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FIFTH DISTRICT COURT
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WASHINGTON COUNTY
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FIFTH DISTRICT COURT
WASHINGTON COUNTY, STATE OF UTAH

STATE OF UTAH,
Plaintiff,

vs.

WARREN STEED JEFFS,
Defendant.

MEMORANDUM IN SUPPORT OF MOTION
TO MODIFY BAIL AND REQUEST FOR
TEMPORARY ORDER PENDING HEARING

Criminal No. 061500526

Judge James L. Shumate

The State of Utah submits the following memorandum in support of its Motion to Modify Bail. This motion is made pursuant to Utah Code Ann. § 77-20-21 (1953, as amended) on the grounds and for the reasons stated below:

1. **At The Time Of Warren Steed Jeffs' Arrest, His Own Conduct Along With Items Obtained Inside Of The Vehicle Establish Clear And Convincing Evidence That He Is Likely To Flee The Jurisdiction Of The Court If Released On Bail.**

Warren Steed Jeffs was arrested on August 28, 2006, just outside of Las Vegas, Nevada by a Nevada Highway Patrol trooper. Jeffs was a passenger in a red 2007 Cadillac Escalade driven by his brother, Isaac Jeffs, and he was with a woman passenger identified as one of his wives, Naomi Jeffs. When asked his name, Jeffs told the trooper that he was "John Findley."

When asked for proof of identification, Jeffs provided the trooper with a contact lenses receipt that had the name "John Findley" listed as the purchaser of the contact lenses. Jeffs continued to maintain a false identity until sometime later when questioned by FBI agents.

Jeffs was questioned concerning where he had been and where he was going. Jeffs refused to answer this question. When asked where he lived, Jeffs responded that he had "no fixed address."

An FBI inventory search revealed that there were three wigs and twelve pairs of sunglasses in the vehicle. Also, FBI agents found \$53,000.00 in cash that was concealed inside the lining of a suitcase. The defendant's brother and wife claimed only the amounts of money found on them (the brother had \$1,500.00 cash, and the wife had \$900.00 cash) as money belonging to them.

The FBI inventory search also revealed twenty prepaid gift cards totaling \$10,000.00, sixteen different cell phones, two GPS units, a police scanner, four laptop computers, six computer memory storage devices, and bedding items. In addition, documents were found that included maps, lists of individuals whom were contributing money, and names of individuals providing "houses of hiding" and "hiding houses."

Included in the documents recovered was the following statement by the defendant: "So I have to be hiding in my travels, not let anyone know. And when I come to a land of refuge, you must not reveal where I am in your phone calls and your letters."

2. **Jeffs Should Be Held Without Bail Because No Amount Of Money Will Compel His Appearance And He Has An Enormous Network Of Followers Who Will Support Him Financially And Help Him Evade Capture.**

The purpose of bail is to ensure a defendant's attendance at court proceedings and to protect the public.

In this case, there is clear and convincing evidence that no amount of bail would be sufficient to compel Jeffs' attendance at court. Jeffs has already abandoned assets of more than one-hundred million dollars rather than appear in court to defend his actions as a trustee of the United Effort Plan. In a civil legal action, Third District Court Judge Stephen Henriod found good cause that Jeffs deliberately avoided service of process.

Seth Jeffs, Warren Steed Jeffs' brother, was arrested last fall in southern Colorado: A search of the vehicle uncovered \$142,000.00 in cash, \$7000.00 worth of untraceable prepaid debit and phone cards and correspondence addressed to Warren Jeffs. Seth Jeffs told FBI agents that no one from the estimated 8,000 FLDS members would ever help authorities locate Warren Jeffs. Seth Jeffs was charged in federal court with acting to knowingly harbor and conceal Warren Jeffs. Recently, Seth Jeffs pled guilty to those charges and he was sentenced to probation.

Rodney Parker, an attorney who has worked for Warren Jeffs in previous matters, was quoted in the Salt Lake Tribune as saying, "When put to that choice the FLDS will choose . . . jail rather than betray the leadership." In fact, there are currently five people with FLDS ties being held without bail on civil contempt for refusing to testify before a federal grand jury in Arizona regarding the FLDS group.

One can conclude from these facts, along with the documents found in Warren Jeffs vehicle at the time of his arrest, that he has an enormous network of followers who have been helping him elude authorities over the past couple years. These followers are committed to him because they view him as their religious leader, "a prophet of God," and are willing to do anything for him. Statements by FLDS members expressing their loyalty and commitment to do anything for Warren Jeffs have been told directly to Sam Brower, a private investigator, and Gary Engels, an investigator for the Mohave County Attorney office.

Because of the forgoing reasons, the State of Utah renews its request, pursuant to U.C.A. 77-20-1(1)(c) for "no-bail" for this defendant because he is an extraordinarily high flight-risk. Because this would constitute a modification of an initial bail order, pursuant to U.C.A. 77-20-1(5), the defendant is entitled to notice sufficient to permit him to prepare for a hearing.

3. **This Court Should Enter A Temporary Order That Jeffs Be Held Without Bail Until A Hearing On The State's Motion For Modification Of Bail Because Irreparable Harm Will Result If The Court Waits Until Hearing To Issue The Order**

The Defendant is out of State and unavailable for hearing on the Motion for Modification of Bail. The Defendant is out of State of his own volition and as a result of his flight from prosecution. The State believes that any delay in change of bail would allow the defendant to post the bail as currently set and result in the flight of the defendant from this jurisdiction. His prior actions, as set forth *supra*, indicate his willingness and ability to flee law enforcement. The State would request that the underlying motion be heard by the court as soon as possible to limit

any deprivation of the defendant's right to due process in this matter. However, to not issue this temporary order would, in essence, make the State's motion moot and deprive the State of the opportunity to be heard.

Accordingly, the State asks that the Court issue an order preserving the status quo of the defendant being in custody and held without bail until the defendant is transported to Utah, is notified of this application and given the opportunity to appear before this Court and be heard on this matter.

If the Court issues the Temporary Order, the State will immediately provide notice to the Defendant and will schedule a Hearing on the motion as soon as reasonably practicable upon the Defendant's arrival in this jurisdiction.

Dated this 30th day of August, 2006.


Brock R. Belnap
Washington County Attorney