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-and-

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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MOHAVE

STATE OF ARIZONA,)	NO. CR-2007-953
)	
Plaintiff,)	MOTION FOR DEPOSITION
vs.)	OF WITNESS SAM BROWER
)	
WARREN STEED JEFFS,)	[Oral Argument Requested]
)	
Defendant.)	[Hon. Steven F. Conn]
)	

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

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 Brower is a private investigator who has worked closely with investigator Gary
4 Engels of the Mohave County Attorney’s Office in investigations leading to these
5 charges. Mr. Brower has been employed primarily by the Diversity Foundation,
6 an organization founded and funded by Dan Fischer. The Diversity Foundation
7 has been instrumental in recruiting former members of the Fundamentalist Church
8 of Jesus Christ of Latter Day Saints (FLDS) to sue the church and Warren Jeffs
9 and has provided benefits to witnesses in these matters. Since 2004, Mr. Brower
10 has been investigating the FLDS in Utah, Arizona, Texas, and Colorado. Mr.
11 Brower has also been employed by the UEP Trust operated by trustee Bruce
12 Wisan. The Diversity Foundation also played an important role in the takeover of
13 FLDS assets by the UEP Trust. Mr. Brower may have information about the role
14 of Diversity Foundation, Dan Fischer, and his employees, agents, and attorneys in
15 shaping the testimony of witnesses in this case and such testimony is important to
16 possible defenses in the case and impeachment of state witnesses. Mr. Brower has
17 made many public statements about the defendant and the FLDS and Mr. Brower
18 has described himself in an interview on CNN as “an enemy to Warren Jeffs.”
19 Apparently, he is willing to talk to anyone publicly or privately about Mr. Jeffs
20 except representatives of Mr. Jeffs.
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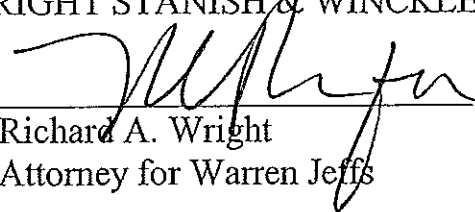
1 Mr. Brower has knowledge of, and has participated in, conferring benefits
2 to witnesses against Mr. Jeffs in both civil and criminal proceedings, including the
3 accusers in both of the cases currently pending before this Court. Indeed, Mr.
4 Brower is specifically acknowledged for his assistance 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 Accordingly, for the foregoing reasons, the defendant, Warren Jeffs, by and
12 through counsel undersigned, hereby respectfully requests this Court, pursuant to
13 Rule 15.3 of the Arizona Rules of Criminal Procedure, to order the deposition of
14 Sam Brower to take place at a date and time convenient to the parties.

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

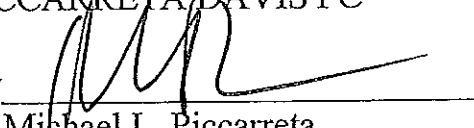
16 WRIGHT STANISH & WINCKLER

17 By

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19 Richard A. Wright
20 Attorney for Warren Jeffs

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22 By

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24 Michael L. Piccarreta
25 Jefferson Keenan
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Copy of the foregoing mailed
this 3rd day of February, 2009, to:

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

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

Hon. Steven F. Conn
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Copy of the foregoing mailed
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