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VIRLYNN TINNELL
SUPERIOR COURT CLERK

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5 Attorney for Plaintiff

6 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
7 **IN AND FOR THE COUNTY OF MOHAVE**

8 STATE OF ARIZONA,

9 Plaintiff,

10 vs.

11 WARREN STEED JEFFS,

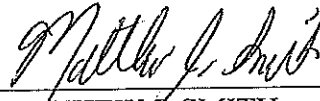
12 Defendant.

No. CR2007-0743 & CR2007-0953

NOTICE OF FILING OF AGREED
PROTOCOL FOR ATTORNEYS' EYES
ONLY REVIEW OF LAW
ENFORCEMENT RECORDINGS

13 COMES NOW, the State of Arizona, by the Mohave County Attorney, and hereby
14 provides notice to the Court that it is filing the attached "Attorney's Eyes Only" Discovery
15 Protocol to memorialize the terms and conditions under which it has been agreed to produce
16 certain audio/video recordings taken in Schleicher County, Texas, to counsel for the Defendant.

17 RESPECTFULLY SUBMITTED THIS 16th day of April, 2009.



18 MATTHEW J. SMITH
19 MOHAVE COUNTY ATTORNEY

20 A copy of the foregoing
21 sent this same day to:

22 HONORABLE STEVEN F. CONN
SUPERIOR COURT JUDGE

23 Michael L. Piccarreta
24 PICCARRETA DAVIS P.C.
145 South Sixth Avenue
Tucson, Arizona 85701
25 By e-mail to BPolowetz@pd-law.com

1 Richard Wright
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2 300 S. Fourth Street, Suite 701
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3 By e-mail to: Debbie@wswlawlv.com

4 Eric Nicholas
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By e-mail to Eric.Nichols@oag.state.tx.us

7 By *Ben Brooks*

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AGREED PROTOCOL FOR ATTORNEYS' EYES ONLY
REVIEW OF LAW ENFORCEMENT RECORDINGS

IT IS HEREBY ACKNOWLEDGED that the Mohave County Attorney and the undersigned defense counsel stipulate and agree as follows:

Any copies of audio and or video recordings made by law enforcement regarding the execution of the search warrants in April 2008 at the YFZ Ranch in Eldorado, Texas that are provided to the defense are to be maintained by the undersigned defense attorney, for use solely in the defense of the criminal cases or in cases pending against his client in the State of Arizona. They are not to be published, disseminated, or copied to anyone other than this attorney and co-counsel and their employees, as well as Arizona prosecuting authorities. To the extent that defense counsel seek to make the recordings part of the record of a case, they will file an application with the appropriate court to file the recordings under seal. Further, it is understood this agreement does not preclude the defendants' right to confront the witnesses against them and to utilize these materials to cross-examine witnesses in court or to examine witnesses in Rule 15 interviews (provided, however, that defense counsel shall not disclose publicly, and will file under seal, any portion of a Rule 15 interview recording or transcript that contains content or reference to content from the audio and video recordings), or to seek further modification of this Agreement through the court. The State will agree to allow copies of the audio and video recordings to be disseminated to counsel of record in other related cases brought by the State of Texas, provided that the defense attorney(s) of record, their co-counsel and employees in those cases first execute this protocol.

These copies of recordings, which by nature may include operational plan information and information concerning law enforcement personnel, are for ATTORNEYS' AND THEIR RESPECTIVE FIRMS' EMPLOYEES' EYES AND EARS ONLY (hereinafter referred to as ATTORNEY'S EYES ONLY) and shall not be played for, copied for, or given to any other person other than co-counsel or employees.

This protocol shall not bar any attorney, in the course of rendering service and advice to his or her client, from conveying to his or her client the substance of the records (with the exception of operational plans and identifying information and information concerning law enforcement personnel), provided, however, that in rendering such advice and otherwise communication with a client, the attorney shall not disclose the specific contents of any Attorneys' Eyes Only information produced by the State, which disclosure would be contrary to the terms of this Agreed Protocol for Attorneys' Eyes Only Review of Law Enforcement Recordings;

This protocol supplements, and does not supersede, the general evidence review and copying protocols that may be executed by defense counsel in the above-captioned case; and


This protocol shall remain in effect for the entire pendency of the Texas and Arizona criminal cases and appeals arising from the criminal investigations in which the search warrants were issued, or for as long as the State maintains primary custody of the evidence. Within sixty (60) days after conclusion of this case and any appeals thereof, any copies of Attorneys' Eyes Only-designated recordings produced by the State shall be returned to the attorneys for the State, with the exception that any recordings admitted

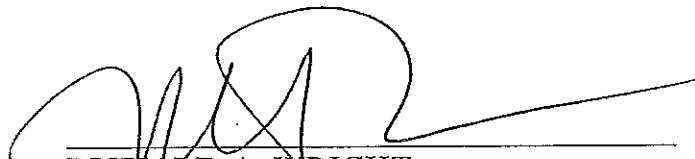
into evidence will remain in the custody of the appropriate court. This Agreed Protocol for Attorneys' Eyes Only/Review of Law Enforcement Recordings shall continue to be binding after the conclusion of this case.

ACKNOWLEDGMENT

By my signature, I hereby acknowledge that I have read the Agreed Protocol for Attorneys' Eyes Only/Review of Law Enforcement Recordings, that I understand the Protocol, and that I hereby agree to be bound by its terms.

Agreed to this 14th day of April, 2009.


MICHAEL L. PICCARRETA
Attorney for Warren Steed Jeffs


RICHARD A. WRIGHT
Attorney for Warren Steed Jeffs


MATTHEW J. SMITH
Attorney for the State