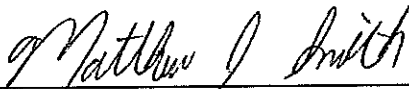


1 he would still like to "chat" with her about the Texas matters assuming that Rebecca
2 Musser got permission from the Court to talk about these things.

3 Rebecca Musser was told by the Texas Attorney General's Office that
4 because they had some ongoing Grand Jury Investigations, that Rebecca was not
5 allowed to discuss under color of Texas law any of her involvement in the Texas
6 search warrant. It is the State's understanding that those restrictions no longer
7 apply and that Rebecca Musser is now able to talk about the Texas aspects of this
8 case. She will cooperate in granting a second interview concerning the Texas
9 matters. Although the defense points out in a footnote on page four of their motion
10 that Matt Smith indicated Becky Musser might answer questions about Texas in the
11 future, that has not occurred as of the time of defense motion. However, the
12 defense has not requested to re-interview Rebecca since the time of her first
13 interview on December 11. A deposition is not required under the rules because
14 Rebecca Musser will continue to cooperate (as she has done in the past) with the
15 interview process.

16 RESPECTFULLY SUBMITTED THIS 2nd day February, 2009.

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18 _____
19 MATTHEW J. SMITH
20 MOHAVE COUNTY ATTORNEY

21 A copy of the foregoing
22 sent this same day by mail and e-mail to:

23 HONORABLE STEVEN F. CONN
24 SUPERIOR COURT JUDGE

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