

Jackson's trial to open Monday
By Martin Kasindorf, USA TODAY

LOS ANGELES — A judge will introduce Michael Jackson to 300 prospective jurors Monday as the pop star's trial opens on charges of molesting a 13-year-old boy and conspiring to cover it up.

Michael Jackson leaves court in Santa Maria, Calif., on Jan. 16, 2004, with his sister Janet.
Pool photo by Spencer Weiner

Lawyers on both sides who have clashed through a year of pretrial hearings estimate jury selection will take a month in Santa Maria, a farm town of 85,000 known for vineyards and strawberries. Testimony might take four to five months. (Related story: The key players)

It shapes up as an extraordinary trial. Jackson, 46, is possibly the most prominent international star ever to be prosecuted. Though his career peaked in the 1980s, when his albums *Thriller* and *Bad* sold millions, he remains an icon in Japan, Britain and other countries.

Court sessions won't be televised, but cable news, TV gossip shows and supermarket tabloids are planning heavy coverage on a bet that Jackson's fame will attract audiences as the O.J. Simpson murder trial did in 1995. Jackson's fans are expected to besiege the courthouse in Santa Barbara County, 160 miles northwest of Los Angeles.

Jackson has been free on \$3 million bail since his arrest in November 2003. In April, he pleaded not guilty to a 10-count indictment. The document alleges that Jackson plied the child with alcohol, groped him and plotted with his aides to coerce the boy and his family into taping a video exonerating Jackson of wrongdoing.

The charges

The felony indictment against Michael Jackson:

Counts 1-4: Child molestation. Jackson allegedly engaged in "lewd and lascivious acts" four times with a boy "under the age of 14," identified only as John Doe, from Feb. 20 to March 12, 2003.

Count 5: Attempted child molestation. Jackson allegedly asked the boy to touch Jackson's genitals through his clothing. The boy said he refused.

Counts 6-9: Administering alcoholic beverages to a child to assist molestation. Jackson allegedly gave the boy wine, vodka, tequila and bourbon.

Count 10: Conspiracy to commit child abduction, false imprisonment and extortion. Jackson allegedly plotted with five business associates, who were not indicted, to imprison the boy, his younger brother, sister and mother at the singer's Neverland ranch in an attempt to force them to tape video interviews denying

any misconduct by Jackson.

Sources: Santa Barbara County Superior Court, USA TODAY reporting

'Simple' case complicated

"The case is a simple case," says Ronald Richards, a Los Angeles defense lawyer who will analyze the trial for NBC. "It's the entourage of Michael Jackson and the media that make this case complicated."

The trial begins 11 years after Jackson paid another 13-year-old boy a \$20 million settlement that killed a similar criminal investigation. The case comes down to one question for jurors: Is Jackson a harmless "Peter Pan" who treats children with charity, or is he a pedophile who lures victims and their parents with lavish gifts and visits to his 2,600-acre Neverland Valley Ranch?

Jackson is known for eccentricity. He admits to having plastic surgery three times. He kept a pet chimpanzee named Bubbles. He dangled his infant son, Prince Michael II, from a Berlin hotel balcony in 2002. He danced his "moonwalk" on his sport-utility vehicle for adoring fans outside court last January.

The prosecution says he's not just erratic, he's dangerous. His ranch near Santa Ynez, Calif. — which includes a zoo, Ferris wheel, roller coaster and video arcade — was "designed to entice and attract children," deputy prosecutor Gordon Auchincloss said in a court filing Jan. 18.

If convicted of child molestation, Jackson would have to register with police as a sex offender. If also found guilty of giving alcohol to the child beforehand, Jackson would get a mandatory prison sentence. If convicted on all charges, Jackson, the father of three young children, could face more than 20 years behind bars.

Superior Court Judge Rodney Melville issued a gag order and sealed most documents from public view, saying he was guarding the boy's privacy and a fair trial. He tried to keep pretrial proceedings unusually secret. But excerpts of the lurid allegations from official files appeared on the Web site thesmokinggun.com and ABC News' Primetime Live.

Star witnesses for the prosecution are the boy, now 15; his brother, 14; sister, 18, and mother, 36. In television interviews after his arrest, Jackson called their story "a big lie" resulting from a failed attempt to get money from him.

To show a pattern of pedophilia, Tom Sneddon, the district attorney in Santa Barbara County, is seeking to put on the stand the young man who settled with Jackson in 1994 and derailed a grand jury investigation Sneddon was leading. Sneddon may want to summon a young man who received \$2 million from Jackson for alleged misconduct in 1990.

The judge said he'll rule on whether to allow allegations about past misconduct after a jury is selected. A 1996 California law allows such evidence in child abuse cases.

Tom Mesereau, Jackson's chief lawyer, said Jackson "regrets making these payments" at the suggestion of business advisers. "He should have fought these charges to the bitter end and vindicated himself."

Sharing a bed

Jackson's latest brush with the law stems from a British TV interview at Neverland in September 2002. Reporter Martin Bashir had been videotaping Jackson for seven months for a documentary. Bashir recorded the boy resting his head on Jackson's shoulder and holding hands with him. The boy praised Jackson as a generous "child at heart" who had helped him beat cancer.

Jackson told Bashir he'd let the boy sleep in his bed while Jackson slept on the floor. Jackson said, "Why can't you share your bed? That's the most loving thing to do, is share your bed with someone."

Jackson's remark created alarm when Britain's ITV broadcast the documentary Feb. 3, 2003. ABC's 20/20 aired it three days later. Prosecutors allege that Jackson and aides, caught up in a public relations crisis, kept the mother and her children as virtual prisoners at Neverland and a Florida hotel.

Defense calls case a vendetta

But the case is rife with potential problems for the prosecution:

- The mother received a \$137,500 settlement from J.C. Penney in 2001 after claiming store guards beat her kids and sexually assaulted her. Mesereau says this shows a record of claiming abuse and seeking money.
- Mesereau said in court Jan. 21 that he'll show during the trial that the boy and his family "aren't victims at all, they're flat-out liars." For example, they denied to child-welfare investigators in 2003 that Jackson had acted improperly with the boy. But after a falling-out with Jackson, the family hired the same attorney who had negotiated the \$20 million settlement in the earlier case.
- Jackson and his lawyers have accused Sneddon of conducting a vendetta to retaliate for the collapse of his 1993-94 investigation. Sneddon denies it. Jackson, in his 1995 HIStory album, disguises Sneddon's name and sings, "Dom Sheldon is a cold man." Last summer, Jackson subpoenaed Sneddon on a side issue and glared at him during Mesereau's harsh questioning.

Will daily TV reports on the stormy court battle draw high ratings? Harvey Levin, executive producer of Celebrity Justice, says yes. "There's a lot to get emotional about. There are going to be a lot of parents saying, 'How on earth could you put your kid in that position?' And other viewers will marvel about a 46-year-old guy who sleeps with kids."

But Robert Pugsley, a professor at Los Angeles' Southwest University College of the Law, says viewership won't reach the level of the Simpson double-homicide trial, which was televised. "The salaciousness of the material here is a turnoff to a lot of people," he says. "A lot of people don't really want to think about the realities of child molestation in the way that they were fascinated by the killing of Nicole Simpson and Ron Goldman."

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