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STEVE COOLEY  
District Attorney of Los Angeles County  
David Walgren  
Deputy District Attorney  
Major Crimes Division  
Deborah Brazil  
Deputy District Attorney  
Major Crimes Division  
210 W. Temple Street, Room 17-1130  
Los Angeles, CA 90012  
(213) 974-3992

Attorney for Plaintiff

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Los Angeles Superior Court

AUG 25 2011  
John A. Clarke, Executive Officer/Clerk  
By \_\_\_\_\_, Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES**

**PEOPLE OF THE STATE OF CALIFORNIA,**  
  
Plaintiff,  
  
vs.  
  
**CONRAD ROBERT MURRAY,**  
  
Defendant.

Case No.: SA073164

**MOTION IN LIMINE REGARDING  
PROPOSED DEFENSE WITNESSES**

TO: The Honorable MICHAEL PASTOR, and defense counsel.

PLEASE TAKE NOTICE that the People of the State of California hereby move this court to exclude and/or limit irrelevant and inadmissible testimony offered by the defense, and in the case where the People have not yet received any discovery from the defense, the People seek exclusion subject to any future defense offer of proof.

This motion will be based upon this notice of motion and on the memorandum of points and authorities served and filed herewith.

1 **I. INTRODUCTION**

2 As the court is aware, the People are in receipt of a defense witness list containing 103  
3 witnesses. As the court is also aware, the People have not yet been provided discovery for the  
4 majority of these witnesses. However, we have been provided an updated status report from  
5 the defense wherein the defense identified numerous potential defense witnesses as "no  
6 contact made; no statement taken." (see defense filing under seal dated August 9, 2011).

7 In reviewing both the defense witness list containing 103 witnesses and the August 9,  
8 2011, status report, the People have identified multiple witnesses from the defense witness list  
9 that the People believe should be properly excluded and/or limited under Evidence Code  
10 section 350 and section 352. The People have also identified a number of witnesses for which  
11 the People seek an offer of proof regarding relevance and admissibility. In addition, the People  
12 have identified a number of witnesses that are essentially "unknown" individuals and would seek  
13 an exclusion order absent the defense providing discovery and making an offer of proof.

14 Lastly, it should be noted that this is not an exhaustive list of witnesses for which we still  
15 do not have discovery. The defense has identified a large number of witnesses as character  
16 witnesses and/or former patients of the defendant. Although we do not have discovery for all of  
17 these witnesses, we expect discovery to be provided if and when they are interviewed by the  
18 defense.

19  
20 **II. The People Seek Complete Exclusion of All Witnesses Related to Events**  
21 **Arising Out of the Santa Barbara Legal Proceedings**

22 1. **Steve Robel and other Unknown Witnesses**

23 The defense has provided the People a brief statement taken from Steve Robel. In that  
24 statement, Steve Robel is identified as a law enforcement officer who was involved in the  
25 investigation of child molestation allegations leveled against Michael Jackson in 2003.

26 The People seek an exclusion of such testimony as irrelevant and highly inflammatory. The  
27 current case should focus on the events surrounding the medical care provided to Michael

1 Jackson by Conrad Murray. The case should not be allowed to deteriorate into an unfair,  
2 unwarranted, and irrelevant attack on the deceased victim. Accordingly, the People seek to  
3 exclude any and all testimony from Steve Robel and any other witnesses related to the alleged  
4 Santa Barbara events. Further, the People ask the court to bar any reference to such events.  
5

6 **III. The People Seek the Exclusion and/or Limitation of Testimony from Prior Alleged**  
7 **Healthcare Providers Absent an Offer of Proof**

8 A number of defense witnesses have been identified as individuals or their respective  
9 staff members that have previously provided medical care to Michael Jackson. None of these  
10 individuals was caring for Michael Jackson on the night of June 24, 2009, or the day of June 25,  
11 2009, and none of these doctors was present with Michael Jackson when he died of acute  
12 propofol intoxication. Accordingly, the People seek an offer of proof as to each of the following  
13 witnesses and, depending on said offer of proof, would ask for an appropriate ruling regarding  
14 exclusion and/or limitation of the proffered testimony.

15 1. Allen Metzger

16 The Coroner issued a subpoena to Dr. Allen Metzger and both the People and the  
17 defense are in receipt of the responsive medical documents. According to the records, Dr.  
18 Metzger saw Michael Jackson one time in 2002 (physical examination), and one time in 2003  
19 (preoperative examination). Dr. Metzger then had a telephone call with Michael Jackson one  
20 time in 2008 and one time in February, 2009, and saw him again in April, 2009 (no physical  
21 exam; deemed Michael Jackson to be fit, trim, and lucid; Michael Jackson inquired about sleep  
22 medicine; noted will prescribe Klonopin or Trazadone).

23 According to the defense, they have not interviewed this witness.

24 2. David Adams

25 Detectives interviewed Dr. David Adams after his name was provided by Conrad Murray.  
26 According to Conrad Murray, Murray allowed David Adams to use Murray's Las Vegas office to  
27

1 administer propofol to Michael Jackson in March or April of 2009. According to Murray, this  
2 happened one time.

3 The Coroner issued a subpoena for medical records related to Dr. Adams and both the  
4 People and the defense are in receipt of the responsive medical documents. According to these  
5 documents, David Adams is an anesthesiologist who administered propofol to Michael Jackson  
6 on four different occasions while Michael Jackson was undergoing dental procedures (cavities,  
7 root canal, implants) in 2008.

8 According to the defense, they have not interviewed this witness.

9 3. Cherylin Lee

10 Ms. Lee is a registered nurse and nutritionist. The Coroner issued a subpoena for  
11 medical records related to Ms. Lee and both the People and the defense are in receipt of the  
12 responsive medical documents. Additionally, she was interviewed by detectives.

13 According to statements of Ms. Lee, she last saw Michael Jackson in April 2009.

14 According to the defense, they have not interviewed this witness.

15 4. Arnold Klein

16 The Coroner issued a subpoena for medical records related to Dr. Klein and both the  
17 People and the defense are in receipt of the responsive medical documents. Dr. Arnold Klein is  
18 a dermatologist who treated Michael Jackson with botox, restylene fillers, and other cosmetic  
19 procedures. Dr. Klein evidently saw Michael Jackson five times in June 2009, with the last  
20 appointment being June 22, 2009.

21 According to the defense, they have not interviewed this witness.

22 5. Ellen Brunn

23 According to the defense, Ms. Brunn worked for Dr. Klein.

24 According to the defense, they have not interviewed this witness.

25 6. Jason Pfiffer

26 The defense has interviewed Mr. Pfiffer, who was evidently a personal assistant to Dr.  
27 Klein and also worked in Dr. Klein's medical office.

1 IV. The People Seek the Exclusion and/or Limitation of Testimony from Other Identified

2 Witnesses

3 A number of witnesses that appear on the defense witness list are known individuals,  
4 however, the People seek exclusion and/or limitation of their testimony subject to a defense  
5 offer of proof. The following witnesses fall into this category:

6 1. John Branca

7 Mr. Branca is a lawyer and is the executor of Michael Jackson's estate.

8 According to the defense, they have not interviewed this witness.

9 2. Susan Etok

10 Ms. Etok was interviewed by detectives. She was subsequently interviewed by the  
11 defense. According to the statement Ms. Etok provided to the defense, Michael Jackson asked  
12 her for propofol and some other drugs while in London in March 2009. Ms. Etok believed  
13 Michael had a drug problem. She last saw him in March 2009, in London, England.

14 3. Karen Faye

15 Ms. Faye was interviewed by detectives. She was Michael Jackson's make-up and hair  
16 stylist. She indicated Michael Jackson was in poor health about one week before his death but  
17 that he looked great on June 23 and June 24, 2009.

18 According to the defense, they have not interviewed this witness.

19 4. Travis Payne

20 Mr. Payne is a choreographer who worked with Michael Jackson in preparation for the  
21 *This Is It* tour.

22 According to the defense, they have not interviewed this witness.

23 5. Dr. Tohme Tohme (Ramez)

24 The defense has issued a subpoena for Dr. Tohme Tohme.

25 According to the defense, they have not interviewed this witness.



1 statement taken," their name has not come up in other discovery, and the People are at a loss  
2 as to their relevance:

- 3 1. Michael Bush
- 4 2. Chris Carter
- 5 3. Francisco Cascio
- 6 4. Alex Farschchian
- 7 5. Steven Hoeffler
- 8 6. Gerald Labiner
- 9 7. Michael LaPerruque
- 10 8. Cary Logan
- 11 9. Neal Ratner
- 12 10. Leonard Rowe
- 13 11. Barney Vanvalin
- 14 12. Dieter Wiesner

15 Since the People have not been provided any information regarding these proposed  
16 defense witnesses, the People seek their exclusion subject to any future defense offer of proof  
17 and delivery of discovery.

### 18 **VII. Conclusion**

19  
20 The trial is set to start on September 8, 2011, with opening statements set for  
21 September 27, 2011. The People seek to clarify the above identified evidentiary issues related  
22 to these 26 defense witnesses so that the court may make informed rulings regarding the  
23 relevance and admissibility of these witnesses prior to the commencement of jury selection. As  
24 for the other outstanding witnesses for which the People have not yet received discovery, the  
25 People anticipate the need to file additional motions in limine once discovery is received.

1 Date: August 25, 2011

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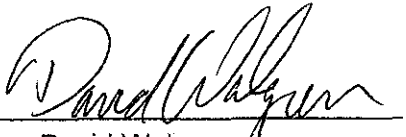
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4 Respectfully submitted,

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7 By:



David Walgren  
Deputy District Attorney

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