a resident of Santa Barbara County and I am an employee of Neverland Valley Ranch.

I have been employed at the ranch just short of four years. My job is operating the amusement park rides.

As an operator of park rides, I have observed Michael Jackson interacting with a number of children. I have never seen him touch anyone in a lewd or sexual manner. I have never seen Michael Jackson providing alcohol to minors.

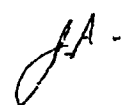
I was working in the park when the Arvizo family visited the ranch and I observed Star and Gavin Arvizo in the park on several occasions. I also met Davellin and Janet Arvizo, but did not speak with them much. Davellin and Janet did not visit the park as often as Gavin and Star did.

Shortly after the Bashir documentary aired, I recall Gavin telling me that people were making fun of him at school and that Michael Jackson was letting his family stay at the ranch so they could get away from the harassment.

Gavin and Star Arvizo visited the park frequently and I found them to be troublemakers. The boys behaved as if they owned the place. Both Gavin and Star spat at me and other park employees while on rides. Gavin and Star would drop their shoes from the top of the Ferris wheel, trying to hit park personnel.

Other park employees and I politely told Gavin and Star to stop spitting and to not drop things from rides, but they continued to misbehave during visits to the park.

Gavin and Star came into the park area and started one of the rides, the Wave Swinger, by themselves. No one else was around and the boys put themselves in a dangerous situation by starting the ride. If there had been others around, someone could have been hurt.



MAY 23 05 10:43 AM  
M1077773

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28


DECLARATION OF JULIO AVILA

During their stay at the ranch, Star Arvizo wrote the words "You suck dick" on a wall in one of the control rooms in the park.

Star also brought pornographic magazines to the park. I saw him bring a pornographic magazine to the park that he had hidden inside his pants. Star hid his pornographic magazines in various areas of the park, including inside the control box of the park stereo.

I give this declaration, consisting of this and one other page, of my own free will, without threats, coercion or inducements of any kind. I certify under penalty of perjury under the laws of the state of California that the foregoing is true and correct to the best of my knowledge.

Signed this 14 day of April 2004, at Los Olivos, California.

  
Julio Avila



# La Mancha INVESTIGATIONS

*Jesus R. Castillo, Private Investigator*

*P.I. 14577*

Report Of Investigation

17 January 2005

04-2387

WITNESS: Julio Avila, [REDACTED]

21 December 2004

## INTERVIEW OF JULIO AVILA

1:10 PM: Julio Avila is an attendant at the amusement park at Neverland Ranch. He described a situation where the Arvizo children were in the amusement park when he noticed that the swing ride had been started without adult supervision.

He stated that Star was in the booth and had started the swing ride and Gavin Arvizo was on the ride with his sister. He gave a demonstration of the starting procedures for the ride and said guests are not allowed to operate the ride. A specific sequence of buttons needed to be pushed to operate the swing ride. He believed the children had seen the sequence of buttons pushed on an earlier occasion and had decided to start the machinery by themselves. In order for the machinery to operate you first had to turn the key and then start the pump to begin the hydraulic machinery. After the key and the pump had been started, the climb button was depressed. The ride itself is extremely dangerous and should not be operated by juveniles.

When he noticed the ride was on and swinging at 20 feet high he ran to the control room and turned off the ride. He described the behavior of the Arvizo children as extremely disruptive. He had received complaints from other park employees regarding Star and Gavin throwing shoes off the amusement park rides and sometimes spitting on employees.

When confronted about the operating of machinery without adult supervision they were belligerent and sarcastic. He stated the Arvizo children often came to the amusement park and can remember changes in the behavior from the first year to the last year. He described Gavin and Star driving quads on the ranch, tearing up grass and nearly hitting other employees.

**THIS IS THE WORK PRODUCT OF THE ATTORNEY IN CHARGE.**

  
Jesus R Castillo

P.O. Box 6496 • Santa Maria, California 93456  
(805) 349-3874 • (800) 700-5334 • Fax (805) 349-8252

*Serving the Central Coast*

MJ038249

MAY 23 05 10:43a

<input type="checkbox"/> RECLASSIFICATION	<b>SHERIFF'S DEPARTMENT</b> SANTA BARBARA COUNTY	2. CASE NUMBER <b>03-5670</b>
1. CLASSIFICATION 88(a) PC Lewd Acts Against a Child Under 14 Years of Age		<input checked="" type="checkbox"/> FOLLOW-UP <input type="checkbox"/> CLEARANCE <input type="checkbox"/> COMPLAINT

3. DAY / DATE RPT / TIME Friday 06-13-03, 1520 hrs	4. FOLLOW UP TO: <input checked="" type="checkbox"/> OFFENSE <input checked="" type="checkbox"/> ARREST <input type="checkbox"/> INCIDENT	5. DAY/DATE THIS RPT/TIME Monday 03-21-05, 1330 hrs
5. VIC/BUS (LAST, FIRST, M) ***Confidential (V1 and V2)	SEX *    RAC *    AGE/D.O.B. *	RESIDENCE ADDRESS *

7. BUSINESS ADDRESS OR SCHOOL *	BUS PHONE *	WORK HOURS *	HOME PHONE *
---------------------------------	-------------	--------------	--------------

8. R/P <input type="checkbox"/> WIT <input checked="" type="checkbox"/> CO-VIC <input type="checkbox"/> PARENT <input type="checkbox"/> OTHER <input type="checkbox"/>	CM	SEX	RAC	AGE/D.O.B.	RESIDENT ADDRESS	TELEPHONE
LAST, FIRST, MIDDLE) CIRCLE INVOLVMENT <b>AVILA, Julio</b>						BUS RES
R/P <input type="checkbox"/> WIT <input type="checkbox"/> CO-VIC <input type="checkbox"/> PARENT <input type="checkbox"/> OTHER <input type="checkbox"/>						BUS RES
R/P <input type="checkbox"/> WIT <input type="checkbox"/> CO-VIC <input type="checkbox"/> PARENT <input type="checkbox"/> OTHER <input type="checkbox"/>						BUS RES
R/P <input type="checkbox"/> WIT <input type="checkbox"/> CO-VIC <input type="checkbox"/> PARENT <input type="checkbox"/> OTHER <input type="checkbox"/>						BUS RES

9. SUSPECT NAME (LAST, FIRST, MIDDLE) <b>Jackson Michael</b>	CM	SEX M	RAC	AGE/D.O.B. 45	HGT 5'11	WGT 120	HAI Blk	EYE Bro	BOOKING #
ADDRESS Neverland Ranch, [REDACTED] Los Olivos, Ca. 93441	PHONE	MUSTACHE <input type="checkbox"/>	HAT <input type="checkbox"/>	CLOTHING DESCRIPTION					
		BEARD <input type="checkbox"/>	MASK <input type="checkbox"/>						
		GLASSES <input type="checkbox"/>	TT/SCAR <input type="checkbox"/>						

SUSPECT NAME (LAST, FIRST, MIDDLE)	CM	SEX	RAC	AGE/D.O.B.	HGT	WGT	HAI	EYE	BOOKING #
ADDRESS	PHONE	MUSTACHE <input type="checkbox"/>	HAT <input type="checkbox"/>	CLOTHING DESCRIPTION					
		BEARD <input type="checkbox"/>	MASK <input type="checkbox"/>						
		GLASSES <input type="checkbox"/>	TT/SCAR <input type="checkbox"/>						

10. SUSP VEH LICENSE	ST	YR	MAKE	MODEL	COLOR	LOCATION/PERSON	<input type="checkbox"/> STORED, RELEASED	<input type="checkbox"/> IMPOUNDED
----------------------	----	----	------	-------	-------	-----------------	---	------------------------------------

NAME OF R/O	ADDRESS
-------------	---------

11. COMPLAINT FILED <input checked="" type="checkbox"/> YES <input type="checkbox"/> MISDEMEANOR <input type="checkbox"/> NO <input checked="" type="checkbox"/> FELONY	12. REVIEWING DA	13. <input type="checkbox"/> CITATION ISSUE <input type="checkbox"/> WARRANT ISSUED <input type="checkbox"/> D.A. NOTICE <input type="checkbox"/> IN CUSTODY <input type="checkbox"/> REF. TO PROBATION <input type="checkbox"/> OUT ON BAIL	14. <input type="checkbox"/> CLEAR <input type="checkbox"/> CLOSE <input type="checkbox"/> INACTIV
---	------------------	--	--

15. ATTACHMENTS: <input checked="" type="checkbox"/> SH-451 <input type="checkbox"/> CHP 180 <input type="checkbox"/> OTHER	<input type="checkbox"/> PROPERTY TAG # <b>122980</b>	PAGE 1 OF <b>P</b>
---	---	--------------------

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

17. REPORTING DEPUTY BODY # Det. V. M. Alvarez 2646	18. DATE/TIME RPT WRITTEN 3-29-05 / 1400	19. EST. TOTAL VALUE	23. TOTAL HOURS WKD	RECORDS USE ONLY	
20. ASSISTING DEPUTY BODY # t. P. Zelis 2667	21. SIGNATURE FOR ASSISTING BODY <i>[Signature]</i> Sgt. S. Robel 0515	22. TYPED BY/DATE 0784/03-23-05		RECEIVED <b>2423</b>	DATE <b>4/1/05</b>
				BCS	
				TRMS	

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

Copy for:  Detectives     Juvenile     Patrol     Investigator     [Other]

**031011**

PAGE 2	<b>SHERIFF'S DEPARTMENT</b> Santa Barbara County <b>CONTINUATION SHEET</b>	Case Number <b>03-5670</b>
<small>(A) LIST CONTINUATION. (B) DESCRIBE: PHYSICAL EVIDENCE, LOCATION FOUND &amp; DISPOSITION. (C) NARRATIVE. (D) DISPOSITION.</small>		

1 (A) LIST CONTINUATIONS:

2 Julio Avila is employed at Neverland Valley Ranch as a security guard. Previously, Avila  
3 was employed as an attendant at the Amusement Park at Neverland Valley Ranch. Avila  
4 has been employed at Neverland Valley Ranch for 5 years.

5

6 Al Scanlon, Joe Markus and Brian Selsey are employees of Neverland Ranch.

7

8 (B) PHYSICAL EVIDENCE:

9 One CD booked into evidence as Item # 1645.

10

11 (C) NARRATIVE:

12 On Monday, 03-21-05, at 1330 hours, Detective Zelis and I met Julio Avila at his residence.  
13 We spoke to Avila concerning a prior interview and declaration that was conducted on  
14 December 21, 2004, by LaMancha Investigations.

15

16 The following is a summary of our interview with Avila;

17

18 Avila told us during the time the Arvizo family were visiting and staying at Neverland Ranch,  
19 he worked as a ride attendant in the amusement park area of Neverland Ranch.

20 I asked Avila to explain how the "Swing" at the amusement park had been started as he  
21 claimed without adult supervision. Avila said there is a control panel with a start and stop  
22 button which makes it very easy to start the ride. Avila said Star Arvizo was able to start  
23 the "Swing" because he had seen Avila operate the ride. I asked Avila if he could  
24 remember the date and time this occurred. Avila said he could not remember the date or  
25 the time. I asked Avila who was present when Star started the ride without permission.  
26 Avila said the sister, (Avila could not remember her name) and the brother, Gavin. Avila  
27 said no one else was present. Avila said he does not remember if any other children were  
28 staying at Neverland Ranch, but regarding this incident the three Arvizo children were the  
29 only guests present at the amusement park.

**031012**

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

1

2 I told Avila in his declaration to LaMancha he described the Arvizo children as extremely

3 disruptive. I asked Avila to explain the difference between the Arvizo children and the other

4 children that stayed at Neverland and attended the amusement park. Avila said, "The other

5 children would crash the carts and would do other things (he did not explain what other

6 things he was referring to), but it seemed like the Arvizo children did this more often than

7 the other children." I asked Avila how the Cascio children behaved while at the ranch.

8 Avila could not differentiate the Arvizo children from the Cascio children. I explained to

9 Avila the difference between the two families. Avila then recalled the Arvizo boys throwing

10 "things" and spitting at employees while on the rides. Avila said the Arvizo boys would

11 throw their shoes off the top of the Ferris Wheel. Avila said the Cascio children were also

12 active, but not as active as the Arvizo boys. Avila did not go into any further details.

13

14 I told Avila he stated in his declaration as time went by, the Arvizo children became more

15 and more destructive. I told Avila I was aware that the longer children stay at Neverland,

16 they seem to run amuck as there is no adult supervision or discipline. Avila agreed with my

17 statement. Avila said prior to being hired at Neverland he knew the Arvizo family had

18 already visited Neverland on different occasions. Avila said he started working at

19 Neverland shortly after the blood drive event that was sponsored for Gavin.

20

21 Reading from the declaration, I asked Avila when or why Gavin had told him children were

22 making fun of him at school. Avila looked surprise and said Gavin had not told him this. At

23 this point I asked Avila if he had read the declaration he signed for LaMancha

24 Investigations. Avila did not respond. I showed Avila the declaration. I asked Avila if he

25 had signed the declaration. Avila said yes. I then had Avila read the declaration. While

26 Avila glanced through the declaration I told Avila it did not appear to me he had written the

27 declaration or even read the declaration he had signed. Avila said he now recalled Gavin

28 telling him he was having problems with children making fun of him at school.

**031013**



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

1 I asked Avila when Gavin had given him this information. Avila could not remember the  
2 date or the time Gavin had spoken to him. Avila also could not remember who was present  
3 during this conversation. I asked Avila to explain how their conversation had led into Gavin  
4 telling him about the problems at school. Avila could not remember.

5  
6 I then showed Avila the section of his declaration that stated, "During their stay at the  
7 ranch, Star Arvizo wrote the words "you suck dick" on a wall in one of the control rooms in  
8 the park." I asked Avila how he knew Star was responsible. Avila said he saw Star write  
9 this on the wall in the control room. I asked Avila what Star used to write on the wall. I was  
10 using a black ball point pen which Avila pointed to and said, "It was a pen like that." I asked  
11 Avila if he had reported this incident to his supervisor. Avila said no. Avila said he  
12 personally changed the letters on the wall. I asked Avila what was depicted on the wall after  
13 he changed the letters. Avila could not remember. I asked Avila why he had not reported  
14 this to his supervisor. Avila said he warned Star not to do it again. I asked Avila what  
15 would have happened if he had reported this to his supervisor. Avila said his boss, Big Al  
16 Scanlon, would have probably reported it to Joe Markus, the property manager. I again  
17 asked Avila what would have happened if he had reported Star. Avila did not respond.

18  
19 I asked Avila if it was true that JACKSON'S guests, in particular young boys, are pretty  
20 much free to do whatever they want. Avila said yes. I asked Avila if this was the reason he  
21 did not report this incident. Avila responded, "Yes that's true. With the exception of it being  
22 a safety problem, the children are free to do as they please." Avila said the employees at  
23 Neverland are restricted from telling the children what to do and correcting their behavior.

24  
25 I asked Avila to explain the incident regarding Star having pornographic magazines. Avila  
26 said Star told him he had brought the pornographic magazines from home. I asked Avila if  
27 he knew the names of these pornographic magazines. Avila said no. Avila said Star hid  
28 the magazines on the "Zipper" and on the "Swings. These are two separate rides at the

**031014**

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

1 amusement park. I asked Avila how many of these magazines did he see. Avila said only  
2 one. I again showed Avila his declaration and asked him why the declaration said  
3 magazines if only one magazine was supposedly seen. Avila said he did not know why the  
4 declaration said "magazines", but he was sure he saw only one magazine. I asked Avila if  
5 he was familiar with pornographic magazines. Avila said yes but he could not remember  
6 which particular magazine Star had. I asked Avila if he in fact had seen the magazine in  
7 Star's hands. Avila said, "Yes, he had one magazine folded in his front right pants pocket."  
8 I asked Avila if he had spoken to Star regarding the pornographic magazine. Avila said he  
9 told Star, "Does your mom know you look at these things?" Avila said Star responded, no.  
10 Avila continued saying he told Star not to bring the magazine back to the park. Avila said  
11 he reported this incident to Big Al (Scanlon). Avila does not know if Scanlon reported this  
12 to anybody else.

13

14 I asked Avila if he has been inside the main residence at Neverland. Avila said, "Yes, on  
15 two separate occasions." Avila said the first time he entered the main residence was to  
16 help move a television in the master bedroom. I asked Avila if he saw any pornographic  
17 magazines or videos while in Michael JACKSON'S master bedroom. Avila said no. I told  
18 Avila, "You're familiar with this case and you know JACKSON has a lot of pornographic  
19 material and magazines in his room, correct?" Avila said yes. I asked Avila if it was  
20 possible Star took the pornographic magazine from JACKSON'S master bedroom. Avila  
21 said he did not know where the magazine came from. Avila could not confirm or deny that  
22 the magazine came from JACKSON'S bedroom.

23

24 I asked Avila if he remembered being interviewed by Jesus Castillo, a private investigator.  
25 Avila said yes. I explained to Avila that because of his discrepancies and inconsistencies, it  
26 was my feeling that Castillo interviewed Avila then had Avila sign the declaration prior to  
27 reading it. Avila again glanced at the declaration and said he felt his declaration was  
28 accurate.

**031015**

PAGE 6	<b>SHERIFF'S DEPARTMENT</b> Santa Barbara County <b>CONTINUATION SHEET</b>	Case Number <b>03-5670</b>
(A) LIST CONTINUATION. (B) DESCRIBE: PHYSICAL EVIDENCE, LOCATION FOUND & DISPOSITION. (C) NARRATIVE. (D) DISPOSITION.		

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

I asked Avila if he knew where the Arvizo children were sleeping while at Neverland Ranch. Avila said he was not sure where the children slept, but knew their mother was in Guest House #2. Avila then said the Arvizo boys were staying both in the guest house and in the main residence.

Detective Zelis asked Avila how many children he estimates have gone through the amusement park while he has been employed at Neverland. Avila said, "A lot." Detective Zelis then asked how many have stayed the night at Neverland. Avila said there have been a lot of children and had no idea. Detective Zelis asked Avila if he remembered Gavin and Star's sister's name. Avila could not remember her exact name. Detective Zelis asked Avila if he specifically remembered the Arvizo's. Avila said yes. Detective Zelis said it seemed like Avila was unsure between the Arvizo's and the Cascio children. Avila said he was sure which children we were talking about. Detective Zelis asked Avila if he gave us any information that would be helpful to us, would there be any repercussions at work. Avila said he did not think so. Avila said his current supervisor is Brian Selsey. Detective Zelis asked Avila if he thought Selsey would be upset if he told us something that he had not said in his declaration. Avila said no.

Detective Zelis asked Avila to explain how the Arvizo children were identified when he was being questioned by LaMancha Investigations. Avila said he remembered the children's names.

At this time we concluded our interview.

- (D)  REPORT TAKEN, REQUEST DETECTIVES CONDUCT FOLLOW-UP  
 REPORT TAKEN, FOLLOW-UP TO BE HANDLED BY PATROL  
 REPORT TAKEN, CASE SUSPENDED PENDING LEADS  
 CASE CLEARED BY ARREST (ADULT/JUV)  
 CASE SUBMITTED TO DA FOR COMPLAINT/REVIEW  
 CASE SUBMITTED TO JUVENILE PROBATION  
 DOCUMENTATION ONLY, VICTIM REQUEST NO PROSECUTION

**031016**

Memorandum

Re: Interview  
By: S. Ross  
Subject: Prudence Brando  
Interview date: 5/20/05

Prudence Brando - [REDACTED] (9 years old)

Prudence is the daughter of Miko and Karen Brando, granddaughter of Marlon Brando. Prudence spent time with Arvizo children. She described them as destructive and always crashing golf carts. According to Prudence, they did it on purpose. She said they always said "watch this, watch this" and ran into various things around the ranch. She recalled one time when they crashed into the garage doors.

Prudence said the Arvizos would always try to go into the cage of the llamas, but the zookeepers always watched them. According to Prudence, the Arvizos would go to the theatre and would take candies, "ten at a time." She said they would then go on the rides like the Sea Dragon, and would throw candies at people from the rides. Primarily, she said they would throw at people operating the ride, although she doesn't know if they hit people. She remembered they always thought it was funny. Prudence said they did a lot of damage.

Prudence saw the Arvizos, while at the theatre, would do things like unplug the phones and throw popcorn and candy from upper level. She recalled a party when there were a lot of people in the theatre and they were throwing things like Skittles, M&Ms, popcorn and Starburst.

Prudence would tell them to stop, however, she would be ignored. She recalled that she told her father once, but did not tell her mother. She said was in MJJ's room on one occasion, when she recalled telling MJJ about one of the incidents. MJJ said he would tell them to stop.

Prudence recalls only spending time with the Arvizos on two occasions but does not recall the dates. She recalled Davellin (she referred to her as their sister) telling them to stop when they caused trouble, but they ignored her as well.

Prudence recalls their mother (The Arvizos) stayed in her guest unit.

MJ041249

Prudence said she never slept in MJJ's room. She recalled going up there with Prince and Paris and two of her friends to watch TV.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28


**PROOF OF SERVICE**

STATE OF CALIFORNIA        )  
  ) SS  
COUNTY OF SANTA BARBARA    )

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years and I am not a party to the within-entitled action. My business address is: District Attorney's Office; Courthouse; 1105 Santa Barbara Street, Santa Barbara, California 93101.

On May 23, 2005, I served the MOTION TO EXCLUDE OR LIMIT THE TESTIMONY OF WITNESSES; on Defendant, by THOMAS A. MESEREAU, JR. and ROBERT SANGER , by personal service in court.

I declare under penalty of perjury that the foregoing is true and correct.  
Executed at Santa Barbara, California on this 23<sup>rd</sup> day of May, 2005.

  
\_\_\_\_\_  
Gordon Auchincloss