

1 THOMAS W. SNEDDON, JR., DISTRICT ATTORNEY  
County of Santa Barbara  
2 By: RONALD J. ZONEN (State Bar No. 85094)  
Senior Deputy District Attorney  
3 GORDON AUCHINCLOSS (State Bar No. 150251)  
Senior Deputy District Attorney  
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**FILED**  
SUPERIOR COURT of CALIFORNIA  
COUNTY of SANTA BARBARA

MAY 18 2005

GARY M. BLAIR, Executive Officer  
By *Carrie L. Wagner*  
CARRIE L. WAGNER, Deputy Clerk

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **FOR THE COUNTY OF SANTA BARBARA**  
10 **SANTA MARIA DIVISION**

11  
12  
13 THE PEOPLE OF THE STATE OF CALIFORNIA, }

14 Plaintiff, }

15 v. }

16 MICHAEL JOE JACKSON, }

17 Defendant. }

No. 1133603

RESPONSE TO  
DEFENDANT'S MOTION TO  
CLARIFY RE: USE  
IMMUNITY FOR VINCENT  
AMEN; DECLARATION OF  
GORDON AUCHINCLOSS

DATE: TBD

TIME: 8:30 AM

DEPT.: SM2 (Melville)

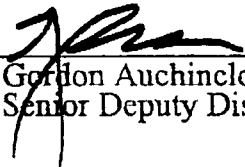
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22 On December 30, 2004, Vincent Amen, his attorney John Fahy, District  
23 Attorney Thomas W. Sneddon, Jr., Senior Deputy District Attorney Gordon  
24 Auchincloss, and Santa Barbara Sheriff's Lieutenant Jeff Klapakis had an informal  
25 meeting at the Santa Barbara County District Attorney's Office. The meeting was  
26 arranged after Mr. Fahy contacted the District Attorney's office and expressed his  
27 client's desire to cooperate with law enforcement in an interview. During this  
28 meeting, Mr. Fahy expressed the opinion that his client was not culpable for any

1 criminal wrongdoing but was concerned about statement's his client might give  
2 during testimony at trial that could be used against him in some future prosecution.  
3 It was verbally agreed among those present that, should Mr. Amen be called as a  
4 witness to the stand by the People, the People would petition the court for a grant  
5 of use immunity. A recorded interview of Mr. Amen was subsequently conducted  
6 and provided to the defense. Due to time constraints, this interview was never  
7 completed.

8 Several material inconsistencies emerged during Mr. Amen's partial  
9 interview and it was decided that the People would not call Mr. Amen as a  
10 witness. The People do not intend to call Vincent Amen and therefore will not be  
11 requesting that the court grant use immunity to this witness.

12  
13 DATED: May 18, 2005

14 THOMAS W. SNEDDON, JR.  
15 District Attorney

16 By:   
17 Gordon Auchincloss,  
18 Senior Deputy District Attorney

1  
2 **DECLARATION OF GORDON AUCHINCLOSS**  
3

4 I, Gordon Auchincloss do hereby declare:

5 I am a Senior Deputy District Attorney for the County of Santa Barbara. I am one  
6 of the attorneys assigned to the prosecution of *The People of the State of California v. Michael*  
7 *Joe Jackson*, Santa Barbara Superior Court Case No. 1133603.

8 On December 30, 2004, Vincent Amen, his attorney John Fahy, District Attorney  
9 Thomas W. Sneddon, Jr., Senior Deputy District Attorney Gordon Auchincloss, and Santa  
10 Barbara Sheriff's Liutenant Jeff Klapakis met at the Santa Barbara County District Attorney's  
11 Office.

12 It was verbally agreed among those present that, should Mr. Amen be called as a  
13 witness to the stand by the People, the People would petition the court for a grant of use  
14 immunity.

15 I declare under penalty of perjury that the foregoing is true and correct except for those  
16 statements made on information and belief and as to those statements, I believe them to be  
17 true.

18 Executed May 18, 2005, at Santa Barbara, California.  
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22 \_\_\_\_\_  
23 Gordon Auchincloss  
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PROOF OF SERVICE

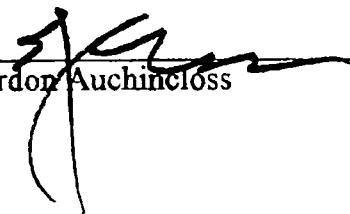
STATE OF CALIFORNIA }  
COUNTY OF SANTA BARBARA } SS

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years and I am not a party to the within-entitled action. My business address is: District Attorney's Office; Courthouse; 1105 Santa Barbara Street, Santa Barbara, California 93101.

On May 18, 2005, I served the within RESPONSE TO DEFENDANT'S MOTION TO CLARIFY RE: USE IMMUNITY FOR VINCENT AMEN; DECLARATION OF GORDON AUCHINCLOSS; on Defendant, by THOMAS A. MESEREAU, JR., SUSAN YU AND ROBERT SANGER, by personally providing a copy of this document to counsel in court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Santa Barbara, California on this 18<sup>th</sup> day of May, 2005.

  
Gordon Auchincloss