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Roger H. Hoole (Pro Hac Vice)  
HOOLE & KING, L.C.  
4276 South Highland Drive  
Salt Lake City, UT 84124  
Tel: 801-272-7556  
Fax: 801-272-7557

Lee M. Novak  
212 N. 4th St., Ste. 10  
Kingman, AZ 86402  
Tel: 928-718-1700  
Fax: 928-718-1777

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MOHAVE

STATE OF ARIZONA,  
Plaintiff,

MEMORANDUM IN OPPOSITION  
TO MOTION FOR DEPOSITION OF  
WITNESS LAMONT BARLOW

vs.

WARREN STEED JEFFS,  
Defendant.

No. CR-2007-743

Judge Steven F. Conn

Lamont Barlow, through his undersigned pro hac vice counsel respectfully submits this Memorandum in Opposition to Motion For Deposition of Witness Lamont Barlow.

Mr. Barlow recalls having a brief discussion with Shannon Price after Warren Jeffs' rape-as-an-accomplice trial in Utah. *See* Affidavit of Lamont Barlow, attached as Exhibit A, ¶ 1. He told Ms. Price that during the trial a lie was told to the jury. *Id.* at ¶ 2. The lie was about his wife [REDACTED] medical records. *Id.*

The falsity about [REDACTED] medical records related to statements made at trial during closing argument. *Id.* at ¶ 3. The statements were that her records showed that certain medical conditions applied to her. *Id.* Mr. Barlow recalls that these false conditions included such things as past drug abuse, sexually transmitted diseases, and other medical conditions carrying highly negative inferences. *Id.* A copy of the transcript of Utah defense counsel's closing argument has been requested and will be filed in supplementation of this memorandum as soon as it can be obtained.

These statements, which Mr. Barlow characterized to Ms. Price as lies,<sup>1</sup> were made by Mr. Jeffs' Utah criminal defense lawyer, not by [REDACTED] *Id.* at ¶ 4. Indeed, Mr. Barlow does not recall his wife ever being asked questions at trial about her medical records. Moreover, he does not recall discussing anything else about [REDACTED] medical records with Ms. Price. *Id.*

The misleading statements were corrected by the Washington County Attorney during his closing argument in which he showed the jury that Mr. Jeffs' counsel had omitted the critical word "not" from [REDACTED] medical record, which, if included, would have correctly stated that those negative medical conditions did "not" apply to [REDACTED] *Id.* at ¶ 5. Still, the misstatements were a significant event at trial and were the subject of discussions afterward. *Id.* at ¶ 6. A copy of the transcript of the Washington County Attorney's rebuttal closing argument has been requested and will also be filed in supplementation of this memorandum as soon as it can be obtained.

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<sup>1</sup>In fairness, it is not known whether Mr. Jeffs' criminal defense lawyer intentionally attempted to mislead the jury or whether he had simply failed to closely read [REDACTED] medical records.

<sup>2</sup> Following closing argument and jury deliberations, Mr. Jeffs was convicted on all felony charges as an accomplice to [REDACTED] rapes in Utah.

Mr. Barlow finds it unfortunate that Mr. Jeffs' Arizona criminal defense counsel would tell this Court that Mr. Barlow is "understandably" not cooperating.<sup>3</sup> This comment inaccurately and unfairly suggests that Mr. Barlow is complicit in a lie and cover up. Nothing could be further from the truth, and Mr. Barlow has not refused to cooperate, as required, for his deposition to be ordered. See Rule 15.3 of the Arizona Rules of Criminal Procedure. Rather, he has simply asked for clarification about the basis of defense counsel's proposed questions.

If, despite the attached Affidavit of what Mr. Barlow attempted to communicate with Ms. Price,<sup>4</sup> Mr. Jeffs' counsel continues to insist on a second interview, Mr. Barlow will stipulate to being interviewed again on condition that:

1. Mr. Jeffs' counsel first show this Court that ██████████ testified about her medical records during the Utah trial;
2. The interview is limited to the issue of what he told Ms. Price about the misrepresentations at trial pertaining to his wife's medical records; and<sup>5</sup>
3. The interview take place in the Washington County Attorney's office where the Utah trial transcripts and recordings are available and where the Washington County Attorney, who had to correct the misstatement of defense counsel, can be present.

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<sup>3</sup> On August 19, 2008, Mr. Barlow voluntarily submitted to a lengthy interview by counsel for Mr. Jeffs.

<sup>4</sup> Ms. Price, who was not present at the trial, apparently misunderstood the nature and source of the misrepresentation at trial. Her confused, second-hand account is without foundation and irrelevant.

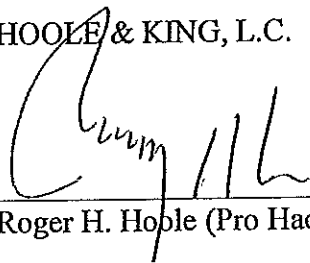
<sup>5</sup> As the Court knows, the Diversity Foundation, which employees Ms. Price, was designated as a client representative pursuant to Utah Rule of Evidence 504(a)(4) by various persons represented by Hoole & King, L.C., including Mr. Barlow. The communication between Mr. Barlow and Ms. Price, which is the subject of the pending motion, was not in furtherance of privileged communications, and has thus far not been implicated. If in any interview or deposition Mr. Jeffs' counsel were to attempt to go beyond that communication, Mr. Barlow will assert the privilege and his right under Rule 504(a)(4).

For the reasons stated, Mr. Barlow objects to Mr. Jeffs' motion for an order compelling his deposition under Rule 15.3.

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DATED this 25th day of February, 2010.

HOOLE & KING, L.C.



Roger H. Hoble (Pro Hac Vice)

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Lee M. Novak (Local Counsel)

Copy of the foregoing emailed  
this 25th day of February, 2010, to:

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

Michael L. Piccarreta  
145 South Sixth Avenue  
Tucson, AZ 85701-2007

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Richard A. Wright  
300 S. Fourth Street, Suite 701  
Las Vegas, Nevada 84101

Billy K. Sipe, Jr. Esq.  
2606 Stockton Hill Road  
Kingman, AZ 86401

Randy L. Dryer, Esq.  
Parsons Behle & Latimer  
201 South Main Street, Suite 1800  
Salt Lake City, UT 84111

The Malonis Law Firm  
Attorneys and Counselors  
1173 Bent Oaks Court, Ste 200  
Denton, Texas 76210

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Roger H. Hoole (Pro Hac Vice)  
HOOLE & KING, L.C.  
4276 South Highland Drive  
Salt Lake City, UT 84124  
Tel: 801-272-7556  
Fax: 801-272-7557

Lee M. Novak  
212 N. 4th St., Ste. 10  
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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MOHAVE

STATE OF ARIZONA,  Plaintiff,	AFFIDAVIT OF LAMONT BARLOW
vs.  WARREN STEED JEFFS,  Defendant.	No. CR-2007-743  Judge Steven F. Conn

STATE OF UTAH                    )  
  ss:  
COUNTY OF SALT LAKE        )

I, LAMONT BARLOW, being first duly sworn, state the following:

1. I recall having a brief discussion with Shannon Price after Warren Jeffs' rape-as-an-accomplice trial in Utah. This conversation took place at her Diversity Foundation office.

2. I informed Ms. Price that during the trial a lie was told to the jury. The lie was about my wife, [REDACTED] medical records.

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3. The falsity about [REDACTED] medical records related to statements made at trial during closing argument. The statements were that her records showed that certain medical conditions applied to her. I recall that these false conditions included such things as past drug abuse, sexually transmitted diseases, and other medical conditions carrying highly negative inferences.

4. In my judgment, these statements were lies to the jury by Mr. Jeffs' Utah criminal defense lawyer. In fact, I do not even recall my wife ever being asked questions at trial about her medical records. I do not recall discussing anything else about my wife's medical records with Ms. Price.

5. These lies were corrected by the Washington County Attorney during his closing argument in which he showed the jury that Mr. Jeffs' counsel had omitted the critical word "not" from my wife's medical record, which, if included, would have correctly stated that those negative medical conditions were "not" a concern and did not apply to her.

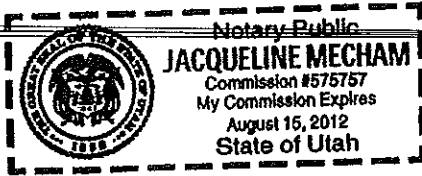
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6. The misstatements were a significant event at trial and were the subject of discussions afterward. That is the context in which I brought the matter up with Shannon Price. It is apparent to me that she simply misunderstood.

DATED this 25th day of February, 2010.

  
Lamont Barlow

SUBSCRIBED and SWORN to before me this 25<sup>th</sup> day of February, 2010.



*Jacqueline Mecham*  
Notary Public

Copy of the foregoing emailed  
this 25th day of February, 2010, to:

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

Michael L. Piccarreta  
145 South Sixth Avenue  
Tucson, AZ 85701-2007

Richard A. Wright  
300 S. Fourth Street, Suite 701  
Las Vegas, Nevada 84101

Billy K. Sipe, Jr. Esq.  
2606 Stockton Hill Road  
Kingman, AZ 86401

Randy L. Dryer, Esq.  
Parsons Behle & Latimer  
201 South Main Street, Suite 1800  
Salt Lake City, UT 84111

The Malonis Law Firm  
Attorneys and Counselors  
1173 Bent Oaks Court, Ste 200  
Denton, Texas 76210