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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MOHAVE

| | | |
|---------------------|---|---------------------------|
| STATE OF ARIZONA, |) | NO. CR-2007-743 |
| |) | |
| Plaintiff, |) | MOTION FOR DEPOSITION |
| vs. |) | OF WITNESS CAROLYN JESSOP |
| |) | |
| WARREN STEED JEFFS, |) | |
| |) | [Oral Argument Requested] |
| Defendant. |) | [Hon. Steven F. Conn] |
| |) | |

The defendant, Warren Jeffs, by and through his counsel undersigned,
pursuant to Rule 15.3 of the Arizona Rules of Criminal Procedure, respectfully
requests this Court to order the deposition of witness Carolyn Jessop or
alternatively preclude her as a witness at trial.

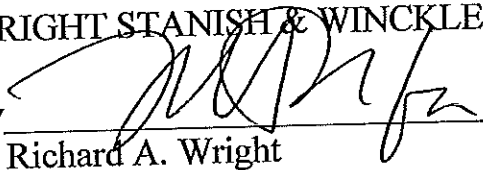


1 RESPECTFULLY SUBMITTED this 23rd day of November, 2009.


2 WRIGHT STANISH & WINCKLER

PICCARRETA DAVIS PC

3
4 By


Richard A. Wright
Attorney for Warren Jeffs

By


Michael L. Piccarreta
Jefferson Keenan
Attorneys for Warren Jeffs

6
7 MEMORANDUM OF POINTS AND AUTHORITIES

8 The State has recently informed the defendant that Ms. Jessop will not
9 cooperate in completing her pretrial interview. Ms. Jessop is a person whose
10 “testimony is material to the case or necessary to adequately prepare a defense or
11 investigate the offense,” for the purpose of Rule 15.3, for many reasons, the most
12 obvious of which is the fact that she is purportedly one of the State’s “expert”
13 witnesses. She is one of the individuals who lived in the Fundamental Church of
14 Jesus Christ of Latter Day Saints (FLDS) community in the Hildale/Colorado
15 City area for some time and she has relayed factual stories, most of which are in
16 dispute, about the events she experienced, her perceptions about those events,
17 and why she left the FLDS. Carolyn Jessop has received benefits from another
18 former FLDS member, Dan Fischer, and his Diversity Foundation. She has also
19 received hundreds of thousands of dollars for authoring anti-FLDS books
20 relating to her alleged experiences. She readily admits that her perspective may
21 differ from those of others who had been members or have had interactions with
22 the FLDS. In her previous statements, she has railed against her ex-spouse,
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1 Merrill Jessop, and his wife, Barbara, and describes their purportedly bad
2 behavior, while claiming her behavior above reproach. Admittedly, such a
3 black/white approach does sell books and has been used over the decades by
4 numerous individuals who have left a wide variety of religions. These disputed
5 factual matters have nothing to do with any of the factual allegations in the two
6 pending prosecutions against the defendant in the state of Arizona and are, in
7 fact, more akin to the type of "he said, she said" allegations that permeate
8 divorce court or afternoon daytime talk shows. Nonetheless, she is one of the
9 State's listed "experts."
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13 Ms. Jessop's initial Rule 15 interview was originally scheduled for August
14 19, 2008.¹ Prior to her interview, defense counsel requested Ms. Jessop to bring
15 certain documentation in order to shorten the length of the interview:
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17 In regards to Ms. Jessop, since she has profited considerably from
18 this case, there will be inquiry into her financial benefits, including
19 her book deal and monies received as a result of that, the proposed
20 movie deal and any monies received or to be received as a result of
21 that. I would request that Ms. Jessop bring with her any and all
22 documentation relating to these financial benefits including
23 contracts, documents which show the money she received or may
24 potentially receive. The more documents she brings, the less time
we will have to spend questioning her on the financial aspects. She
should be advised that the documents will be especially important if
she claims she is unaware of the financial benefits for the book,

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¹ Prior to the August 19, 2008, interview, defense counsel notified the State that he had been
unable to review Ms. Jessop's deposition given in a civil suit against Mr. Jeffs and the FLDS
and would therefore need to complete her interview at a later date. Defense counsel also offered
to postpone the initial interview, and conduct a complete interview at a later date.

1 movie, speaking engagements, etc. Financial benefits also include
2 any expenses that have been advanced to her for any of her media
3 appearances. If she does not have the documents and cannot answer
4 the questions, we will have to finish the interview at a later date
when she has access to that information.

5 [Electronic Correspondence from Defense Counsel to Mohave County Attorney
6 Matthew J. Smith, August 18, 2008] [emphasis added].

7
8 Of course, Ms. Jessop did not bring the requested documentation, thus
9 necessitating re-scheduling the interview, but Ms. Jessop promised “to get the
10 information to Mr. Smith within 90 days, the contracts, the documents.” [Carolyn
11 Jessop Interview, August 20, 2008, p. 82].

12
13 At the continuation of her interview on December 10, 2008, Ms. Jessop
14 once again failed to bring the requested documentation concerning the financial
15 benefits she received from the publication of her book. As a courtesy to Ms.
16 Jessop, her interviews were scheduled in her home town, Salt Lake City, and all
17 of the lawyers travelled to her. All parties then agreed that the interview would
18 be finished at a later date, possibly over the telephone. [Interview of Carolyn
19 Jessop, December 10, 2008, pp. 56-57]. Nonetheless, in the ensuing months, Ms.
20 Jessop failed to provide all of the requested documents to the State, despite
21 several requests from the State. Ms. Jessop also failed to confirm a date for the
22 completion of the interview, also despite numerous requests. Finally, on
23 September 29, 2009, defense counsel advised the State:
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1 I think both of us have been more than patient with Carolyn Jessop.
2 She promised to send the paperwork to us months ago so we could
3 finish up her interview. She failed to do so. She promised to get
4 back to you with some dates to finish up the interview. So far, no
5 dates have been proffered by her. I think both of us are receiving the
6 runaround. Accordingly, unless we have a new date set for Ms.
7 Jessop at which time she will provide us the necessary financial
8 information relating to her book a reasonable time before that date, I
9 will be forced to file a motion for deposition. I really don't want to
10 get Judge Conn involved on what should be a simple matter, but I'm
11 left with no other options if she will not comply with our reasonable
12 requests.

13 [Electronic Correspondence to Mohave County Attorney Matthew J. Smith,
14 September 29, 2009].

15 The parties then agreed that the completion of Ms. Jessop's interview
16 would occur on November 6, 2009, over the telephone. On November 4, 2009,
17 the completion of Ms. Jessop's telephonic interview was re-scheduled for
18 November 24, 2009, at the State's request. Ms. Jessop promised to disclose her
19 tax returns showing the financial benefits she received from the publication of
20 her book in advance of the completion of her interview. However, on November
21 20, 2009, the State advised defense counsel that Carolyn had called off the
22 completion of her interview.

23 It should be readily apparent that Ms. Jessop had made it clear that she
24 "will not cooperate in granting a personal interview" under Rule 15.3 of the
25 Arizona Rules of Criminal Procedure, especially considering that she is a
26 proposed "expert" witness and she has failed to disclose the documents that are
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1 necessary for the completion of her interview. Carolyn Jessop's refusal to
2 complete her interview and provide the necessary documentation that she has
3 repeatedly agreed to provide clearly renders her uncooperative within the
4 meaning of Rule 15.3. Both the State and the defense have bent over backwards
5 to accommodate her.
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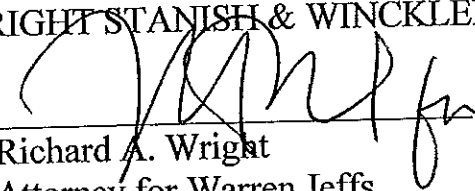
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8 In essence, one of the State's experts refuses to voluntarily complete their
9 Rule 15 interview. Thus, if the State realistically intends to call her as a witness,
10 she must do so or be deposed. Alternatively, if she continues to refuse to
11 cooperate, she must be stricken from the witness list.
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13 Accordingly, the defendant respectfully requests this Court to order the
14 deposition of Carolyn Jessop to take place at a date, time and location convenient
15 to counsel, considering all of the past failed efforts to reasonably accommodate
16 Ms. Jessop. The defendant further respectfully requests this Court to order Ms.
17 Jessop to produce any of the requested documents that she agreed to produce but
18 has not done so. Alternatively, if Ms. Jessop continues to decline to cooperate,
19 the defendant requests that she be stricken as witness.
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22 RESPECTFULLY SUBMITTED this 23rd day of November, 2009.

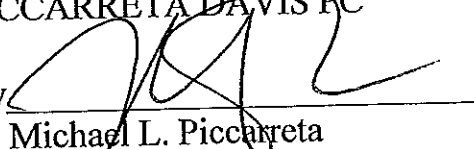
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Original of the foregoing mailed
this 23rd day of November, 2009, to:

Clerk of Mohave County Superior Court
401 East Spring Street
Kingman, AZ 86401

Copy of the foregoing emailed
this 23rd day of November, 2009, to:

Hon. Steven F. Conn
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