

MAR 26 2010

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

VIRLYNN TINNELL
CLERK SUPERIOR COURT
BY: *JA* DEPUTY

STATE OF ARIZONA,
Plaintiff,

vs.

Warren Jeffs
Defendant.

CR 2007-743
No. CR 2007-953
OMNIBUS HEARING FORM

The State of Arizona and the Defendant in this action, by their attorney's, if any, hereby certify that they have conferred concerning the issues involved in this matter and report to the court as follows:

I. DISCOVERY

A. Defendant hereby certifies:

That he has no objections to the matter or completeness of the prosecutor's disclosures under Rule 15.

That he objects to the manner or completeness of the following disclosures:

- 1. Names, addresses, and statements of witnesses,
- 2. Written or oral statements of the defendant or a co-defendant,
- 3. The circumstances surrounding the acquisition of statements from the defendant,
- 4. Names, addresses, results and statements of experts,
- 5. List of items of tangible evidence,
- 6. Production of specific items upon request, to wit:

- 7. List of defendant's known prior felony convictions,
- 8. Known prior felony convictions of specified person, to wit:

- 9. Use by prosecutor of prior acts for proof of knowledge or intent,
- 10. Brady materials,
- 11. The existence, procedure used to obtain, and results of electronic surveillance,
- 12. The existence, procedure used to obtain, and results of identification of the defendant, in person, by photograph or by composite,
- 13. The existence, procedure used to obtain, and results of all searches, and seizures pertaining to the case, including warrants, supporting affidavits and other records of proceedings before a magistrate,
- 14. The existence, identity, and information provided by an informant.



1 That he requests additional disclosures under the court's discretionary authority as follows:
 2 Deposition, material or information requested: interview/depo Jore Blackmore
disclosure of psych records for " " " Dr. Larry Beale
 3 State witnesses; continuing disclosure DOJ #15; BRADY; & benef IT from
 Reasons for request: for state witnesses Texas, UTAH,
AZ & 3rd parties
including
Diversit

4 B. The State of Arizona hereby certifies:

- 5 That it has no objections to the manner or completeness of the defendant's disclosure under Rule 15.
- 6 That it objects to the manner or completeness of the following disclosures:
- 7 1. Appearance by the defendant for the taking of physical evidence,
- 8 2. Notice of defense for which the defendant will introduce evidence:
 Alibi, insanity, self-defense, entrapment, consent, impotency,
 marriage, invalidity of prior conviction, good character, lack
 of specific intent due to _____,
 mistaken identification, other _____
- 9 3. Names, addresses and statements of defense witnesses,
- 10 4. List of items of tangible evidence,
- 11 5. Production of specific items upon request, to wit:
- 12 6. Names, addresses, results and statements of experts.

13 That it requests additional disclosures under the court's discretionary authority, as follows:
 14 Deposition, material, or information requested: Witness interviews with all
defense witnesses; written or recorded statements of defense interviews
 15 Reasons for request: _____

16 **II. ISSUES WHICH WILL BE RAISED IN THE CASE**

17 The parties hereby notify the court and each other of their intentions to
 18 raise the following issues in this case: [Check motion which will be made in box
 of party which will make the motion; if uncontested, check both boxes.]

19	State	Defendant	
20	<input type="checkbox"/>	<input type="checkbox"/>	1. To challenge the jurisdiction of the court.
21	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2. To dismiss an information or indictment under Rule 16.7 on the grounds that: <u>Due Process</u>
22	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3. To review the determination of probable cause under Rule 5.51 (st adm) Rule 12.9. <u>IF NEW indictment</u>
23	<input type="checkbox"/>	<input type="checkbox"/>	4. To disqualify a judge under Rule 10.1/Rule 10.2.
24	<input type="checkbox"/>	<input checked="" type="checkbox"/>	5. To change the place of trial under Rule 10.3. <u>Venue</u>
25	<input type="checkbox"/>	<input type="checkbox"/>	6. To withdraw as counsel under Rule 6.3.
26	<input type="checkbox"/>	<input type="checkbox"/>	7. To request a determination of defendant's competency under Rule 11.

Lack of
causation
re payments
of money
benefits to
state
witnesses
by Diversit

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- 8. To request a determination of defendant's sanity under Rule 11.
- 9. To amend an information or indictment under Rule 13.5.
- 10. To sever defendants or counts under Rule 13.4.
- 11. To consolidate defendants or counts under Rule 13.3(c).
- 12. To determine the voluntariness of a statement made by the defendant, to wit: Post Arrest Statements
- 13. To suppress evidence based on unlawfulness of an arrest.
- 14. To suppress evidence based on unlawfulness of a search or seizure.
- 15. To suppress evidence based on unlawfulness of an identification.
- 16. To determine the admissibility of evidence (motion In Limine) to wit: photoduced reasonable time before trial
- 17. To modify the conditions of release.
- 18. To request subpoena of an out-of-state witness.
- 19. To require a material witness to enter into an undertaking under Ariz.Rev.Stat. Ann. §§ 13-1841 and 13-1842.
- 20. Other, specified on Attachment

*Las Vegas
pre-arrest*

Parties reserve right to suppress transmittable time before trial

All parties hereby certify that they have reviewed the entire omnibus hearing form and know of no motion or issue specified in the form that they desire to raise at any time during this case other than those noted. Counsel for the defendant hereby certifies that he knows of no problems concerning the securing of evidence, including statements of confessions of the defendant, identifications of the defendant, and results of a search and seizure, electronic surveillance, or arrest, or any other constitutional issues raisable by any of the motions specified in this form, other than those included in the motions noted herein.

RESPECTFULLY SUBMITTED this 26th day of March, 2010.

[Signature]
Attorney for Defendant

Matthew J. Smith
Deputy County Attorney

11-2007