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Michael Jackson's doctor charged

Cardiologist accused of involuntary manslaughter

By [TED JOHNSON](#)

Los Angeles is once again poised for a media-saturated, celebrity-soaked trial with the arrest Monday of Michael Jackson's physician, Conrad Murray, on charges of involuntary manslaughter in the use of an anesthetic to treat the pop superstar's insomnia.



The sight of satellite trucks, flanks of camera crews and the circus of onlookers, such as those who reportedly shouted "Murderer!" as Murray turned himself in at a Los Angeles Superior Court facility near Los Angeles Intl. Airport, is really nothing new for a city accustomed to a steady diet of celebrity justice. But the case against Murray may well turn out to be far different. This stands to be the first

high-profile trial involving a figure with the worldwide stature of Jackson that will be played out in an instantaneous Internet landscape of TMZ and Twitter, where no bit of detail is too small.

That was especially on display in the past week, when website TMZ.com posted an array of items chronicling Murray's exact whereabouts, including a photo of him reading a newspaper at a local coffee shop Monday morning just before he did the perp walk and turned himself in.

Last week TMZ posted an item about Murray arriving in Los Angeles, an indication that an arrest might be imminent. Laurie Levenson, the Loyola U. Law School professor who frequently offers expertise to the media, says she got wind that something was afoot shortly after the item was posted and she arrived at her office to see 10 messages from media outlets wanting her comment.

It's also a story in which many of the participants haven't hesitated to argue their case in the media, even with the investigation ongoing. Murray took to YouTube in August to give a statement defending his actions. Just last week, Brian Oxman, one of the Jackson family attorneys, appeared on CBS' "The Early Show" to argue that an involuntary manslaughter charge was too lenient. It didn't seem to matter that Murray hadn't yet been charged.

The legal circumstances also make the Murray case far different from many other celebrated trials, such as those of O.J. Simpson, Robert Blake and Phil Spector. In this case, the celebrity is the victim. That, coupled with the intensity of the online coverage, will make it hard to find an unbiased jury not swayed by sympathy for Jackson, criminal defense attorney Joseph DiBenedetto said. "You would have to be living in a bubble not to know about this case," he added.

Murray pled not guilty to the single charge of involuntary manslaughter shortly after the Los Angeles District Attorney's Office filed its criminal complaint that accuses him of acting "without due caution and circumspection" in administering drugs to Jackson prior to his death. He faces a maximum of four years in prison if convicted.

Levenson said that for prosecutors, "This is not a slam dunk case," starting with the fact that a trial is likely to be a battle of expert witnesses. The standard, she said, will be "Did he know that he was taking an unjustified risk, and he took it anyway?" "Without that, the question in this case is, 'Was this a tragic accident, or was this a crime?'"

At the center of the case is the use of propofol, an anesthetic usually used in operating rooms on patients before surgery. The L.A. County Coroner ruled Jackson's death a homicide and said that he died of "acute propofol intoxication" taken with other sedatives that Murray was administering to him at Jackson's rented home on Carolwood Drive.

According to affidavits filed in the case, Murray told investigators he had been giving Jackson 50 mg of propofol, diluted with lidocaine, every night with an intravenous drip to help the singer sleep. He said he feared that Jackson may have been forming an addiction to propofol, and tried to wean him off the drug, reducing its dosage in his mixture of medications in the days prior to his

death. But on the morning of June 25, Murray again administered 25 mg of propofol, diluted with lidocaine, "after repeated demands/requests" from Jackson when other medications failed to sedate him during the night, according to the affidavit.

When Jackson finally went to sleep, Murray said that he left Jackson's side to go to the restroom. When he returned -- after what he said was "two minutes maximum" -- Jackson was no longer breathing.

Prosecutors will have to prove that Murray acted with such "gross negligence" that it resulted in Jackson's death, said Jean Rosenbluth, a former prosecutor and clinical associate professor of law at USC Law School. "There are a whole variety of ways that this is potentially outside the realm and that this crossed over into gross negligence," she said.

Peter Arenella of UCLA Law School said prosecutors will "have a strong case" to show that Murray's use of propofol was a "gross deviation from the ordinary acceptable medical practice."

The defense, he said, could raise doubts that Murray's administering of propofol was the only thing that caused Jackson's death.

For instance, legal experts note that Murray's lawyers could argue that he and other doctors had administered propofol to Jackson for some time, with no problems, or that other drugs used by Jackson raise doubts about the cause.

"Remember, Dr. Murray only has to raise reasonable doubt in one juror's mind," Rosenbluth said.

The risks for prosecutors are obvious as they head into another celebrity case -- the type that have left many a D.A. burned. As Rosenbluth said, "They have to be mindful of not wanting to lose a high profile case, and it doesn't get much higher profile than this."

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