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-and-

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16 Attorney for Defendant

17 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

18 IN AND FOR THE COUNTY OF MOHAVE

19	STATE OF ARIZONA,)	NO. CR-2007-743
20)	
21	Plaintiff,)	MOTION FOR DEPOSITION
22	vs.)	OF WITNESS SAM BROWER
23)	
24	WARREN STEED JEFFS,)	[Oral Argument Requested]
25)	
26	Defendant.)	[Hon. Steven F. Conn]
27)	

28 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 Sam Brower.

The State has recently informed the defendant that Mr. Brower will not
cooperate in granting a personal interview. Mr. Brower is a person whose

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1 “testimony is material to the case or necessary to adequately prepare a defense or
2 investigate the offense,” for the purpose of Rule 15.3, for many reasons. Mr.
3
4 Brower is a private investigator who has worked closely with investigator Gary
5 Engels of the Mohave County Attorney’s Office in investigations leading to these
6 charges. Mr. Brower has been employed primarily by the Diversity Foundation,
7
8 an organization founded and funded by Dan Fischer. The Diversity Foundation
9 has been instrumental in recruiting former members of the Fundamentalist Church
10 of Jesus Christ of Latter Day Saints (FLDS) to sue the church and Warren Jeffs
11 and has provided benefits to witnesses in these matters. Since 2004, Mr. Brower
12 has been investigating the FLDS in Utah, Arizona, Texas, and Colorado. Mr.
13
14 Brower has also been employed by the UEP Trust operated by trustee Bruce
15 Wisan. The Diversity Foundation also played an important role in the takeover of
16
17 FLDS assets by the UEP Trust. Mr. Brower may have information about the role
18 of Diversity Foundation, Dan Fischer, and his employees, agents, and attorneys in
19
20 shaping the testimony of witnesses in this case and such testimony is important to
21 possible defenses in the case and impeachment of state witnesses. Mr. Brower has
22
23 made many public statements about the defendant and the FLDS and Mr. Brower
24 has described himself in an interview on CNN as “an enemy to Warren Jeffs.”
25
26 Apparently, he is willing to talk to anyone publicly or privately about Mr. Jeffs
27
28 except representatives of Mr. Jeffs.

1 Mr. Brower has knowledge of, and has participated in, conferring benefits
2 to witnesses against Mr. Jeffs in both civil and criminal proceedings, including the
3 accusers in both of the cases currently pending before this Court. Indeed, Mr.
4 Brower is specifically acknowledged for his assistance in *book*.
5 *Stolen Innocence* p. 437 (2008). Mr. Brower therefore has knowledge about
6 potential impeachment information about Mr. Jeffs' accusers. This type of
7 information is discoverable and deemed necessary to prepare a defense and
8 investigate a case under the principles set forth in *Brady v. Maryland*, 373 U.S. 83
9 (1963); *Giglio v. United States*, 405 U.S. 150 (1972); and *United States v. Bagley*,
10 473 U.S. 667 (1985) and their progeny.
11
12
13


14 Accordingly, for the foregoing reasons, the defendant, Warren Jeffs, by and
15 through counsel undersigned, hereby respectfully requests this Court, pursuant to
16 Rule 15.3 of the Arizona Rules of Criminal Procedure, to order the deposition of
17 Sam Brower to take place at a date and time convenient to the parties.
18
19

20 RESPECTFULLY SUBMITTED this 3rd day of February, 2009.

21 WRIGHT STANISH & WINCKLER

22 By 
23 Richard A. Wright
24 Attorney for Warren Jeffs

PICCARRETA DAVIS PC

22 By 
23 Michael L. Piccarreta
24 Jefferson Keenan
Attorneys for Warren Jeffs

1 Copy of the foregoing mailed
2 this 3rd day of February, 2009, to:

3 Clerk of Mohave County Superior Court
4 401 East Spring Street
5 Kingman, AZ 86401

6 Copy of the foregoing faxed and mailed
7 this 3rd day of February, 2009, to:

8 Hon. Steven F. Conn
9 Mohave County Superior Court
10 401 East Spring Street
11 Kingman, AZ 86401
12 Fax: 928-753-8938

13 Copy of the foregoing emailed
14 this 3rd day of February, 2009, to:

15 Matthew J. Smith, Esq.
16 Mohave County Attorney's Office
17 315 North Fourth Street
18 P.O. Box 7000
19 Kingman, AZ 86402-7000

20 Copy of the foregoing mailed
21 this 3rd day of February, 2009, to:

22 Sam Brower
23 Sam Brower Investigations
24 444 S. Main St.
25 Cedar City, UT 84720
26
27
28