

FILED
TIME 10:17 AM M

DEC 16 2009

VIRLYNN TINNELL
CLERK SUPERIOR COURT
BY: SP DEPUTY

IN THE SUPERIOR COURT
MOHAVE COUNTY, STATE OF ARIZONA

Judge: Honorable Steven F. Conn
Division: 3 Courtroom: A
Court Reporter: Jim Glover

Virlynn Tinnell, Clerk of Superior Court
By: Susan Pence, Deputy Clerk
Hearing Date: 12/11/2009

STATE OF ARIZONA,

Plaintiff,

vs.

WARREN STEED JEFFS,

Defendant.

CASE NO: CR-2007-0743
CR-2007-0953

MOTION HEARING

START: 1:31 P.M.

APPEARANCES: Matthew Smith, Mohave County Attorney; Michael L. Piccarreta, Attorney for and with the Defendant; Richard A. Wright, Co-Counsel for and with the Defendant; Randy Dryer, Attorney for Dan Fischer; Billy K. Sipe, local Counsel for Dan Fischer; Lee Novak, Attorney for Hoole & King, L.C. et al; Roger Hoole, Attorney for Sam Brower.

This is the time set for Hearing on Defendant's Motion for Depositions of Witnesses Sam Brower and Dan Fischer. The Court has read the Motion; the transcripts of the interviews that were submitted with that Motion; the pleading filed by Mr. Sipe on behalf of the witness Dan Fischer; and the pleading filed by Mr. Novak.

The Court has allowed Mr. Dryer and Mr. Hoole to be admitted for the limited purpose of this hearing.

Mr. Sipe's pleading included a sealed envelope, which the Court did not open.

The Court read Mr. Piccarreta's Reply to Mr. Sipe's and Mr. Novak's pleadings.

Mr. Piccarreta presents arguments.

Mr. Smith makes statements on behalf of the State, and declines to present arguments at this time.

Mr. Dryer states that he is appearing not only on behalf of Dr. Dan Fischer, but on behalf of the Diversity Foundation.

Mr. Hoole makes statements regarding the Parties he represents, and presents arguments. Mr. Hoole presents the Court with a chart depicting the Parties in this action, and presents further arguments.

The Court admonishes the Parties regarding possible testimony of Natalie Melonas.



The Court is recessed at 2:33 p.m.

The Court is reconvened at 2:42 p.m.; all Parties heretofore mentioned are present.

The Court takes up the issue of arguments by Ms. Melonas.

Mr. Novak makes statements regarding the events leading up to Ms. Melonas' appearance at today's hearing.

The Court finds that Ms. Melonas, Mr. Novak and Mr. Hoole are all attorneys who are joining in the same pleading; discussion ensues.

Mr. Piccarreta opposes any participation by Ms. Melonas.

The Court states its findings on the record regarding Pro Hoc Vice applications.

The Court will not allow Ms. Melonas to present arguments at this time.

Mr. Piccarreta presents final arguments.

The Court will take this matter under advisement, and makes statements on the record regarding the interstate issues and other issues in these matters. The Court will rule in writing on the Defense Motion for Deposition as soon as possible.

The Court acknowledges the pleadings that have been filed and eventually will need to be addressed:

1. The Defense Motion to Determine Nature, Scope and Extent of Proposed Expert Testimony, the Response and a Reply;
2. The Defense Request for Evidentiary Hearing on Motion to Suppress;
3. The Defense Motion for Deposition of Witness Carolyn Jessup;
4. The Motion for Disclosure of Impeachment Material Concerning Complaining Witness;
5. The Expert Testimony Motion.

The Court is willing to hear arguments on any of these motions today.

The Court proposes to rule, in a separate Order, on the pending Discovery Motion argued before the Court today, and set it for an evidentiary hearing and set a hearing on the other motions that have been filed. The Court prefers to decide in advance how this case will proceed on the issue of the Motion concerning expert testimony.

Mr. Piccarreta makes statements regarding the State's three expert witnesses; discussion ensues.

IT IS ORDERED directing the State to provide to Mr. Piccarreta, by no later than Monday, January 4, 2010, a list of his proposed expert witnesses and a short, concise statement of the areas they would be expected to testify about.

Discussion ensues.

The Court will delay addressing the motion regarding the expert until Mr. Smith has provided that further discovery to Mr. Piccarreta; and until some further pleading has been filed.

On the Texas Motion to Suppress, the Court requests an estimated time frame for setting the hearing; discussion ensues regarding scheduling that hearing.

On the Motion for Deposition of Carolyn Jessup and the Motion for Disclosure of Impeachment Material, the Court will hear arguments today if the Parties wish to proceed; discussion ensues.

Mr. Piccarreta and the State agree to submit pleadings for the Court's ruling, both on the Impeachment and the Deposition issues.

The Court admonishes the Defendant; the Defendant is remanded to the custody of the Sheriff.

The Court recesses at 3:14 p.m.

cc:

MOHAVE COUNTY ATTORNEY*

MICHAEL L. PICCARRETA, ESQ.
PICCARRETA DAVIS PC
145 S SIXTH AVE
TUCSON AZ 85701-2007
Attorney for Defendant

RICHARD A. WRIGHT, ESQ.
WRIGHT STANISH & WINCKLER
300 S FOURTH ST #701
LAS VEGAS NV 89101
Co-counsel for Defendant

ROGER HOOLE, ESQ.
4276 SOUTH HIGHLAND DR
SALT LAKE CITY UT 84124
Attorney for Sam Brower

LEE NOVAK*

Local Counsel for Hoole & King, L.C. et al

RANDY L. DRYER, ESQ.
PARSONS BEHLE & LATIMER
ONE UTAH CENTER
201 S MAIN ST SUITE 1800
SALT LAKE CITY UT 84111
Attorney for Dan Fischer

BILLY K. SIPE, JR.*
Local Counsel for Dan Fischer

MOHAVE COUNTY JAIL*

HONORABLE STEVEN F. CONN*
Division 3