

IN THE FIFTH JUDICIAL DISTRICT COURT
WASHINGTON COUNTY, STATE OF UTAH

WENDELL MUSSER, individually))	
and as natural parent and)	
general guardian of LEVI)	
JAMES MUSSER, a minor,)	
)	Civil No. 070500940
Plaintiffs,)	
)	Judge James L. Shumate
vs.)	
)	Deposition of:
WARREN STEED JEFFS, LYLE)	<u>WARREN STEED JEFFS</u>
JEFFS and DOES I-V,)	
)	
Defendants.)	

July 27, 2007
3:25 p.m. to 4:15 p.m.

Location: Purgatory Correctional Facility
750 South 5400 West
Hurricane, Utah

HEIDI HUNTER, CSR, RPR

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A P P E A R A N C E S

FOR THE PLAINTIFFS:

ROGER H. HOOLE
GREGORY N. HOOLE
HOOLE & KING, L.C.
Attorney at Law
4276 South Highland Drive
Salt Lake City, UT 84124
(801) 272-7556

FOR THE DEFENDANTS:

RICHARD A. WRIGHT
WRIGHT, JUDD & WINCKLER
Attorney at Law
300 South Fourth Street
Suite 701
Las Vegas, NV 89101
(702) 382-4800

ALSO PRESENT:

Sam Brower
Deputy Lambert

I N D E X

EXAMINATION

PAGE

By Mr. Roger Hoole 3

EXHIBITS

No. 1	Order and Judgment	6
No. 2	Notice of Deposition	6
No. 3	Color Photocopy of Photograph Wendell Musser and Vivian Barlow	10
No. 4	Color Photocopy of Photograph of Levi Musser	11
No. 5	Typed Statement read by Warren Jeffs	12

WARREN STEED JEFFS
July 27, 2007

1 July 27, 2007

3:25 p.m.

2 P R O C E E D I N G S

3 --oOo--

4 WARREN STEED JEFFS,

5 called as a witness at the instance of the
6 Plaintiffs, having been first duly sworn,
7 was examined and testified as follows:

8 EXAMINATION

9 BY MR. HOOLE:

10 Q Would you please state your name under oath?

11 A Warren Steed Jeffs.

12 Q And Mr. Jeffs, my name is Roger Hoole. I
13 represent Wendell Musser in a civil lawsuit that he has
14 brought against you. This deposition is being taken
15 pursuant to an order and judgment that has been entered
16 by Judge Shumate in the Fifth Judicial District Court
17 here in Washington County. Present today are myself,
18 Greg Hoole, who is my brother not my son. A lot of
19 people get that confused. I've got more miles on him
20 than Greg does. Sam Brower, who is our client's
21 investigator --

22 MR. GREG HOOLE: Also co-counsel.

23 Q (BY MR. HOOLE) Also, co-counsel. I didn't
24 mean that as any disrespect. Also, the court reporter
25 is Heidi from Garcia and Love, and we have a deputy

WARREN STEED JEFFS

July 27, 2007

1 sheriff here. And also present, of course, is Richard
2 Wright from Nevada who, as I understand it, represents
3 you in a criminal matter pending in Washington County;
4 is that correct?

5 A Yes.

6 Q Excuse me?

7 A Yes.

8 MR. HOOLE: Mr. Wright, could you just let us
9 know what your capacity is here today for purposes of
10 this deposition?

11 MR. WRIGHT: I'm representing Mr. Jeffs in the
12 criminal case, State versus Jeffs, in Washington County
13 and advise him on other cases, a federal case in Salt
14 Lake City, United States versus Jeffs, and State
15 cases -- State versus Jeffs in Arizona, not as attorney
16 in --

17 MR. HOOLE: The Wendell Musser case?

18 MR. WRIGHT: Correct. As I understand it he
19 has no attorney, has not made an appearance in that
20 case.

21 MR. HOOLE: So you're here to protect his
22 constitutional interests as a criminal defendant?

23 MR. WRIGHT: Yes.

24 MR. HOOLE: So the objections that you place
25 on the record, if any, will be limited to the scope of

WARREN STEED JEFFS

July 27, 2007

1 the criminal case and your representation of Mr. Jeffs
2 as a criminal defense attorney; is that correct?

3 MR. WRIGHT: Yes.

4 MR. HOOLE: Okay.

5 Q (BY MR. HOOLE) Mr. Jeffs, an order has been
6 entered, as I mentioned, by the court in this lawsuit.
7 I'll just show you a copy of that. I believe you
8 were -- a copy of this was served on you a week ago
9 today. Have you seen this before?

10 THE WITNESS: Is that what I sent over to you?

11 MR. WRIGHT: Yes. You can . . .

12 A Yes.

13 Q I'll come back to the order and judgement in
14 just a minute. But during the recess during the
15 proceeding last Friday I gave a copy of that to Wally
16 Bugden, and he indicated he'd deliver it to you so that
17 you wouldn't have to be served in court.

18 Would you take a minute in case you haven't
19 read this --

20 A I received one in the mail.

21 Q Okay. And I also mailed you one, so I wanted
22 to make sure you had it. Have you had an opportunity to
23 read it? Have you now had an opportunity to reread the
24 order and judgment?

25 A I didn't reread all of it right now.

WARREN STEED JEFFS

July 27, 2007

1 Q Would you like to take more time to
2 familiarize yourself with it?

3 A I -- okay.

4 Q All right.

5 MR. HOOLE: Why don't we go ahead and mark the
6 order and judgment as Exhibit 1 to the deposition.

7 (Exhibit 1 was marked.)

8 MR. HOOLE: Thank you.

9 Q I also want to hand you the Notice of
10 Deposition, and is this one of the documents that you
11 received in the mail from my office?

12 A Yes.

13 MR. HOOLE: Let's mark the Notice of
14 Deposition as Exhibit 2.

15 (Exhibit 2 was marked.)

16 Q Mr. Jeffs, it's my understanding that you have
17 had your deposition taken before; is that correct?

18 A Yes.

19 Q When was it taken before?

20 A I don't remember the exact time.

21 Q Do you remember what state it was in?

22 A It was in Washington County, Utah.

23 Q And what was the nature of the case?

24 A I can't even remember.

25 Q Was it a civil case or a criminal case, do you

WARREN STEED JEFFS

July 27, 2007

1 recall?

2 A It was a civil case.

3 Q And were you a witness or were you a party?

4 A I was not named in it.

5 Q Okay. So you have had some experience with
6 the deposition process?

7 A Yes.

8 Q And that's all I'm trying to establish. Have
9 you had more than one deposition taken?

10 A No.

11 Q Have you given testimony other than on that
12 occasion under oath?

13 A It was the only one.

14 Q Let me just take a minute and point out some
15 ground rules that we typically want understood in
16 depositions so that things go clearly. Since you're
17 under oath today, it's very important that you
18 understand my questions. And if you don't understand my
19 questions, it's very important before you answer to ask
20 me for clarification or to restate the question or to
21 somehow fix the question so that you understand it. Is
22 that fair enough?

23 A I understand.

24 Q Will you do that today?

25 A I can.

WARREN STEED JEFFS
July 27, 2007

1 Q Excuse me?

2 A Yes, I can.

3 Q And I apologize. I'm a little hard of hearing
4 and my brother points out it's in both ears and you've
5 got a soft voice, so I'll try to listen if you can speak
6 up just a little bit. It would help me and probably the
7 court reporter as well.

8 Today it's your obligation to answer my
9 questions truthfully, so it's really important to
10 understand my question. This is not a courtroom, but
11 you're under the same kind of oath that you would be if
12 we are -- we were in a courtroom with a presiding judge,
13 and so you need to take this proceeding seriously.

14 Is there any medical reason why you would not
15 be able to give true and accurate answers to my
16 questions today?

17 A I'm feeling fine.

18 Q You're not under any medication or anything
19 that would cause -- make it difficult for you to
20 proceed?

21 A That's right.

22 Q Is there any other reason why you couldn't
23 given true and accurate testimony today?

24 A No other reason.

25 Q If as the deposition proceeds you need to

WARREN STEED JEFFS

July 27, 2007

1 clarify any of your earlier answers, please feel free to
2 do so. There is one more ground rule and that is that
3 it's difficult for the court reporter to take down the
4 talking of two people at the same time, so please wait
5 until I'm finished, and I'll extend the same courtesy to
6 you, fair enough?

7 A Yes.

8 Q Thank you. And I will probably --

9 A I need to answer.

10 Q You need to answer audibly with a yes or no so
11 it's clear for the record.

12 A Not a nod of the head, right.

13 Q Okay, thank you. Just a couple of background
14 questions, were you born in Short Creek, that is the
15 area of Hildale and Colorado City, Arizona?

16 A No.

17 Q Where were you born?

18 A Sacramento, California.

19 Q Let me hand you what I'm going to have the
20 court reporter mark as Exhibit 3, which is an enlarged
21 photocopy color photo of a couple and ask you whether
22 you recognize those individuals, and please just --
23 please just answer my questions. I'd appreciate it if
24 you wouldn't look to your attorney for guidance in
25 answering.

WARREN STEED JEFFS

July 27, 2007

1 Do you recognize these people in this
2 photograph?

3 A Based upon the advice of my counsel, I decline
4 to answer the question because my answer may be used
5 against me contrary to the protections afforded me by
6 the Fifth Amendment of the United States Constitution.

7 MR. HOOLE: Mr. Wright, are you advising your
8 counsel (sic) not to answer this question?

9 MR. WRIGHT: Yes.

10 Q (BY MR. HOOLE) And are you following your
11 counsel's advice?

12 A Yes.

13 MR. HOOLE: I'm going to go ahead and mark
14 this photograph as Exhibit 3.

15 (Exhibit 3 was marked.)

16 Q And I will represent to you, Mr. Jeffs, that
17 the photograph, as I understand it, is Wendell Musser
18 and Vivian Barlow after they were married by you on
19 April 1, 2004 in Kanab, Utah.

20 Let me ask you whether you recognize the baby,
21 this infant, in this additional photograph that I've
22 shown you?

23 A Based upon the advice of my counsel, I decline
24 to answer the question because my answer may be used
25 against me contrary to the protections afforded me by

WARREN STEED JEFFS

July 27, 2007

1 the Fifth Amendment of the United States Constitution.

2 Q And are you going to accept your counsel's
3 advice?

4 A Yes.

5 MR. HOOLE: Let's mark the photograph
6 involving the infant, who I'll represent is, according
7 to my understanding, Levi James Musser.

8 (Exhibit 4 was marked.)

9 Q Do you know Wendell Musser?

10 A Based upon the advice of my counsel, I decline
11 to answer the question because my answer may be used
12 against me contrary to the protections afforded me by
13 the Fifth Amendment of the United States Constitution.

14 Q Are you reading that from a piece of paper in
15 your hand?

16 A Yes, I am.

17 Q May I see the paper?

18 A (Tenders.)

19 Q Did you receive this from your attorney?

20 MR. WRIGHT: Objection, attorney-client
21 privilege.

22 Q Is this the legal advice that you've received
23 from your attorney?

24 MR. WRIGHT: Objection.

25 Q Has your counsel advised you to read this in

WARREN STEED JEFFS

July 27, 2007

1 response to my questions?

2 MR. WRIGHT: I have -- if it helps, I wrote
3 that and provided it to him.

4 MR. HOOLE: That's all I'm asking.

5 MR. WRIGHT: Okay. During the -- prior,
6 before you came in.

7 MR. HOOLE: Let's mark this as Exhibit 5.

8 (Exhibit 5 was marked.)

9 Q (BY MR. HOOLE) Mr. Jeffs, do you intend to
10 read that statement in response to all of my questions
11 today?

12 A Yes, I do.

13 Q Regardless of the question?

14 A I've already answered my name.

15 Q Regardless of any future question?

16 A Yes.

17 Q Mr. Jeffs, just so that you know where we're
18 coming from, the whole purpose of this case is to
19 reunite Wendell Musser with his son Levi who will be two
20 years old on the 30th of July, three days from now.
21 That is all we are after in this case. What is your
22 concern with respect to answering questions about the
23 location of Levi Musser?

24 A I give the same answer: Based upon the advice
25 of my counsel, I decline to answer the question because

WARREN STEED JEFFS

July 27, 2007

1 my answer may be used against me contrary to the
2 protections afforded me by the Fifth Amendment of the
3 United States Constitution:

4 Q If you need to respond to that -- if you need
5 to reference that response to any of my questions, would
6 you just say I object for the same reason?

7 A You bet.

8 Q It will save us time.

9 A Yes.

10 Q Just something like I object to the same
11 reason; is that fair enough?

12 A Yes.

13 Q How do you know Vivian Barlow?

14 A Object for the same reason.

15 Q When was the last time you saw her and where?

16 A I object for the same reason.

17 Q When was the last time you communicated with
18 her?

19 A Object for the same reason.

20 Q Did you communicate with her directly or
21 indirectly?

22 A Can I just say same answer?

23 Q Certainly, if that's your answer. You're
24 invoking your objection; is that correct?

25 A I object for the same reason. I can read it

WARREN STEED JEFFS

July 27, 2007

1 again.

2 Q And you're refusing to answer; is that
3 correct?

4 A That's correct.

5 Q Based on the --

6 A Well, this is my answer.

7 Q Right. That is your answer which is a
8 statement that you're refusing to answer my question; is
9 that correct?

10 MR. WRIGHT: It's a statement that he's
11 invoking a privilege.

12 Q But my question is --

13 MR. WRIGHT: He is answering.

14 Q -- are you refusing to answer my question
15 apart from giving your typed statement?

16 A I am doing every answer by this typed
17 statement.

18 Q So your answer to all my questions will be
19 that statement?

20 A Yes, based on this statement.

21 Q Exhibit 5?

22 A Yes.

23 Q Do you recall marrying Wendell Musser and
24 Vivian Barlow at the Holiday Inn Express in Kanab, Utah
25 on April 1, 2004?

WARREN STEED JEFFS
July 27, 2007

1 A I give my same answer: Based upon the advice
2 of my counsel, I decline to answer the question because
3 my answer may be used against me contrary to the
4 protections afforded me by the Fifth Amendment of the
5 United States Constitution.

6 Q You understand, don't you, that I am not a
7 criminal prosecutor, that I'm a civil attorney and so is
8 Greg Hoole? We have no ability to prosecute anybody
9 criminally and that's not our purpose. Do you
10 understand that?

11 A I understand this is a civil action.

12 Q Let's take a minute and review the court's
13 order together. If you would refer, please, to Exhibit
14 1 which is the order and judgment. And I want you to
15 take whatever time you need to, sir, to read through and
16 familiarize yourself carefully with its contents. Why
17 don't you do that and then I'm going to refer you to
18 some of the paragraphs and talk about them.

19 A Okay.

20 Q Have you had a chance to again read the order
21 and judgment marked as Exhibit 1?

22 A Yes.

23 Q Let me refer to Page 2 of that order. Near
24 the top of the page it says, The Court hereby orders the
25 following order and judgment against Jeffs, referring to

WARREN STEED JEFFS
July 27, 2007

1 you, consistent with Musser, referring to Wendell
2 Musser, Musser's complaint, application for judgment by
3 default, and the proffers and representations of
4 counsel. Do you see that?

5 A Yes.

6 Q And it's followed by a number of paragraphs.
7 Do you see those?

8 A Yes.

9 Q Would you, please, read paragraph one?

10 A Is this needed?

11 "Jeffs shall provide Musser with all location,
12 contact, and access information for Musser's minor son,
13 Levi James Musser, Levi, and Levi's mother, Vivian
14 Barlow, Barlow, including, without limitation, their
15 true addresses, physical locations and telephone
16 numbers."

17 Q Do you refuse to provide any of that
18 information?

19 A Based upon the advice of my counsel, I decline
20 to answer the question because my answer may be used
21 against me contrary to the protection afforded me by the
22 Fifth Amendment of the United States Constitution.

23 Q Would you read paragraph two, please.

24 A "Jeffs shall disclose to Musser each location
25 where Levi has resided within the last 13 months,

WARREN STEED JEFFS

July 27, 2007

1 whether Mr. Levi will remain in his current location,
2 and whether Levi will be relocated in the future, and if
3 so with whom and where."

4 Q Do you refuse to answer that question or do
5 you refuse to provide the information called for by
6 paragraph number two?

7 A I answer the same.

8 Q You incorporate your statement --

9 A Based upon the advice of my counsel --

10 Q -- and you refuse to answer?

11 A -- I decline to answer the question because my
12 answer may be used against me contrary to the protection
13 afforded me about the Fifth Amendment of the United
14 States Constitution.

15 Q Please read paragraph three.

16 A "Jeffs shall allow Musser telephonic and
17 physical access to Levi and Barlow so that Musser can
18 coordinate with Barlow about their son's needs and
19 Musser's access to Levi and Barlow."

20 Q Will you provide the information identified in
21 paragraph three?

22 A I give the same answer.

23 Q The court has already imposed sanctions on you
24 for not providing that information by July 25th. Are
25 you aware of that?

WARREN STEED JEFFS

July 27, 2007

1 A I have read this.

2 Q So you understand that?

3 A Yes.

4 Q You understand that we are entitled to contact
5 the court and obtain further sanctions as may be ordered
6 by the court for your failure to answer questions today?
7 Do you understand that?

8 A I am answering it according to this.

9 Q According to what?

10 A This is my answer, this typed statement.

11 Q You're referring to Exhibit 5?

12 A Yes.

13 Q That's your answer to my question; is that
14 correct?

15 A Yes.

16 Q Mr. Jeffs, I'm sure that you are aware that on
17 May 25th of this year at the time when your answer to
18 the lawsuit in this case was due, an effort was made to
19 allow Vivian Barlow to see Wendell Musser and to have
20 their child there. Are you aware of that?

21 A I just answer the same, by Exhibit 5.

22 Q You refuse to answer?

23 A This is my answer.

24 MR. WRIGHT: He's answering.

25 MR. HOOLE: No, that's not answer, Counsel.

WARREN STEED JEFFS

July 27, 2007

1 MR. WRIGHT: That is an answer. Read the --

2 A Based upon the advice of my counsel, I decline
3 to answer the question because my answer may be used
4 against me contrary to the protections afforded me by
5 the Fifth Amendment of the United States Constitution.

6 Q Your statement says you refuse to answer the
7 question, and I'm just -- I was trying to short circuit
8 that by asking whether you refuse to the answer the
9 question pursuant to Exhibit 5. I think you're saying
10 yes; is that correct?

11 A I just voiced what I've said.

12 Q So you refer back to Exhibit 5 in response to
13 that question as well?

14 A Yes.

15 Q I see. How did you arrange for them to meet
16 at that time?

17 A I still answer with Exhibit 5.

18 Q When you want to contact Levi through his
19 mother Vivian, how do you do it?

20 A Still answer by Exhibit 5.

21 Q Who do you speak with in order to get messages
22 to her?

23 A I answer by Exhibit 5.

24 Q Who is the current president of the FLDS
25 church?

WARREN STEED JEFFS

July 27, 2007

1 A Answer with Exhibit 5.

2 Q Are you the current president of the FLDS

3 church?

4 A I answer with Exhibit 5.

5 Q Under whose direction are the FLDS people

6 assigned to live in various places?

7 A I still answer with Exhibit 5.

8 Q It's true, is it not, that they are assigned

9 to live in various places and with various people under

10 your direction, correct?

11 A I answer with Exhibit 5.

12 Q What is the nature of your religious authority

13 over Levi Musser?

14 A I answer with Exhibit 5.

15 Q Give me every location owned or controlled by

16 you and/or the FLDS church in North America where FLDS

17 people live?

18 A I answer with Exhibit 5.

19 MR. HOOLE: We're going to take a break for a

20 minute and contact the court.

21 Richard, you may want to accompany us for that

22 purpose. Is it okay, Deputy, if we stay convened and

23 just go back out where our cell phones are?

24 DEPUTY LAMBERT: I guess. You're just going

25 to leave everything?

WARREN STEED JEFFS
July 27, 2007

1 MR. HOOLE: We will -- I will take my
2 materials with me other than the exhibits that have been
3 marked, and there are five of them. We'll leave those
4 here with the court reporter. Will somebody remain here
5 with the court reporter?

6 DEPUTY LAMBERT: I will be here.

7 MR. HOOLE: Okay. And Mr. Jeffs will remain
8 here is that how we'll do it? Okay, we'll go off the
9 record for a while and be back as soon as possible.

10 (Brief Recess.)

11 Q (BY MR. HOOLE) Let's go back on the record.

12 Mr. Jeffs, we have consulted with your
13 criminal counsel and elected not to call Judge Shumate
14 today. But I do have a few quick questions that I'd
15 like to ask you -- give you an opportunity to answer
16 again, and then I need to probably say some things on
17 the record to preserve the status of this deposition
18 which we intend to hold open so that it can be
19 reconvened.

20 First, where is Levi Musser?

21 Do you want Exhibit 5 again?

22 A Based upon the advice of my counsel, I decline
23 to answer the question because my answer may be used
24 against me contrary to the protection afforded me by the
25 Fifth Amendment of the United States Constitution.

WARREN STEED JEFFS

July 27, 2007

1 Q Mr. Jeffs, would you be willing to speak with
2 or visit Wendell Musser and speak with him about this?

3 A I just answer by Exhibit 5.

4 Q And I'm talking about a meeting where he would
5 come here and speak with you without me present or any
6 other attorneys present and just talk with you man to
7 man about this situation. Would you be willing to
8 consider that?

9 A Answer by Exhibit 5.

10 Q I should represent to you that Mr. Musser
11 would be pleased to do that if you would accommodate it.
12 Does that change your opinion?

13 A Answer the same way.

14 Q Mr. Jeffs, I need to tell you that the court's
15 order and judgment left open the possibility for
16 additional sanctions in the event the information that
17 you were ordered to provide was not given to us, and it
18 has not been given to us.

19 I intend to seek further relief and sanctions
20 from the court and will be in further contact with you
21 in connection with any further hearings or depositions
22 that are scheduled in this matter and will likely ask
23 the court to reconvene the deposition in -- in the
24 courthouse itself. Based on that, I will continue the
25 deposition and hold it open at this point.

WARREN STEED JEFFE
July 27, 2007

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. HOOLE: Mr. Wright, anything?

MR. WRIGHT: No.

MR. HOOLE: We're off record. Thank you.

(Concluded at 4:15 p.m.)

C E R T I F I C A T E

State of Utah)
) ss.
County of Salt Lake)

This is to hereby certify that the deposition of WARREN STEED JEFFS, the witness, in the foregoing deposition named, was taken by me, Heidi Hunter, a Registered Professional Reporter.

That the said witness was by, before examination, duly sworn to testify to the truth, the whole truth, and nothing but the truth in said cause.

That the said testimony of said witness was by me reported in stenotype, and therefore caused to be transcribed into typewriting, and a full and correct transcription of said testimony was taken and transcribed is set forth in the foregoing pages numbered from 3 to 23, inclusive and said witness deposed in the foregoing annexed deposition.

I further certify that the reading copy of the same was delivered to Mr. Wright for reading and signature, signing before a Notary Public, and to be returned within 30 days of the date hereon.

I further certify that I am not kin or otherwise associated to any of the parties to the said cause of action and I am not interested in the event thereof.

WITNESS MY HAND at Salt Lake City, Utah, this 1st day of August, 2007.

Heidi Hunter, RPR