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Attorney for Defendant

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 FLORA JESSOP
)	
WARREN STEED JEFFS,)	[Telephonic Oral Argument Requested]
)	
Defendant.)	[Hon. Steven F. Conn]
)	

The defendant, Warren Jeffs, by and through his undersigned attorney, respectfully requests this Court, pursuant to Rule 15.3 of the Arizona Rules of Criminal Procedure, to order the deposition of Flora Jessop.

Rule 15.3 of the Arizona Rules of Criminal Procedure authorizes the court to order the deposition of any material witness who "will not cooperate in granting

1 a personal interview.” Ms. Jessop’s interview has been scheduled for weeks and
2 was to take place on Monday, November 24, 2008, at the offices of the Arizona
3 Attorney General in Phoenix, Arizona. Undersigned counsel Richard Wright flew
4 down from Las Vegas, Nevada, and undersigned counsel Michael Piccarreta drove
5 up to Phoenix from Tucson, Arizona the previous night in preparation for the
6 interview. Mohave County Attorney Matthew Smith drove down from Kingman,
7 Arizona for the interview. Unbeknownst to any of the parties, Ms. Jessop arrived
8 at the interview with her own television reporter and television cameraman and
9 insisted that her interview be covered and filmed by media personnel of her
10 choosing.
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14 Ms. Jessop is clearly a material witness for the purpose of Rule 15.3
15 because, among other reasons, she was in constant contact with the woman
16 believed to have made the hoax phone call to authorities in Texas, leading to the
17 raid of FLDS property in Texas that is the subject of defendant’s motion to
18 suppress. Ms. Jessop’s interview is necessary to explore the degree of her
19 involvement and knowledge of the hoax. Ms. Jessop’s knowledge and her
20 involvement with Texas law enforcement authorities who planned and conducted
21 the raid will also be examined. In addition, it appears that Ms. Jessop has a
22 tendency to record her telephone conversations and it is necessary to explore the
23 extent of Ms. Jessop’s tape recorded conversations with the hoax caller and
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1 Arizona and Texas authorities.¹

2 In a case where this Court has already prohibited cameras from the
3 courtroom in order to mitigate against unwarranted pretrial publicity, Ms. Jessop's
4 publicity stunt is clearly an unacceptable condition to her Rule 15 interview. See
5 *Kirkendall v. Fisher*, 27 Ariz. App. 210, 212, 553 P.2d 243, 245 (1976) ["Where
6 the witness attaches such conditions to an interview that it makes the situation
7 untenable for defense counsel to discover needed material, the witness is being
8 uncooperative within the meaning of the rule"]. In addition, Ms. Jessop's
9 publicity stunt also violates Rule 15.4(d) of the Arizona Rules of Criminal
10 Procedure which provides that information obtained through the discovery process
11 "shall not be disclosed to the public but only to others to the extent necessary for
12 the proper conduct of the case."
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17 The *Phoenix New Times*, a publication that is hardly sympathetic to the
18 defendant or the FLDS, has stated that Ms. Jessop's "tactics which center on
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21 ¹ The person who perpetuated the hoax, which appears to be Rozita Swinton,
22 has evidently tried to perpetuate the same or similar hoaxes in other
23 jurisdictions. For example, Arizona authorities received similar information
24 and determined after a brief investigation that the call was not accurate or a
25 hoax. Had the Texas authorities undertaken any investigation, they would have
26 soon realized that the basis for their search warrant was false and the raid of a
27 religious community by an army of law enforcement officers could have been
28 avoided. Perhaps Texas didn't want to learn the obvious. The Texas authorities
seemed far more interested in raiding the YFZ Ranch than spending an hour or
two determining that their anonymous caller was a complete and total
fabrication.

1 manipulating the press and government officials with half-truths have become
2 increasingly reckless.” [“Too Little, Too Late,” *Phoenix New Times*, April 15,
3 2004]. The article notes that “Jessop used [purported victims of the FLDS] as
4 props in a media campaign that included prominent photographs of the teens *and*
5 Jessop in newspapers, magazines and television.” [*Id.*] [emphasis in original]. The
6 article quotes Arizona Attorney General Terry Goddard as stating that Ms.
7 Jessop’s conduct “has destroyed her credibility.” The article also describes Ms.
8 Jessop as “misguided,” “devious,” and “unethical.” The television reporter that
9 Ms. Jessop invited to “cover” her interview, Mike Watkiss, is also responsible for
10 many inflammatory, one-sided, anti-FLDS stories, including a piece he funded out
11 of his own pocket. Mr. Watkiss apparently works for Channel 3 in Phoenix and
12 occasionally has feeds appear on CNN. Apparently, it is Ms. Jessop’s desire to
13 turn her Rule 15 interview into “the Jerry Springer Show” and hopefully appear on
14 Phoenix and national television. The only possible result of Ms. Jessop’s latest
15 publicity stunt is to generate adverse publicity to prejudice the defendant in the
16 local media, and possibly on the national level.²

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22 It should be noted that Ms. Jessop’s interview was to be preserved via court
23 reporters and an audio recording by the Attorney General’s Office. If Ms. Jessop
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27 ² It just so happens that Ms. Jessop is writing a book that is due to be published
28 early next year.

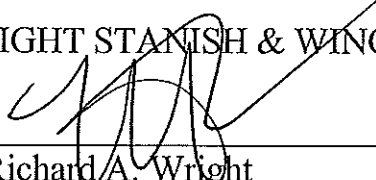
1 would like to have a video memento of the occasion, the defendant would agree
2 that her interview can be preserved via video recording. However, the defendant
3 is not required to be a part of Ms. Jessop's publicity seeking activity. Under these
4 circumstances, it is proper for a trial court to prohibit media recordings of pretrial
5 interviews or depositions. *Posr v. Roadarmel*, 466 F.Supp.2d 527 (S.D.N.Y.
6 2006) [district court properly prohibited video recording of police detective's
7 deposition where plaintiff intended to use the recording not for legitimate use at
8 trial but by broadcasting the recording on public television]. See also *Kimberlin v.*
9 *Quinlan*, 145 F.R.D. 1 (D.D.C. 1992) [public policy and concerns for judicial
10 economy strongly militate against CNN's videotaping of deposition of public
11 officials]; *Word of Faith World Outreach Center Church, Inc. v. Morales*, 143
12 F.R.D. 109 (W.D. Tex. 1992) [district court had authority to issue protective order
13 prohibiting release of videotaped deposition to media and limiting use of tape to
14 legitimate litigation purposes]. "Moreover, pretrial depositions and interrogatories
15 are not public components of a civil trial. Such proceedings were not open to the
16 public at common law, and, in general, they are conducted in private as a matter of
17 modern practice." *Seattle Times Co. v. Rhinehart*, 467 U.S. 20, 33 (1984)
18 [citations omitted].
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25 Ms. Jessop's desire to have a television reporter and cameraman present for
26 her interview serves no legitimate purpose in the present litigation. Accordingly,
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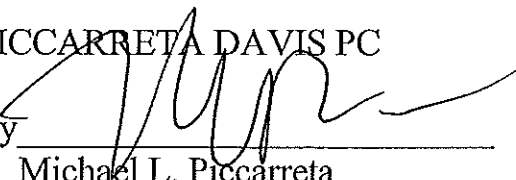
1 the defendant, Warren Jeffs, by and through counsel undersigned, respectfully
2 requests this Court, pursuant to Rule 15.3 of the Arizona Rules of Criminal
3 Procedure, to order the deposition of Ms. Jessop to take place at a date and time
4 convenient to the parties without the attendance of television cameras and
5 reporters. See Rule 15.4(d) of the Arizona Rules of Criminal Procedures.
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7

8 RESPECTFULLY SUBMITTED this 25th day of November, 2008.

9 WRIGHT STANISH & WINCKLER

10 By 
11 Richard A. Wright
12 Attorney for Warren Jeffs

PICCARRETA DAVIS PC

10 By 
11 Michael L. Piccarreta
12 Jefferson Keenan
13 Attorneys for Warren Jeffs

13 Copy of the foregoing mailed
14 this 25th day of November, 2008, to:

15 Clerk of Mohave County Superior Court
16 401 East Spring Street
17 Kingman, AZ 86401

18 Copy of the foregoing faxed and mailed
19 this 25th day of November, 2008, to:

20 Hon. Steven F. Conn
21 Mohave County Superior Court
22 401 East Spring Street
23 Kingman, AZ 86401
24 Fax: 928-753-8938

25 Copy of the foregoing emailed and
26 mailed this 25th day of November, 2008, to:

27 Matthew J. Smith, Esq.
28 Mohave County Attorney's Office
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