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15 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

16 IN AND FOR THE COUNTY OF MOHAVE

18	STATE OF ARIZONA,)	NO. CR-2007-953
19)	
19	Plaintiff,)	REPLY TO RESPONSE TO
20	vs.)	MOTION FOR DEPOSITION
20)	OF WITNESS CAROLYN JESSOP
21	WARREN STEED JEFFS,)	
22)	[Oral Argument Requested]
22	Defendant.)	[Hon. Steven F. Conn]
23)	

24 The defendant, Warren Jeffs, by and through his counsel undersigned,
25 hereby replies to the State's response to his motion for deposition of witness
26 Carolyn Jessop.
27

28 The defendant is not requesting "another" interview of Carolyn Jessop; he



1 is simply requesting that she complete her interview, as she and the State agreed
2 that she would. The State's response fails to point out this agreement for the
3 Court. Specifically, prior to her interview on December 10, 2008, the parties
4 agreed that the interview could be curtailed, and finished at a later date, perhaps
5 telephonically:
6

7
8 Mr. Piccarreta: All right. I agreed at the beginning that we
9 would stop at 11:30 to do this. Where we're
10 ending up is if or when we're back in Salt Lake
11 City, we'll finish up. We're almost done. And
12 we won't cover things we've already covered.

13 Secondly, that you will get to Matt Smith, if
14 possible, within two weeks of getting it, any
15 contracts that would show financial benefit
16 arising out of your book. And if you can't get it
17 to him within two weeks, you'll call him and let
18 him know that. Is that fair?

19 Mr. Smith: How much more time do you think you have?

20 Mr. Piccarreta: I think we're talking an hour.

21 Mr. Smith: Maybe even possibly if we don't come back up
22 here again, depending if we do it by the phone
23 or however you want to do it.

24 Mr. Piccarreta: Yeah.

25 Carolyn Jessop: Through a phone – telephone conversation?

26 Mr. Piccarreta: That would be fine. We're not going to make a
27 special trip to just do this for sure.

28 Mr. Smith: Thank you.

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(Deposition concluded at 11:32 a.m.).

[Interview of Carolyn Jessop, December 10, 2008, pp. 56-57].

Obviously, if counsel for the defendant knew that Ms. Jessop was not going to agree to finish her interview at a later date, the interview would have been completed on December 10, 2008. In any event, it is clearly incorrect to characterize the defendant's request as a request for "another" interview of Carolyn Jessop.

The State correctly notes that Ms. Jessop agreed to turn over her tax returns, but has now changed her mind. The obvious inference is that information in the tax returns may contradict her previous statements and may be explored on cross examination. In any event, whether or not her tax returns are subject to disclosure, the defendant has the right to complete his pretrial interview, as all parties agreed. It must also be remembered that the State has chosen to designate Ms. Jessop as one of its "expert" witnesses on matters FLDS. The defendant is unaware of any authority that supports the proposition that an expert may refuse to complete his or her pre-trial interview and avoid deposition. If the State realistically intends to call Ms. Jessop as an expert witness, she must complete her interview as was agreed or be deposed. If she continues to refuse to cooperate, she must be stricken from the State's witness list.

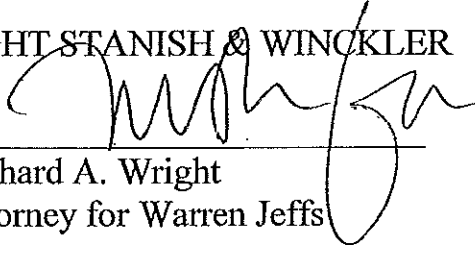
Accordingly, the defendant respectfully requests this Court to order the

1 deposition of Carolyn Jessop to take place at a date, time and location convenient
2 to counsel, considering all of the past failed efforts to reasonably accommodate
3 her. In the alternative, if Ms. Jessop continues to decline to cooperate, the
4 defendant requests that she be stricken as a witness.
5

6 RESPECTFULLY SUBMITTED this 1st day of December, 2009.

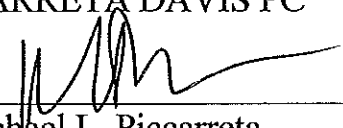
7
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9 By


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By


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11
12
13 Original of the foregoing mailed
14 this 1st day of December, 2009, to:

15 Clerk of Mohave County Superior Court
16 401 East Spring Street
17 Kingman, AZ 86401

18 Copy of the foregoing emailed
19 this 1st day of December, 2009, to:

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