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## In Jackson Trial, Jurors Can Hear of Other Cases

By CHARLIE LeDUFF

 ANTA MARIA, Calif., March 28 - Michael Jackson's defense was dealt a major blow on Monday, when the judge in his child-molesting trial said he would allow testimony that Mr. Jackson had abused or engaged in inappropriate behavior with five other boys, including two whom he had paid multimillion-dollar settlements.

The judge, Rodney S. Melville of Santa Barbara County Superior Court, said he would permit testimony about the five, including the actor Macaulay Culkin, and an "alleged pattern of grooming activity," like showing them pornography.

Testimony will be allowed about the 1993 case in which a boy was paid \$20 million to settle a lawsuit, as well as testimony by another accuser who received a \$2.4 million settlement in 1994 whose mother was a former maid for Mr. Jackson. The jury is expected to hear details about Mr. Jackson's relationship with Mr. Culkin when the actor was a child. Every boy involved, the prosecution said, was 10 to 13 years old at the time of the alleged abuse.

Mr. Culkin is not among the witnesses, and Mr. Jackson's lawyer, Thomas A. Mesereau Jr., said Mr. Culkin had repeatedly said he was never molested.

Of the five, only the maid's son is expected to testify. Other witnesses are to include the former maid and other former employees of Mr. Jackson's Neverland ranch, who say they saw fondling and details consistent with what the current accuser and his teenage brother say occurred.

California law allows presentation of evidence of previous acts of sexual abuse in cases like this, even if they were not reported at the time or prosecuted. The law gives prosecutors the opportunity to show a propensity to commit sexual crimes on the theory that most pedophiles commit repeated acts in similar ways.

The ruling is a boon to the prosecution, led by Thomas W. Sneddon Jr., the Santa Barbara district attorney. Until now, Mr. Sneddon has primarily offered the jury the rambling recollections of a teenage boy and his and Mr. Jackson's fingerprints on a pornographic magazine. The defense has been able to undercut much of the prosecution's case by noting contradictions in the accuser's testimony and by suggesting that from the outset the family had designs on Mr. Jackson's money.

"The prosecution has opened a large field of evidence, expanding the trial dramatically," said Ronald Richards, a criminal defense lawyer and NBC news legal analyst.

"It makes the defense job more difficult, brings in new hostile witnesses," Mr. Richards said. "Up until now it was reasonable doubt."

Mr. Jackson is charged with four counts of child molesting, plying the boy with alcohol and falsely imprisoning the family. He has pleaded not guilty and is free on \$3 million bond.

Mr. Jackson was not required and did not attend the morning's hearing, which was filled with acrimony. Mr. Mesereau came early, and called the prosecution's arguments "weak and contradictory."

"The prosecution is desperate because they know they have a problematic case," he said.

Mr. Mesereau called the expected new witnesses "third-party witnesses with an ax to grind."

But the day belonged to Mr. Sneddon, who 12 years ago investigated Mr. Jackson in the 1993 case. Though that case never came to court, details of the accusations and Mr. Jackson's predilection for palling around with boys made their way across the planet. Now, those details are to be the grist of the 24-hour news cycle.

Mr. Mesereau vowed to put on a "minitrial" on each accusation that the jury hears, suggesting a substantial expansion for a trial in which Judge Melville had told both sides to present their cases quickly.

"You can't stop the defense from putting on a full-blown defense and I mean just that," Mr. Mesereau said.

Mr. Sneddon directed some venom at Mr. Mesereau, whose courtroom style he called a "scorched-earth, take-no-prisoners approach."

He sharply criticized Mr. Mesereau for his cross-examination of the accuser, now 15, which often left the boy bewildered and stammering contradictions over three days of testimony.

"Mr. Mesereau was as abusive, as mean, as obnoxious as you could be to a child witness," Mr. Sneddon told the judge. "Victims don't want to show up because they don't want to go through" what the accuser experienced, he said.

Mr. Jackson, 46, appeared later, after the judge's ruling. He looked as always; frail, pale, a page-boy hairdo, a jacket with a pocket crest and red armband, lipstick and dark sunglasses.

On Sunday in an interview on the Rev. Jesse Jackson's nationally syndicated radio show, the singer said he was a victim of a conspiracy just like other "black luminaries" including Nelson Mandela and Muhammad Ali.

Mr. Jackson said in that interview that he was in a great deal of pain since falling in the shower earlier this month.

"I was coming out of the shower and I fell and all my body weight, I'm pretty fragile, all my body weight fell against my rib cage," he said.

It was this physical pain and not the emotional pain of hearing the boy accuse him of pedophilia that caused his eyes to tear during testimony, Mr. Jackson said.

Monday completed the first month of a trial expected to last several more. So far the public has been privy to a litany of bizarre and lurid tales of Mr. Jackson's life.

For instance, Mr. Jackson apparently has an extremely large collection of pornography that prosecutors contend is used to prepare his victims. Neverland has a secret cellar packed with liquor, the entry to which is hidden behind a jukebox.

The defense has presented the boy's mother as a scheming grifter who offered her son to Mr. Jackson in the hope of an easy financial score. The family took the boy to the same lawyer and psychologist as the boy in 1993 had used before they contacted the authorities.

Mr. Mesereau has said that the family had also tried to ensnare other celebrities, including the comedian George Lopez and Jay Leno, host of the "Tonight" show.

Mr. Lopez appeared in court on Monday as a prosecution witness, recalling how he met the family in late 1999 at a Sunset Strip comedy club. He became especially close with them when the boy grew ill with cancer. "I was invested in them," Mr. Lopez said. "I saw a lot of myself in that family."

He said the father kept calling about money, kept asking him for what he had on him, once even getting a pair of shoes.

The relationship soured when the father, who is now divorced from the mother, accused Mr. Lopez of stealing \$300 from his son's wallet that was left behind at Mr. Lopez's house.

What was he supposed to tell his son? the father asked.

"Tell him that his father is an extortionist," Mr. Lopez said he told him.

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