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VERLINA TINNELL
SUPERIOR COURT CLERK

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-and-

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15 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

16 IN AND FOR THE COUNTY OF MOHAVE

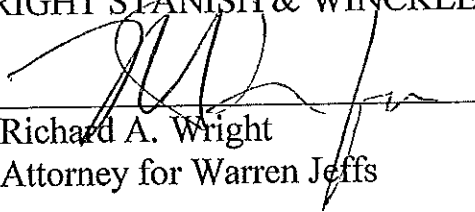
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18 STATE OF ARIZONA,) NO. CR-2007-953
19)
20 Plaintiff,)
21 vs.) MOTION FOR DISCLOSURE
22) REGARDING BENEFITS
23 WARREN STEED JEFFS,) PROVIDED TO STATE'S
24) WITNESSES
25) [Telephonic Oral Argument Requested]
26) [Hon. Steven F. Conn]

25 The defendant, Warren Jeffs, by and through his counsel undersigned,
26 hereby respectfully requests this Court, pursuant to Rule 15.1(g) of the Arizona
27 Rules of Criminal Procedure and the principles set forth in *State ex rel. Romley v.*
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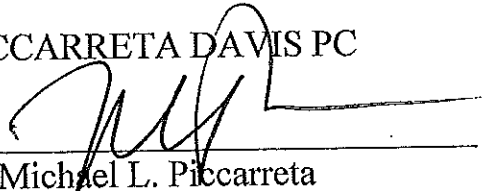
1 *Superior Court*, 172 Ariz. 232, 836 P.2d 445 (App. 1992), to issue its order
2 directing Roger Hoole and the Hoole & King law firm to disclose all information
3 relating to the payment of monies by the law firm of Hoole and King to any of
4 the State's witnesses in this matter including, but not limited to, Jane Blackmore,
5 Rebecca Musser, Richard Holm, Carolyn Jessop, and any other State's witness.
6 The defendant has made multiple requests for this information which have been
7 forwarded to the Hoole and King law firm. Despite assurances that this
8 information will be forthcoming, the Hoole and King law firm have not yet
9 provided all of the requested information. The defendant therefore must enlist the
10 aid of this Court and request the Court to issue its order directing the State and
11 Mr. Hoole and/or the law firm of Hoole and King to disclose the requested
12 materials for the reasons set forth in the attached Memorandum of Points and
13 Authorities.
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18 RESPECTFULLY SUBMITTED this 13th day of May, 2010.

19 WRIGHT STANISH & WINCKLER

20
21 By 
22 Richard A. Wright
23 Attorney for Warren Jeffs

PICCARRETA DAVIS PC

24
25 By 
26 Michael L. Piccarreta
27 Jefferson Keenan
28 Attorneys for Warren Jeffs

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MEMORANDUM OF POINTS AND AUTHORITIES

Roger Hoole of the law firm Hoole and King in Salt Lake City, Utah represents complaining witnesses [REDACTED] (CR-2007-743) and [REDACTED] (CR-2007-953). The Hoole and King law firm has paid money to at least one and possibly more State witnesses in the two cases pending against Mr. Jeffs. Counsel for the defendant has made requests to the State, which have been forwarded to Mr. Hoole, requesting that the Hoole and King law firm provide information relating to all monies paid to State's witnesses in these matters including, but not limited to, Jane Blackmore, Rebecca Musser, Richard Holm, Carolyn Jessop, and any other State witness.

Counsel for the defendant initially requested these materials on April 12, 2010 in a letter to the prosecutor, and the prosecutor forwarded the request to Mr. Hoole. The prosecutor made a second request for these materials from Mr. Hoole on or about April 28, 2010, and was advised that Mr. Hoole would gather the requested documents. The State and the defendant then agreed that the defendant would file a motion for the requested materials if Mr. Hoole had not provided them by the close of business on May 11, 2010. Thus, the State and the defendant have engaged in good faith efforts regarding this disclosure request,

1 but Hoole and King has not yet provided the information. ¹ Accordingly, the
2 defendant is now requesting this Court to order the State and/or the Hoole and
3 King law firm to provide the requested materials. It is elementary that if the
4 accuser's agent or attorney has provided financial benefits to witnesses in the
5 same case, even if the reimbursement is for expenses, it should be disclosed. This
6 is especially true in light of the circumstances that have recently been discovered
7 regarding possible illegal behavior with one of the witnesses by [REDACTED]
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9 Rule 15.1(g) of the Arizona Rules of Criminal Procedure provides, in
10 pertinent part:
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13 Upon motion of the defendant showing that the defendant has
14 substantial need in the preparation of the defendant's case for
15 material or information not otherwise covered by Rule 15.1, and
16 that the defendant is unable without undue hardship to obtain the
17 substantial equivalent by other means, the court in its discretion
18 may order any person to make it available to the defendant.

19 Any benefits, including financial benefits, provided to witnesses testifying on
20 behalf of the State are discoverable for impeachment purposes under the
21 principles set forth in *Brady v. Maryland*, 373 U.S. 83 (1963), which have been
22 adopted by the Arizona Supreme Court in Rule 15.1 of the Arizona Rules of
23 Criminal Procedure. *See* Comment [Amended 2007] to Rule 15.1, Arizona Rules
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26 ¹ Counsel for the defendant has made it clear that, to the extent that some of this information
27 regarding benefits to State witnesses has been previously provided, it does not need to be
28 provided again. [Correspondence to Matt Smith, April 30, 2010].

1 of Criminal Procedure.

2 It is undisputed that the Hoole and King law firm have provided financial
3 benefits to at least one of the State's listed witnesses. Information has now
4 surfaced about benefits to State witness, Jane Blackmore, presumably for
5 reimbursement of travel expenses. Recently in a Rule 15 interview, Ms.
6 Blackmore implicated [REDACTED] in criminal behavior, including falsification of
7 evidence relating to the criminal prosecution of the defendant by the State of
8 Utah for the very same acts that form the basis for his charges in the State of
9 Arizona. It was disclosed at this Rule 15 interview that, prior to the trial of the
10 defendant in the State of Utah, the Hoole and King law firm paid for Ms.
11 Blackmore to travel to Salt Lake City to meet with Mr. Hoole, provide the
12 questioned document, and discuss her testimony. During that discussion, Ms.
13 Blackmore provided to Mr. Hoole a copy of the falsified document that would
14 later be presented in evidence in Mr. Jeff's Utah trial.² The defendant is now
15 requesting the disclosure of information relating to the payment or receipts
16 supporting the payment of these benefits to Jane Blackmore, as well as any such
17 documents of any kind whatsoever relating to any other State's witnesses.
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25 ² To be clear in this Rule 15 interview, Ms. Blackmore did not implicate Mr. Hoole in any
26 matter relating to the creation of this document or the presentation of potential false
27 testimony.
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1 In addition, the defendant is requesting the disclosure of all
2 communications to and from, and any documents to and from, any of these
3 individuals or their agents and the law firm of Hoole and King including, but not
4 limited to, correspondence, medical records, documents, emails, checks or other
5 tangible objects.
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8 The requested items are subject to disclosure under Rule 15.1(g) of the
9 Arizona Rules of Criminal Procedure because the defendant has substantial need
10 for them in the preparation of his defense as they clearly constitute impeachment
11 materials. As stated in *State ex rel. Romley v. Superior Court*, 172 Ariz. 232,
12 238-39, 836 P.2d 445, 451-52 (App. 1992):
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14 “Impeachment evidence, however, as well as exculpatory evidence,
15 falls within the *Brady* rule. Such evidence is ‘evidence favorable to
16 an accused’ so that, if disclosed and used effectively, it may *make*
17 *the difference between conviction and acquittal.*”

18 [quoting *United States v. Bagley*, 473 U.S. 667, 676 (1985)] [emphasis supplied
19 by *Romley*]. In addition, these disclosure requirements apply to materials in the
20 possession of third persons (even victims) which have not been provided to the
21 State. *Id.* at 239, 836 P.2d App. 452. These disclosure obligations obviously
22 apply to information regarding the witnesses the State intends to call in order to
23 convict the defendant. *Bagley, supra; Giglio v. United States*, 405 U.S. 150
24 (1972).
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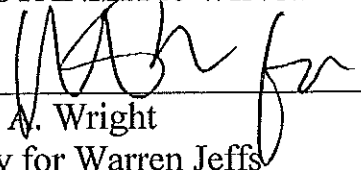
27 Accordingly, the defendant respectfully requests this Court to order the
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State and Mr. Hoole and/or the Hoole and King law firm to disclose:

1. Copies of any and all checks and/or any and all receipts for payments relating to all monies provided by the law firm of Hoole and King to any of the State's witnesses in this case including, but not limited to, Jane Blackmore, Rebecca Musser, Richard Holm, Carolyn Jessop, and any other State's witness, including any underlying documentation relating to any such payments.
2. All communications to and from, including any documents to and from, any of the above listed individuals or their agents and the law firm of Hoole and King including, but not limited to, correspondence, medical records, documents, emails, checks or other tangible objects.

RESPECTFULLY SUBMITTED this 13th day of May, 2010.

WRIGHT STANISH & WINCKLER
By 
Richard A. Wright
Attorney for Warren Jeffs

PICCARETA DAVIS PC
By 
Michael L. Piccarreta
Jefferson Keenan
Attorneys for Warren Jeffs

1 Original of the foregoing mailed
2 this 13th day of May, 2010, to:

3 Clerk of Mohave County Superior Court
4 401 East Spring Street
5 Kingman, AZ 86401

6 Copy of the foregoing emailed
7 this 13th day of May, 2010, to:

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