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VIRLYNN TINNELL
SUPERIOR COURT CLERK

1 PICCARRETA DAVIS PC
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9 Attorneys for Defendant

-and-

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12 Richard A. Wright
13 Attorney for Defendant

12 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

14 IN AND FOR THE COUNTY OF MOHAVE

15	STATE OF ARIZONA,)	NO. CR-2007-743
16)	
17	Plaintiff,)	MOTION FOR DEPOSITION
18)	OF WITNESS
18	vs.)	
19	WARREN STEED JEFFS,)	[Oral Argument Requested]
20)	
21	Defendant.)	[Hon. Steven F. Conn]

22 The defendant, Warren Jeffs, by and through his counsel undersigned,
23 pursuant to Rule 15.3 of the Arizona Rules of Criminal Procedure, respectfully
24 requests this Court to order the deposition of witness

26 Rule 15.3 of the Arizona Rules of Criminal Procedure provides for court
27 ordered depositions upon a showing that "the person will not cooperate in granting
28

1 a personal interview....” Ms _____ has refused the defendant’s request to be
2 interviewed. However, Ms. _____ has no right to refuse an interview even
3 though she is the complaining witness against the defendant in a separate criminal
4 case. The Arizona Supreme Court addressed this very issue in *Champlin v.*
5 *Sargeant*, 192 Ariz. 371, 965 P.2d 763 (1998), and held that a defendant was
6 entitled to a pretrial interview of witnesses to alleged criminal offenses, even
7 though those witnesses themselves were “victims” of other offenses alleged to
8 have been committed by the defendant. “[T]hose who are not victims but merely
9 witnesses of particular criminal behavior, though perhaps victims of other
10 behavior by the same defendant on separate occasions, may be interviewed as to
11 the former but not the latter.” *Id.* at 375, 965 P.2d at 767.

12 Ms. _____ as been interviewed as a witness in the Utah prosecution of
13 the defendant in a case in which _____ as the alleged “victim.” Counsel for
14 the defendant intends to interview Ms. _____ ly as to her knowledge of matters
15 related to the case involving _____ it is believed that Ms. _____ possesses
16 exculpatory information and therefore her “testimony is material to the case”
17 under Rule 15.3(a)(2). Indeed, Ms. _____ lived in the same household with Ms.
18 _____ during relevant time periods and was a close friend. She possesses
19 potentially helpful information based on her law enforcement report.
20 Accordingly, she has been listed as a potential defense witness. Undersigned

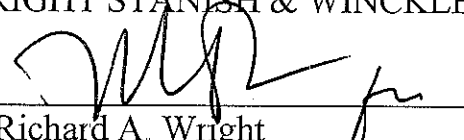
1 counsel will not interview Ms. _____ s to any activity in which she may be
2 considered the "victim" for the purposes of Arizona's victim's bill of rights.
3
4 *Champlin*, 192 Ariz. at 375, 965 P.2d at 767. Accordingly, the defendant requests
5 this Court to order the deposition of _____ to take place at a date, time, and
6 location mutually acceptable to the parties herein.
7

8 RESPECTFULLY SUBMITTED this 14th day of October, 2008.

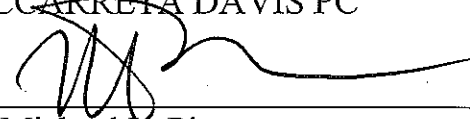
9 WRIGHT STANISH & WINCKLER

PICCARRETA DAVIS PC

10 By


Richard A. Wright
Attorney for Warren Jeffs

By


Michael L. Piccarreta
Jefferson Keenan
Attorneys for Warren Jeffs

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12
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14 Copy of the foregoing mailed
this 14th day of October, 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
this 14th day of October, 2008, to:

19 Hon. Steven F. Conn
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23 Copy of the foregoing emailed and
24 mailed this 14th day of October, 2008, to:

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