

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

FILED

TIME _____ M

IN AND FOR THE COUNTY OF MOHAVE

FEB 1 2010

HONORABLE STEVEN F. CONN
DIVISION 3
DATE: JAN. 28, 2010

COPY

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CLERK SUPERIOR COURT
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COURT NOTICE/ORDER/RULING

STATE OF ARIZONA,

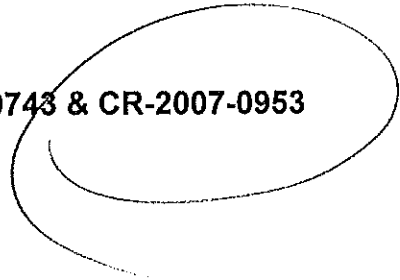
Plaintiff,

vs.

WARREN STEED JEFFS,

Defendant.

No. CR-2007-0743 & CR-2007-0953



The State has filed a pleading entitled Stipulating offered by the State in which they offer to not use in evidence at trial in these cases any evidence seized at the Texas property in April 2008 and suggesting that the Evidentiary Hearing now scheduled on the Defendant's motion to suppress evidence seized in that search on February 17, 2010, is no longer necessary. The Court does not know what, if anything, to read into the fact that this offer is being made in the form of a pleading filed with the Court rather than a communication with opposing counsel. The Court recalls that the defense had expressed concerns that information derived from evidence seized in Texas might be used in this case even if that evidence itself were not used in this case. This Court, of course, has no authority to make the parties stipulate to anything. The defense motion was filed more than a year ago. The Court would have hoped that if an agreement were going to be reached eliminating the necessity of a hearing on the motion such agreement could have been reached a long time ago. The Court has had the impression that the State was not exactly sure what their position was as to evidence seized in the Texas search.



The Court hopes that counsel can understand its predicament. The Court has set aside a week on its calendar to resolve this issue. The Court intends to conduct the evidentiary hearing as it would a jury trial, clearing its calendar and devoting its daily calendar to this hearing until it is completed. The Court has already made dozens of scheduling decisions in other cases, many involving parties who wanted to schedule trials or other hearings as soon as possible, based on the assumption that the week of February 16, 2010, was unavailable for scheduling purposes. Unless and until the Court is advised unequivocally that this hearing is unnecessary, it will assume that it is going as scheduled. It is much easier to cancel a hearing at the last moment than to try to reschedule it. However, the Court hopes that the parties will have enough respect for the Court's scheduling concerns that if this hearing is going to be vacated upon mutual consent the Court will be so advised as soon as possible.

IT IS ORDERED affirming the Evidentiary Hearing date of February 17, 2010, on the Defendant's Motion to Suppress Evidence Obtained in Unlawful Searches of FLDS Property.

cc:

Mohave County Attorney*

Michael L. Piccarreta
145 South Sixth Avenue
Tucson, AZ 85701
Attorney for Defendant

Honorable Steven F. Conn*
Division 3

Richard A. Wright
300 S. Fourth Street, Suite 701
Las Vegas, NV 89101
Co-Counsel for Defendant

Mohave County Court Administrator*
Kip Anderson

Mohave County Jail*

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