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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MOHAVE

<p>STATE OF ARIZONA, Plaintiff,</p> <p>vs.</p> <p>WARREN STEED JEFFS, Defendant.</p>	<p>SUPPLEMENTATION OF RECORD RE: MEMORANDUM IN OPPOSITION TO MOTION FOR DEPOSITION OF WITNESS LAMONT BARLOW</p> <p>No. CR-2007-743</p> <p>Judge Steven F. Conn</p>
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Lamont Barlow, through his undersigned pro hac vice counsel, respectfully submits this Supplementation of Record RE: Memorandum in Opposition to Motion For Deposition of Witness Lamont Barlow.

Attached as Exhibit A are pages from the transcript of the September 21, 2007 closing arguments delivered in State of Utah v. Warren Steed Jeffs, Case No. 061500526. The attached portions of the transcript contain the statements referenced in the Affidavit of Lamont Barlow and in the Memorandum in Opposition to Motion For Deposition of Witness Lamont Barlow.



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On page 35 of the transcript, Warren Jeffs' Utah criminal defense lawyer is discussing Jane Blackmore and the medical records she maintained as an FLDS midwife in Canada. Ms. Blackmore treated [REDACTED] after [REDACTED] miscarried a pregnancy related to the "spiritual marriage" she was commanded to enter into by Mr. Jeffs. Defense counsel states:

But what you'll find, ladies and gentleman of the jury, when you look at the two-page report is no where in here does it say he wouldn't take no for an answer.^[1] It does not say that. And what you'll find – this right here – and you can look at it, says, "Anxiety distress due to social situation." Then over here, we have some interesting boxes, tell us something about [REDACTED]. Something that might be a little bit different from the [REDACTED] that sat right here, the victim [REDACTED]. Here, what is checked off: Drinks alcohol, does drugs, substance abuse, smokes, smoking.²

On pages 86 through 88 of the transcript, these false statements about [REDACTED] medical records were addressed and corrected by the Washington County Attorney during his closing argument:

Now, ladies and gentlemen, it's not easy for me to – it's against my nature to point out some of the things that I'm going to have to point out. But I want you to know that the stuff that you heard from defense is misleading.

. . .

Do you remember how Mr. Bugden used Exhibit No. 3 to say that [REDACTED] when she was 16 years old was doing drugs, smoking, do you remember all that? Let's look at this a little closely. Here we go. Lifestyle and social history. No concerns.^[3] Yes. Specify. No concerns with nutrition. No concerns with alcohol. No concerns with drugs. No concerns for substance abuse. No concerns with smoking. No

¹ At the time of the miscarriage in Canada, Jane Blackmore was still an FLDS adherent who documented the unwanted "marriage" and rape of [REDACTED] euphemistically as "[a]nxiety distress due to social situation."

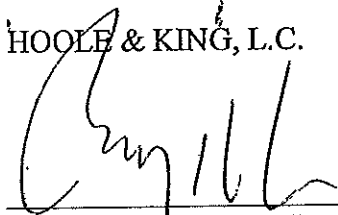
² In his Affidavit, Mr. Barlow recalled that the inapplicable medical conditions were past drug abuse and sexually transmitted disease. This supplementation of the record, which Mr. Barlow reserved the right to submit, clarifies what was actually misrepresented by defense counsel to the jury.

³ In his Affidavit, Mr. Barlow recalled that the medical record said that these negative medical conditions did "not apply" to his wife. The actual record clarifies that it said the conditions were of "no concern."

concerns with secondhand smoke. Yes, needs a little folic acid in her diet. But the defense got up here and told you that [REDACTED] wasn't who she claimed to be. Just go ahead and take a look at it. It's in your evidence.

DATED this 26th day of February, 2010.

HOOLE & KING, L.C.



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Exhibit A

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IN THE FIFTH JUDICIAL DISTRICT COURT

IN AND FOR WASHINGTON COUNTY, STATE OF UTAH

STATE OF UTAH,)	
)	
Plaintiff,)	
)	
VS.)	CASE NO. 061500526
)	
WARREN STEED JEFFS.)	
)	
Defendant.)	

BEFORE THE HONORABLE JAMES L. SHUMATE
 FIFTH DISTRICT COURT
 220 NORTH 200 EAST
 ST. GEORGE, UTAH 84770

REPORTER'S TRANSCRIPT OF PROCEEDINGS
 JURY TRIAL - CLOSING ARGUMENTS ONLY
 VOLUME IX
 SEPTEMBER 21, 2007

REPORTED BY: Russel D. Morgan

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1 ****NOTE: CLOSING ARGUMENTS ONLY.****

2 **THE COURT:** Now, at this juncture in the lawsuit,
3 counsel for the respective sides will have the opportunity to
4 address you in the form of closing arguments. The state of
5 Utah will proceed first. And the defendant's counsel may
6 proceed with a closing argument. And because the state has
7 the burden of proof, they will have the opportunity to
8 present the last argument to you.

9 Counsel for the state, you may proceed.

10 **MR. BELNAP:** Thank you, Your Honor. May it please
11 the court.

12 **THE COURT:** Counsel.

13 **MR. BELNAP:** Counsel, ladies and gentlemen. A week
14 ago yesterday, I stood before you and said that the state
15 would present the evidence and then ask you to return a just
16 verdict. Today the evidence is in. And the evidence has
17 shown that the only reason that [REDACTED] went into that
18 bedroom and had sexual intercourse with Allen Steed is
19 because that man told her that she was supposed to do it.
20 [REDACTED] laid in the bed crying as Allen Steed had sexual
21 intercourse with her. And she said, "I don't understand. I
22 don't know what you are doing." And the reason she was there
23 was because that man performed a ceremony and told her to
24 multiply and replenish the earth. Ladies and gentlemen,
25 that's why the defendant is an accomplice to rape.

1 before: If it's not charted, it didn't happen. In medicine,
2 the general rule is if it's not charted, it didn't happen.
3 And the reason for charting things, of course, is that people
4 rely on the information that is taken. Doctors rely on it.
5 Other nurses rely on it. You rely on the information that is
6 contained in the police report. So, the question that I
7 asked Jane Blackmore was, is this the complete report? And
8 she gave us a whole bunch of testimony including "he wouldn't
9 take no for an answer." You'll remember that she said that.
10 But what you'll find, ladies and gentlemen of the jury, when
11 you look at the two-page report is nowhere in here does it
12 say he wouldn't take no for an answer. It does not say that.
13 And what you'll find -- this right here -- and you can look
14 at it, says, "Anxiety distress due to social situation."
15 Then over here, we have some interesting boxes, tell us
16 something about [REDACTED] Something that might be a
17 little bit different from the [REDACTED] that sat right
18 here, the victim [REDACTED]. Here, what is checked off:
19 Drinks alcohol, does drugs, substance abuse, smokes, smoking.
20 Topics for discussion down here. This is preprinted form.
21 The only thing that's checked off that is discussed was
22 baby's best chance. That's what this says. But right over
23 here, interestingly enough, so she's in the privacy of
24 meeting with a nurse/midwife. And supposedly, remember she
25 supposedly has reported -- please use your common sense

1 **THE COURT:** Thank you everyone. We are back on the
2 record in State vs. Jeffs. Mr. Jeffs is present together
3 with counsel. And the state's attorneys are also present.

4 Members of the jury panel, this is probably going to
5 be the last time you'll hear this sort of thing in quite this
6 same way. But has anybody attempted to speak to you
7 regarding this case since our last recess? Answer there is
8 in the negative.

9 Have any of you been exposed to any media reports
10 about this case since our last recess? Answer again is in
11 the negative.

12 For the state of Utah, counsel, do you want to give
13 final closing argument?

14 **MR. BELNAP:** Yes, Your Honor. Thank you.

15 **THE COURT:** You may proceed, then.

16 **MR. BELNAP:** Ladies and gentlemen, since I have been
17 turned into an analogy, I think that I would just like to
18 point out that if you take the analogy to where it should go,
19 then my friend John would arrange for me, as a 19 year-old,
20 to have sexual intercourse with a 14 year-old girl who didn't
21 want it. That's the proper analogy. And both John and I
22 would be in hot water.

23 Now, ladies and gentlemen, it's not easy for me to --
24 it's against my nature to point out some of the things that
25 I'm going to have to point out. But I want you to know that

1 the stuff that you heard from defense is misleading.

2 Let's take, for example, the attack on Jane
3 Blackmore. I want to show you something really quickly.
4 This is jury instruction number five. Look right here. "No
5 statement made by the attorneys should be regarded as
6 evidence." Well, you heard Mr. Bugden get up and talk about
7 Jake Blackmore. What did he say? He said, "If it's not
8 written down, it didn't happen. In the medical profession,
9 if you look at a chart and it's not in there, it didn't
10 happen. Ladies and gentlemen there was no evidence about
11 that. You heard her testimony under oath of what she told
12 you. But the statement that if it's not in there it didn't
13 happen was a statement of counsel. And the jury -- the judge
14 told you, you are to disregard that.

15 Then I want to show you something else. Do you
16 remember how Mr. Bugden used Exhibit No. 3 to say that [REDACTED]
17 [REDACTED] when she was 16 years old was doing drugs, smoking, do
18 you remember all that? Let's look at this a little closely.
19 Here we go. Lifestyle and social history. No concerns.
20 Yes. Specify. No concerns with nutrition. No concerns with
21 alcohol. No concerns with drugs. No concerns for substance
22 abuse. No concerns with smoking. No concerns with
23 secondhand smoke. Yes, needs a little folic acid in her
24 diet. But the defense got up here and told you that [REDACTED]
25 [REDACTED] wasn't who she claimed to be. Just go ahead and take a

1 look at it. It's in your evidence.

2 Now, remember rule five. The statements of counsel
3 are not evidence. Did you hear any evidence about the
4 Baltimore attorney being an attorney who takes down churches?
5 Where in the world did that come from? That was something
6 that counsel just brought up without evidence and told you.
7 Now, why do you think he wanted you to think she attacks
8 churches? Where did that come from? Mr. Bugden is a very
9 smart attorney. But that rule, the law that you agreed to
10 uphold says that you will not consider statements of counsel
11 as evidence.

12 I want to show you another jury instruction. There
13 we go. Mr. Bugden wants you to disregard the law. Remember
14 how much time he spent talking about how the state, with all
15 its power, had put religion on trial? Remember all the talk
16 about Thomas Jefferson and our founding fathers? Ladies and
17 gentlemen of the jury, it is absolutely repugnant to me that
18 the suggestion would be that I or any prosecutor would be
19 trying to try someone's religion. I want to tell you right
20 now, if any bishop, any emo [phonetic], any minister, any
21 religious figure, any rabbi from any denomination, if anyone
22 told a 14 year-old girl that she must get married and that
23 she must multiply and replenish the earth, and when she asked
24 out, he said no, he would be here too. It doesn't make any
25 difference whether he's a member of the FLDS religion or any