

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 IN AND FOR THE COUNTY OF SANTA BARBARA
3 SANTA MARIA BRANCH; COOK STREET DIVISION
4 DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE
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6
7 THE PEOPLE OF THE STATE OF)
8 CALIFORNIA,)
9 Plaintiff,)
10 -vs-) Number 1133603
11 MICHAEL JOE JACKSON,)
12 Defendant.)
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16 REPORTER'S TRANSCRIPT OF PROCEEDINGS

17
18 MONDAY, FEBRUARY 28, 2005
19

20 8:30 A.M.
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27 REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
28 BY: Official Court Reporter

1 APPEARANCES OF COUNSEL:

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For Plaintiff: THOMAS W. SNEDDON, JR.,

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District Attorney

-and-

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GORDON AUCHINCLOSS,
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1 Santa Maria, California

2 Monday, February 28, 2005

3 8:30 a.m.

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5 THE COURT: Good morning.

6 THE JURY: (In unison) Good morning.

7 COUNSEL AT COUNSEL TABLE: (In unison)

8 Good morning, Your Honor. Good morning.

9 THE COURT: There's two things we're going to
10 do before we commence with the opening statement.

11 One of them is that I'm going to read the

12 Indictment.

13 Remember, during jury selection, I generally
14 told you what the Indictment contained, and it does
15 contain that. But I want to read it specifically to
16 you because it's a little more detailed than the
17 general description.

18 The second thing I'm going to do is to give
19 you some pre-trial jury instruction. And they're
20 very brief, but they're meant to help you as you
21 start to hear the evidence, and as you hear the
22 opening statements of counsel.

23 What I'm going to do is, again, come down to
24 where you are to talk to you. I just -- this
25 distance between us is disturbing to me.

26 This is the Indictment:

27 The People of the State of California versus

28 Michael Joe Jackson, Defendant.

1 Count 1: The Grand Jury of the County of
2 Santa Barbara, State of California, by this
3 Indictment, hereby accuses Michael Joe Jackson of a
4 felony, to wit: a violation of Penal Code Section
5 182, subdivision (a), sub (1), conspiracy, in that
6 on or about and between February 1, 2003, and March
7 31, 2003, in the County of Santa Barbara, State of
8 California, he did conspire with Ronald Konitzer,
9 Dieter Weizner, and Frank Cascio, aka Frank Tyson,
10 Vinnie Amen, Frederic Marc Schaffel, and other
11 uncharged co-conspirators and co-conspirators whose
12 identities are unknown, to commit the crime of a
13 violation of Penal Code Section 278, child
14 abduction, a felony; a violation of Penal Code
15 Section 236, false imprisonment, a felony; a
16 violation of Penal Code Section 518, extortion, a
17 felony; and that pursuant to and for the purpose of
18 carrying out the objectives and purposes of the
19 aforesaid conspiracy, to wit: unlawfully
20 controlling, withholding, isolating, concealing,
21 enticing and threatening John Doe, James Doe, Judy
22 Doe, all minor children, and Jane Doe, an adult, did
23 commit one or more of the following overt acts in
24 the State of California, at least one of them in the
25 County of Santa Barbara:
26 Over Act Number 1: On or about February
27 4th, 2003, Michael Joe Jackson told Jane Doe that
28 the lives of her children, John, James and Judy Doe,

1 were in danger due to the recent broadcast on
2 British television of the documentary "Living with
3 Michael Jackson," in which John Doe appears with
4 Michael Joe Jackson. And Michael -- excuse me,
5 appears with Michael Joe Jackson, period. Michael
6 Joe Jackson did tell Jane Doe that she and her three
7 children would be flown to Miami to participate in a
8 press conference, which press conference never took
9 place.

10 Overt Act Number 2: On and between February
11 4th, 2003, and February 5th, 2003, the documentary
12 "Living with Michael Jackson," in which John Doe
13 appears, was broadcast in the United States.

14 Michael Joe Jackson did personally prevent the Doe
15 family from viewing the program, while at the
16 Turnberry Resort Hotel in Miami, Florida.

17 Overt Act Number 3: On and between
18 February 7th, 2003, and February 8th, 2003, Michael
19 Joe Jackson did return the Doe family to Santa
20 Barbara in a private jet. On the flight, Michael
21 Joe Jackson did sit with John Doe and did give him
22 an alcoholic beverage, concealed in a soft drink
23 can. Michael Joe Jackson did then present John Doe
24 with a wristwatch. Michael Joe Jackson did tell
25 John Doe that the watch was worth \$75,000. Michael
26 Joe Jackson did tell John Doe not to tell anyone
27 about them drinking alcoholic beverages together.

28 Overt Act Number 4: On or about February

1 8th, 2003, Michael Joe Jackson brought the Doe
2 family to Jackson's Neverland Ranch, where John,
3 James, Judy and Jane Doe remained for approximately
4 five days.

5 Overt Act Number 5: On and between February
6 6th, 2003, and February 12th, 2003, in both Miami,
7 Florida, and at Neverland Ranch in Santa Barbara
8 County, Ronald Konitzer and Dieter Weizner did tell
9 Jane Doe that there were death threats made against
10 her and her children by unknown individuals. They
11 did further tell Jane Doe that the only way to
12 assure the safety of her family was for the Does to
13 participate in the making of a "rebuttal" video
14 favorable to Michael Joe Jackson.

15 Overt Act Number 6: On and between February
16 12th, 2003, and February 15th, 2003, after the Doe
17 family had departed Neverland Ranch in the night,
18 Frank Cascio, aka Frank Tyson, did telephone Jane
19 Doe and did urge her to return with her children to
20 Neverland Ranch and did say, quote, "I know Michael
21 would love for you to come back to the ranch, for
22 the safety of all concerned," unquote; and, quote,
23 "Now is not the time to be out there alone,"
24 unquote; and, quote, "Never turn your back on
25 Michael," unquote; and, "Michael wants to see you
26 and the family," that's in quotes; and, quote, "You
27 need to go back up to the ranch and see Michael,
28 because he's very concerned," unquote; and, quote,

1 Even staying another night alone is not safe,"
2 unquote.

3 Frank Cascio, aka Frank Tyson, did tell Jane
4 Doe that, "We would love for you to go on tape and
5 just say something beautiful about Michael." Frank
6 Cascio did assure Jane Doe and John Doe that Ronald
7 Konitzer and Dieter Weizner would no longer be
8 present at the ranch if they returned. He did
9 state, "They are not there; I know that for a fact."

10 Overt Act Number 7: On and between February
11 2003 and March 2003, at Neverland Ranch, Frank
12 Cascio, aka Frank Tyson, did threaten James Doe that
13 Cascio did have ways to make James Doe's parents
14 disappear. Frank Cascio did tell John Doe, "I could
15 have your mother killed."

16 Overt Act Number 8: On or about February
17 14th, 2003, and February 15th, 2003, Michael Joe
18 Jackson's personal chauffeur, Gary Hearne, did drive
19 to Jane Doe's Los Angeles residence and did
20 transport her and her children back to the Neverland
21 Ranch in Santa Barbara County.

22 Overt Act Number 9: On and between February
23 14th, 2003, and February 15th, 2003, upon the Doe
24 Family's return to Neverland Ranch, Ronald Konitzer
25 and Dieter Weizner were, in fact, present; whereupon
26 Jane Doe asked to leave with her children. Ronald
27 Konitzer and Dieter Weizner did tell Jane Doe that
28 she was free to depart, however her children must

1 remain at the ranch.

2 Overt Act Number 10: During the month of
3 February 2003, in Santa Barbara County, California,
4 Michael Joe Jackson's personal security staff was
5 directed in writing not to allow John Doe to leave
6 Neverland Ranch.

7 Over Act Number 11: During the month of
8 February 2003, Frederic Marc Schaffel, Christian
9 Robinson and an unknown attorney did prepare a
10 script of questions to be asked of the Doe family
11 during the filming of the "rebuttal" video by Hamid
12 Moslehi, Michael Joe Jackson's personal
13 videographer.

14 Overt Act Number 12: On or about February
15 19th, 2003, the Doe children were transported by
16 Hamid Moslehi from Neverland Ranch to Moslehi's home
17 in the San Fernando Valley, and on the same date,
18 Vinnie Amen did transport Jane Doe to Hamid
19 Moslehi's filming of the "rebuttal" video.

20 Overt Act Number 13: On or about February
21 19th, 2003, in Los Angeles County between 11:00 p.m.
22 and 1:00 a.m., the employees and associates of
23 Michael Joe Jackson did tape the "rebuttal" video,
24 an interview of the Doe family, in the presence of
25 Vinnie Amen and Bradley Miller, a licensed private
26 investigator. During the taping, previously
27 scripted questions were asked of the Doe family.

28 Overt Act Number 14: On or about February

1 20th, 2003, Vinnie Amen did transport Jane Doe to
2 Norwalk, in Los Angeles County, to obtain birth
3 certificates of the Doe family for the purpose of
4 obtaining passports and visas to travel to Brazil.

5 Overt Act Number 15: On and between
6 February 25th, 2003, and March 2nd, 2003, Vinnie
7 Amen did take the Doe family from Neverland Ranch to
8 the Country Inn and Suites in Calabasas, Los Angeles
9 County. Vinnie Amen did transport Jane Doe to
10 public offices in Los Angeles County where passports
11 showing the destinations of Italy and France and
12 visas for entrance to Brazil for the Doe family were
13 obtained. Frederic Marc Schaffel, business partner
14 of Michael Joe Jackson and president of Neverland
15 Valley Entertainment, did pay expenses in connection
16 with this activity.

17 Overt Act Number 16: On or about February
18 25th, 2003, Frederic Marc Schaffel did make airline
19 reservations for the Doe family to travel to Brazil
20 on March 3rd, 2003.

21 Overt Act Number 17: On or about February
22 26th, 2003, Frederic Marc Schaffel and Frank Cascio,
23 aka Frank Tyson -- excuse me.

24 On or about February 26th, 2003, Frederic
25 Marc Schaffel paid Frank Cascio, aka Frank Tyson,
26 \$1,000 in connection with "vacation" expenses of the
27 Doe family.

28 Overt Act Number 18: On or about February

1 23rd (sic), 2003, Frederic Marc Schaffel did pay
2 Vinnie Amen the sum of \$500 cash for costs related
3 to the Brazilian visas of the Doe family.

4 Overt Act Number 19: On and between
5 February 2003 and March 2003, at the Neverland
6 Ranch, Michael Joe Jackson did have John Doe sleep
7 in his bedroom and in his bed.

8 Overt Act Number 20: On and between
9 February 2003 and March 2003, at Neverland Ranch,
10 Michael Joe Jackson did house Jane and Judy Doe in a
11 guest cottage on Neverland Ranch where Jane and Judy
12 Doe slept.

13 Overt Act Number 21: On and between
14 February 2003 and March 2003, at Neverland Ranch,
15 Michael Joe Jackson did show sexually explicit
16 materials to John and James Doe.

17 Overt Act Number 22: On and between
18 February 2003 and March 2003, at Neverland Ranch,
19 Michael Joe Jackson did drink alcoholic beverages in
20 the presence of John and James Doe and provided
21 alcoholic beverages to them.

22 Overt Act Number 23: On and between
23 February 2003 and March 2003, Michael Joe Jackson
24 did monitor and maintain control over the activities
25 at Neverland Ranch by means of multiple interior
26 door locks, proximity sensor alarm devices, and a
27 keypad combination lock, as well as video and
28 telephone surveillance equipment. Michael Joe

1 Jackson did personally monitor telephone
2 conversations of Jane Doe, without her knowledge or
3 permission.

4 Overt Act Number 24: On or about March 1st,
5 2003, Vinnie Amen did pay the rent on the residence
6 of the Doe family in Los Angeles County and moved
7 their belongings into storage.

8 Overt Act Number 25: On or about March 6th,
9 2003, Vinnie Amen did go to John Burroughs Middle
10 School in Los Angeles County and he did withdraw
11 John and James Doe from their enrollment there,
12 telling school authorities that the children were
13 relocating to Phoenix, Arizona.

14 Overt Act Number 26: On or about March 9th,
15 2003, Michael Joe Jackson was told by John Doe that
16 John Doe had a medical appointment the following
17 day, at which time he was to give his medical staff
18 a 24-hour-long urine collection specimen for
19 laboratory analysis.

20 Michael Joe Jackson, in Santa Barbara
21 County, did tell John Doe to cancel the appointment,
22 because the sample would reveal that John Doe had
23 been consuming alcoholic beverages while staying at
24 the Neverland Ranch.

25 On or about March 10th, 2003, in Los Angeles
26 County, after Jane Doe refused to cancel the medical
27 appointment and while on the way to the medical
28 appointment, Vinnie Amen did destroy most of John

1 Doe's collected urine specimen, intended for
2 laboratory analysis in connection with John Doe's
3 follow-up treatment for the disease of cancer.

4 Overt Act Number 27: On and between
5 February 2003 and March 2003, in Los Angeles County,
6 and as revealed by a surveillance tape located on
7 November 18th, 2003, in the office of Private
8 Investigator Bradley Miller, an unknown
9 co-conspirator conducted video surveillance of John
10 Doe and various members of John Doe's family,
11 including his grandmother and grandfather, his
12 mother, his mother's boyfriend, his brother and his
13 sister, at and near their respective residences and
14 elsewhere.

15 Overt Act Number 28: On or about March 31,
16 2003, Michael Joe Jackson did direct Frederic Marc
17 Schaffel to pay Frank Cascio, aka Frank Tyson, the
18 sum of one million dollars, from "Petty Cash" of
19 Neverland Valley Entertainment on behalf of Michael
20 Joe Jackson.

21 Those are the end of the overt acts. We're
22 now going to Count 2.

23 Count 2: The Grand Jury of the County of
24 Santa Barbara, State of California, by this
25 Indictment, hereby accuses Michael Joe Jackson of a
26 felony, to wit: a violation of Penal Code Section
27 288, subdivision (a), lewd act upon a child, in that
28 on or about and between February 20th, 2003, and

1 March 12th, 2003, in the County of Santa Barbara,
2 State of California, he did willfully, unlawfully,
3 and lewdly commit a lewd and lascivious act upon and
4 with the body and certain parts and members thereof
5 of John Doe, a child under the age of 14 -- under
6 the age of 14 years, with the intent of arousing,
7 appealing to, and gratifying the lust, passions, and
8 sexual desires of said defendant and the said child.

9 The further allegation that in the
10 circumstances of the crime alleged in this count the
11 crime constituted substantial sexual conduct with a
12 child under the age of 14 years, within the meaning
13 of Penal Code Section 1203.066, subdivision (a)(8).

14 Count 3: The Grand Jury of the County of
15 Santa Barbara, State of California, by this
16 Indictment, hereby accuses Michael Joe Jackson of a
17 felony, to wit: a violation of Penal Code Section
18 288, subdivision (a), lewd act upon a child, in that
19 on or about and between February 20th, 2003, and
20 March 12th, 2003, in the County of Santa Barbara,
21 State of California, he did willfully, unlawfully
22 and lewdly commit a lewd and lascivious act upon and
23 with the body and certain parts and members thereof
24 of John Doe, a child under the age of 14 years, with
25 the intent of arousing, appealing to, and gratifying
26 the lust, passions and sexual desires of said
27 defendant and said child.

28 The further allegation that in the

1 circumstances of the crime alleged in this count the
2 crime constituted substantial sexual conduct with a
3 child under the age of 14 years, within the meaning
4 of Penal Code Section 1203.066, subdivision (a)(8).

5 Count 4: The Grand Jury of the County of
6 Santa Barbara, State of California, by this
7 Indictment, hereby accuses Michael Joe Jackson of a
8 felony, to wit: a violation of Penal Code Section
9 288, subdivision (a), lewd act upon a child, in that
10 on or about and between February 20th, 2003, and
11 March 12th, 2003, in the County of Santa Barbara,
12 State of California, he did willfully, unlawfully
13 and lewdly commit a lewd and lascivious act upon and
14 with the body and certain parts and members thereof
15 of John Doe, a child under the age of 14 years, with
16 the intent of arousing, appealing to, and gratifying
17 the lusts, passions, and sexual desires of said
18 defendant and the said child.

19 The further allegation that in the
20 circumstances of this count, the crime constituted
21 substantial sexual conduct with a child under the
22 age of 14 years, within the meaning of Penal Code
23 Section 1203.066 (a)(8).

24 Count 5: The Grand Jury of the County of
25 Santa Barbara, State of California, by this
26 Indictment, hereby accuses Michael Joe Jackson of a
27 felony, to wit: a violation of Penal Code Section
28 288, subdivision (a), lewd act upon a child, in that

1 on or about and between February 20th, 2003, and
2 March 12th, 2003, in the County of Santa Barbara,
3 State of California, he did willfully and unlawfully
4 and lewdly commit a lewd and lascivious act upon and
5 with the body and certain parts and members thereof
6 of John Doe, a child under the age of 14 years, with
7 the intent of arousing, appealing to, and gratifying
8 the lusts, passions, and sexual desires of said
9 defendant and said child.

10 The further allegation that in the
11 circumstances of the crime alleged in this count the
12 crime constituted substantial sexual conduct with a
13 child under the age of 14 years, within the meaning
14 of Penal Code Section 1203.066, subdivision (a)(8).

15 Count 6: The Grand Jury of the County of
16 Santa Barbara, State of California, by this
17 Indictment, hereby accuses Michael Joe Jackson of a
18 felony, to wit: a violation of Penal Code Sections
19 664 and 288, subdivision (a), attempt to commit a
20 lewd act upon a child, in that on or about and
21 between February 20th, 2003, and March 12th, 2003,
22 in the County of Santa Barbara, State of California,
23 he did willfully, unlawfully and lewdly attempt to
24 have John Doe, a child under 14 years of age, commit
25 a lewd and lascivious act upon and with Defendant
26 Michael Joe Jackson's body and certain parts and
27 members thereof, with the intent of arousing,
28 appealing to, and gratifying the lust, passions, and

1 sexual desires of the said defendant and the said
2 child.

3 Count 7: The Grand Jury of the County of
4 Santa Barbara, State of California, by this
5 Indictment, hereby accuses Michael Joe Jackson of a
6 felony, to wit: a violation of Penal Code Section
7 222, administering an intoxicating agent to assist
8 in the commission of a felony, in that on or about
9 and between February 20th, 2003, and March 12th,
10 2003, in the County of Santa Barbara, State of
11 California, he did unlawfully administer to John Doe
12 an intoxicating agent, to wit: alcohol, with the
13 intent thereby to enable and assist him to commit a
14 felony, to wit: child molestation, in violation of
15 Penal Code Section 288, subdivision (a).

16 Count 8: The Grand Jury of the County of
17 Santa Barbara, State of California, by this
18 Indictment, hereby accuses Michael Joe Jackson of a
19 felony, to wit: a violation of Penal Code Section
20 222, administering an intoxicating agent to assist
21 in the commission of a felony, in that on or about
22 and between February 20th, 2003, and March 12th,
23 2003, in the County of Santa Barbara, State of
24 California, he did unlawfully administer to John Doe
25 an intoxicating agent, to wit: alcohol, and with the
26 intent thereby to enable and assist himself to
27 commit a felony, to wit: child molestation, in
28 violation of Penal Code Section 288, subdivision

1 (a).

2 Count 9: The Grand Jury of the County of
3 Santa Barbara, State of California, by this
4 Indictment, hereby accuses Michael Joe Jackson of a
5 felony, to wit: a violation of Penal Code Section
6 222, administering an intoxicating agent to assist
7 in the commission of a felony, in that on or about
8 and between February 20th, 2003, and March 12th,
9 2003, in the County of Santa Barbara, State of
10 California, he did unlawfully administer to John Doe
11 an intoxicating agent, to wit: alcohol, with the
12 intent thereby to enable and assist him to commit a
13 felony, to wit: child molestation, in violation of
14 Penal Code Section 288, subdivision (a).

15 Count 10: The Grand Jury of the County of
16 Santa Barbara, State of California, by this
17 Indictment, hereby accuses Michael Joe Jackson of a
18 crime, to wit: a violation of Penal Code Section
19 222, administering an intoxicating agent to assist
20 in the commission of a felony, in that on or about
21 between February 20th, 2003, and March 12th, 2003,
22 in the County of Santa Barbara, State of California,
23 he did unlawfully administer to John Doe an
24 intoxicating agent, to wit: alcohol, with the intent
25 thereby to enable and assist him to commit a felony,
26 to wit: child molestation, in violation of Penal
27 Code Section 288, subdivision (a).

28 It is further alleged that Counts 2 through

1 5 are serious felonies within the meaning of Penal
2 Code Section 1192.7, subdivision (c)(6).

3 As to Counts 2 through 5, it is further
4 alleged, pursuant to Penal Code Section 1203.066,
5 subdivision (a)(8), that the victim in the above
6 offense, John Doe, was under the age of 14 years and
7 Michael Joe Jackson had substantial sexual conduct
8 with John Doe.

9 Pursuant to the provisions of Penal Code
10 Section 293.5 the use of "John Doe" as it appears in
11 the Indictment is for the purpose of protecting the
12 privacy of the alleged victim.

13 This Indictment is signed by Ronald Zonen on
14 behalf of Tom Sneddon, signed by Gordon Auchincloss
15 on behalf of Thomas Sneddon, and is declared to be a
16 true bill by the foreperson of the grand jury, who
17 signed it on April 21st, 2004.

18 Up until this time the Indictment in this
19 case has been sealed. It is hereby unsealed.

20 I'm now going to read to you a short two- or
21 three-page statement of some jury instructions that
22 I hope will help you as you begin to listen to the
23 case. But I need some water.

24 And I want to remind you, after reading that
25 entire Indictment, that Mr. Jackson has pled not
26 guilty to all those charges. He's put every
27 allegation in those charges at issue by pleading not
28 guilty. And the Indictment is not evidence of his

1 guilt.

2 Members and alternate members of the jury:
3 You have been selected and sworn as jurors and
4 alternate jurors. I shall now instruct you as to
5 your basic functions, duties and conduct.

6 At the conclusion of the case, I will give
7 you further instructions on the law. All of the
8 Court's instructions, whether given before, during
9 or after the taking of testimony, are of equal
10 importance.

11 You must base the decisions you make on the
12 facts and the law. First, you must determine the
13 facts from the evidence received in the trial and
14 not from any other source.

15 A fact is something proved by the evidence
16 or by a stipulation. A stipulation is an agreement
17 between attorneys regarding the facts.

18 Second, you must apply the law that I state
19 to you to the facts as you determine them, and in
20 this way arrive at your verdict and any finding you
21 are instructed to include in your verdict.

22 You must accept and follow the law as I
23 state it to you, regardless of whether you agree
24 with it or not. If anything concerning the law said
25 by the attorneys in their arguments or at any other
26 time during the trial conflicts with my instructions
27 on the law, you must follow my instructions.

28 You must not be influenced by pity for the

1 defendant, or by prejudice against him. You must
2 not be biased against the defendant because he has
3 been arrested for this offense, charged with a
4 crime, or brought to trial. None of these
5 circumstances is evidence of guilt. And you must
6 not infer or assume any or all of them -- assume
7 from any or all of them that he is more likely to be
8 guilty than not guilty.

9 You must not be influenced by mere
10 sentiment, conjecture, sympathy, passion, prejudice,
11 public opinion, or public feeling. Both the People
12 and the defendant have a right to expect that you
13 will conscientiously consider and weigh the
14 evidence, apply the law, and reach a just verdict,
15 regardless of the consequences.

16 Statements made by the attorneys during the
17 trial are not evidence. However, if the attorneys
18 stipulate or agree to a fact, you must regard that
19 fact as proven.

20 If an objection is sustained to a question,
21 do not guess what the answer might have been. Do
22 not speculate as to the reason for the objection.

23 Do not assume to be true any insinuation
24 suggested by a question asked a witness. A question
25 is not evidence and may be considered only as it
26 helps you to understand the answer. Do not consider
27 for any purpose any offer of evidence that is
28 rejected or any evidence that is stricken by the