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2009 NOV 24 PM 4:11

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6 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
7 **IN AND FOR THE COUNTY OF MOHAVE**

8 STATE OF ARIZONA,

9 Plaintiff,

10 vs.

11 **WARREN STEED JEFFS**

12 Defendant.

No. CR-2007-743 & CR-2007-953

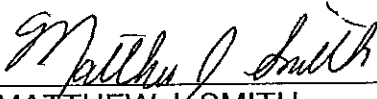
RESPONSE TO REQUEST
FOR EVIDENTIARY HEARING
ON MOTION TO SUPPRESS
EVIDENCE OBTAINED IN LAWFUL
SEARCHES OF FLDS PROPERTY

13 COMES NOW, the State of Arizona, by the Mohave County Attorney, and hereby
14 concurs with the defense in that it is time to set an Evidentiary Hearing on the
15 Defendant's Motion to Suppress Evidence obtained from the FLDS Ranch in El Dorado,
16 Texas. The defense has already filed its' Motion to Suppress, the State filed its'
17 Response and the defense file a Reply. The Texas Court, which is obviously in the best
18 position to determine the validity of the search, has already upheld the constitutionality
19 and lawfulness of the search of the FLDS Ranch in Texas. However, that decision is
20 not binding on this Court, and an Evidentiary Hearing is needed in order for the Court to
21 rule on Defendant's Motion. The State requests the Court set an Evidentiary Hearing
22 and will defer to the defense, who has the burden on this issue, as far as the length of
23 time that will be needed for the Evidentiary Hearing.

24 The State would also request the Court not consider any of the matters set forth
25 in the Defendant's Request for this Evidentiary Hearing other than the request to set the

1 Hearing itself. The defense has set forth further argument in support of their position
2 which they are not entitled to do under the law. They have already filed a motion and a
3 reply and they cannot continue to file pleadings on the same issue before the
4 Evidentiary Hearing is held simply by designating these pleadings with different names.

5 RESPECTFULLY SUBMITTED THIS 24th day November, 2009.

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8 MATTHEW J. SMITH
9 MOHAVE COUNTY ATTORNEY

9 Copy of the foregoing delivered this 24th day of
10 November, 2009, to:

11 HONORABLE STEVEN F. CONN
12 SUPERIOR COURT JUDGE

13 Copy of the foregoing emailed
14 this 24th day of November, 2009, to:

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