

**Affidavit #1 of J. Nick Hanna  
Sworn March 07, 2011**

No. S-097767  
Vancouver Registry

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

**IN THE MATTER OF:**

*THE CONSTITUTIONAL QUESTION ACT, R.S.B.C. 1996, c. 68*

**AND IN THE MATTER OF:**

*THE CANADIAN CHARTER OF RIGHTS AND FREEDOMS*

**AND IN THE MATTER OF:**

A REFERENCE BY THE LIEUTENANT GOVERNOR IN COUNCIL SET OUT IN  
ORDER IN COUNCIL NO. 553 DATED OCTOBER 22, 2009 CONCERNING THE  
CONSTITUTIONALITY OF s. 293 OF THE *CRIMINAL CODE OF CANADA*,  
R.S.C. 1985, c. C-46

**AFFIDAVIT**

I, J. NICK HANNA, Texas Ranger, in the city of San Angelo, in the State of Texas,  
United States of America, MAKE OATH AND SAY THAT:

1. I have been a commissioned peace officer with the Texas Ranger Division of the  
Texas Department of Public Safety since September 1, 2003, and as such have  
personal knowledge of the matters deposed to in this Affidavit, save and except where  
stated to be based upon information and belief, and where so stated, I verily believe  
what is stated to be true.

## Introduction

2. The Texas Ranger Division is one of five major divisions within the Texas Department of Public Safety. It is a statewide law enforcement agency that has lead investigative responsibility for major incident crime investigations, unsolved crime/serial crime investigations, public corruption investigations, officer involved shooting investigations, and border security operations. In investigating these matters, Texas Rangers work in conjunction with local agencies across the State such as city police and sheriffs' departments, providing expertise and resources.

3. Since January 1, 2010, the Texas Ranger Division has had a legislatively authorized strength of 144 commissioned Rangers for the entire state. I am one of these 144 Texas Rangers.

4. In order to be eligible to apply to become a Ranger, an applicant must be a citizen of the United States of America, in excellent physical condition, and have an outstanding record of at least eight years' experience with a bona fide law enforcement agency engaged principally in the investigation of major crimes. In addition, the applicant must be currently employed with the Texas Department of Public Safety in the position of a commissioned officer with the rank of at least Trooper II. In my case, prior to becoming a commissioned Ranger in 2003, I had served in Texas Department of Public Safety since 1995.

5. The Texas Ranger Division is organized into seven companies, "A" through "G". A Major, Lieutenant and from two to four Rangers are located at each of the seven Company Headquarters. The seven field Headquarters offices are located in Houston (Company "A"); Garland (Company "B"); Lubbock (Company "C"); San Antonio (Company "D"); El Paso (Company "E"); Waco (Company "F"); and McAllen (Company "G").

6. I serve in Company "E". In addition to its headquarters in El Paso, Company "E" has a number of satellite stations, including one in the city of San Angelo, consisting of two Rangers. The San Angelo station has been my base since January 1, 2008.

7. San Angelo has been the Texas Ranger station with primary responsibility for investigating criminal conduct at the Yearning for Zion Ranch ("YFZ Ranch") associated with the Fundamentalist Church of Latter-Day Saints (the "FLDS"), a 1691-acre ranch and improvements located in Eldorado (2420 County Road 300, Eldorado), in Schleicher County, Texas some 40 minutes' drive south of San Angelo. There is also another Texas Ranger station at Ozona (southwest of Eldorado) that is somewhat closer to the YFZ Ranch than is San Angelo; Rangers from the Ozona station have also been involved in investigating activities at the YFZ Ranch.

#### Seizure of FLDS Records

8. On April 3 through 9, 2008, peace officers of the State of Texas executed two search warrants at the YFZ Ranch. The operation was led by the Texas Ranger Division, although several other law enforcement agencies were involved as well. The affiant for search warrants, Leslie Brooks Long, was at the time a Texas Ranger stationed in Ozona. Mr. Long has since become the supervising officer for Company "E" of the Texas Ranger Division.

9. I was among the original group of peace officers that entered onto the YFZ Ranch on April 3, 2008, and I remained on the Ranch daily during the execution of the warrants. One of my assignments from early in the investigation was to act as case manager and an evidence custodian.

10. During the execution of the warrants, we seized evidence including archived church documents, computers and removable media, and photographs, from a variety of structures on the YFZ Ranch. The most voluminous collection of documentary evidence—filling 327 boxes—came from the Vault in the Temple Annex. In total we obtained between 600 and 700 boxes of evidence. The Annex is a separate structure due East of the main FLDS Temple, which is the massive white structure most visible on the property. We were able to gain access to the Vault in the Annex only after boring through the wall around a safe door.

11. We seized the documents contained in the Temple Annex Vault on Wednesday, April 9, 2008, and on the same date, transported them to the Schleicher County Sheriffs' Office. On Friday, April 11, 2008, we moved the documents to the office of the Texas Department of Public Safety in San Angelo, and at that location, over the next several months, undertook an initial triaging and identification of the evidence. Finally, in late August 2008, we transported the documents to a designated room in San Angelo, where they have remained since. The original documents have been secured in the continuous custody and control of law enforcement for the State of Texas since the documents were removed from the YFZ Ranch on April 9, 2008.

12. The documents from the Temple Annex Vault are records of the FLDS religious organization, and consist of, but are not limited to:

- (a) dictations made and transcribed by Warren S. Jeffs and his agents ("Dictations of President Warren Jeffs", sometimes referred to as "Dictations");
- (b) personal records, detailing personal information about individual FLDS members such as name, gender, date and location of birth, and priesthood ordination ("Personal Records");
- (c) marriage records, indicating the names of the parties to a marriage, the parentage of each, the officiant and witnesses to the ceremony, and the date, location, and intended duration of the marriage ("Marriage Records"); and
- (d) family group records, documenting the structure and composition of individual FLDS families ("Family Group Records").

13. In this Affidavit, I refer to the documents that we obtained pursuant to the warrants and described above as the "FLDS Records".

14. In my role as an evidence custodian and in the context of investigating suspected criminal activity by members of the FLDS, I have read thousands of pages of FLDS Records. These documents are generally accurate in describing factual events (so far as I can tell from having cross-referenced many of them with external sources of information such as government birth registration records), extensive with regard to the number of FLDS members whose personal information they relate, and detailed. They appear to reflect a meticulous system of contemporaneous record-keeping. Further, it appears from my review of thousands of pages of documents that they were made in the usual and ordinary course of business of the FLDS Church, and that it was in the usual and ordinary course of the business of the FLDS Church to record the statements of fact contained in the documents around the time that the events occurred. I understand that it is important to the FLDS to maintain accurate and detailed records of life events such as births and marriages, so that these may be compared with the records that FLDS doctrine provides are maintained in heaven.

15. The FLDS Records described above have been accepted as evidence in a number of grand jury hearings and prosecutions in the State of Texas.

#### Provision of FLDS Records for the Reference in British Columbia

16. Initially, I was asked to provide, for the purpose of court proceedings in British Columbia, FLDS Records in relation to three people: Child A, Child B and Child C. Child A, Child B and Child C were girls reportedly sealed in celestial marriages to Warren Jeffs as 12 and 13 years olds in 2004-05.

17. Following this initial request I have been asked to provide additional FLDS Records in relation to a number of other females who were sealed in "celestial marriages". In this Affidavit I have provided FLDS Records in relation 10 additional females who were sealed in celestial marriages between 2003- 2006. In this Affidavit I refer to these girls as Child D, Child E, Child F, Child G, Child H, Child I, Child J, Child K, Child L, and Child M. I am aware of additional FLDS Records relating to "marriages" between members of the FLDS that likely involve Canadians and teenage girls. I will set these records out in a second affidavit.

18. I cannot confirm at present that the collection of documents attached to this Affidavit is exhaustive with respect to Child A, Child B, Child C, Child D, Child E, Child F, Child G, Child H, Child I, Child J, Child K, Child L, or Child M. I am aware of additional FLDS Records relating to "marriages" between members of the FLDS that I understand may have a Canadian connection and may involve women sealed in marriage as children. I will set these records out in a second affidavit.

#### Warren Steed Jeffs

19. Warren Steed Jeffs ("Warren Jeffs") is the prophet and leader of the FLDS Church. I understand that Warren Jeffs was first sought by the authorities in Arizona in 2005 when on June 09, 2005, he was indicted by a Mojave County Arizona Grand Jury for two (2) counts of Sexual Conduct with a Minor and Conspiracy to Commit Sexual Conduct with a Minor. By 2006 the Federal Bureau of Investigation ("FBI") had obtained an Unlawful Flight to Avoid Prosecution warrant on Warren Jeffs on federal charges and in May 2006 placed him on the FBI's "Ten Most Wanted List". On August 28, 2006, Warren Jeffs was arrested after being stopped by the Nevada Highway Patrol. Since his arrest in August of 2006 Warren Jeffs has been in custody in Arizona, Utah or Texas. He is currently in custody in the State of Texas.

#### Child A

20. Now shown to me and attached to this Affidavit as **Exhibits "A", "B", and "C"** are true copies of the following records pertaining to Child A:

- (a) **Exhibit "A"** – a Marriage Record indicating that on March 1, 2004, at the home of James Allred in Colorado City, Arizona, Patriarch LeRoy S. Jeffs married Child A to Warren Jeffs for "Time and Eternity", with Child A's father and James Allred as the witnesses to the marriage ceremony.

- (b) **Exhibit “B”** – the Personal Record for Child A, indicating her name, her sex, the names of her parents, her date of birth, her place of birth (“*Cranbrook, B.C.*”), the location of her baptism (“*At the Baptismal Font in Canada*”), the name of the person who baptized her, the witnesses to her baptism (“*Mother, Father, Bishop, Class, etc.*”), and the basic details of her marriage to Warren Jeffs on March 1, 2004 (“*Married To: Warren S. Jeffs*”, “*Where: Jim Allred Home*”, “*Date: 3-1-04*”, “*By Whom: LeRoy S. Jeffs*”, “*Witnesses: Jim Allred, Mother, Father*”, “*Duration: Time + Eternity*”). A notation appears at the end of the Personal Record, under the heading “*Important Events*”, as follows: “*Called to this mission on March 1, 2004 + married on the same day. Received the Love of God, sealed within my heart on August 21, 2004 October 9, 2004*”. According to the date of birth noted on the Personal Record, Child A was 13 years old at the time of her marriage to Warren Jeffs on March 1, 2004, and on October 9, 2004 when she was “*sealed within [Warren Jeffs] heart*”, Child A had just turned 14 years old a few weeks prior.
- (c) **Exhibit “C”** – extracts from the Dictations of President Warren Jeffs dated March 2, 2004 (pp. 87-92); February 21, 2005 (p. 79); March 3, 2005 pp. 89-91); March 25, 2005 (pp. 130-131); April 27, 2005 (p. 198); May 8, 2005 (pp. 228 -229); and May 14, 2005 (p. 245).

21. The Dictations of President Warren Jeffs attached as Exhibit “C” refer to the codes “R1”, “R17”, and “R23” among others. Based on my ongoing review and analysis of the records described above since April 2008, I have surmised that these codes designate locations in the United States. We believe that “R1” refers to Mancos, Colorado; “R17” to the YFZ Ranch in Texas; and “R23” to Pringle, South Dakota.

22. The Dictations of President Warren Jeffs dated March 2, 2004 refer directly to his marriage to Child A on March 1, 2004. At pp. 88-89, the Dictations describe an initial meeting between Warren Jeffs and the Father of Child A on the morning of March 1,

2004, as well as the involvement of James Oler in a number of other marriages in Short Creek on the same day:

I had the goal to leave [Short Creek] by 2:00 p.m. [on Monday, March 1, 2004]. But right up front I saw I was falling short. I had [the Father of Child A] come, and I talked to him until past 10:30 a.m. giving him a partial training on the places of refuge. His vision opened up with rejoicing to see the redemption of Zion was in progress. I instructed him to prepare himself and his family more fervently and this was one reason we had not begun a house for him. I then discussed the marriage of his young daughter to me, that it was the will of the Lord. I asked him to bring his wife and daughter at 1:00 o'clock p.m. He gave full submission and determination to me to be Lord to submit and do the Lord's will.

23. Further on p. 89, the March 2, 2004 Dictation indicates James Oler has departed. Following this, there is a description of Warren Jeffs' marriage to 13-year-old Child A sometime after 1 p.m. on March 1, 2004, along with his marriage to a 14-year-old girl (I refer to her as XX in the quote below) later that same afternoon:

Then we were past 1:00 o'clock p.m. [on March 1, 2004]. I sat down with [Father of Child A] and his wife and his daughter, gave a training on the redemption of Zion in brief, in summary, and this girl was called on a mission; and they received it joyfully. And there [Child A], age thirteen, was sealed to Warren Steed Jeffs for time and all eternity, with James Allred and [Father of Child A] witnesses. I delegated LeRoy Steed Jeffs to be mouth.

After they went to eat a little in Jim's kitchen, I had [Father of XX] bring his wife [Mother of XX] and daughter [XX] and gave them a training, which they received joyfully. [XX] was sealed to Warren Steed Jeffs for time and all eternity. She is age fourteen, age fifteen next Monday. LeRoy Steed Jeffs as mouth, delegated by me. [Father of XX] and Isaac Jeffs were witnesses on that marriage. I then had those young girls stay upstairs until I could leave – [XX] with her mother and little [Child A] with Naomie. You are smiling. I am smiling. I rejoice in the Lord's will. These young girls have been given to me to be taught and trained how to come into the presence of God and help redeem Zion from their youngest years before they go through teenage doubting and fears and boy troubles. I will just be their boy trouble and guide them right, the Lord helping me. I need to work with them more. Now I have a quorum of seven young girls living at R1.

24. I have redacted personal information from the quotation above and I have also used initials to refer to some of the people mentioned. The original has the full name of the participants.

25. The remainder of the extracts from the Dictations of President Warren Jeffs included in Exhibit "C" refer sporadically to Child A. Of this set of Dictations the last Dictation referring to Child A is dated May 14, 2005. As I stated earlier I cannot confirm that the Dictations attached as Exhibit C are exhaustive in relation to Child A.

#### Child B

26. Now shown to me and attached as **Exhibits "D"** and **"E"** to this Affidavit are true copies of the following Records pertaining to Child B:

- (a) **Exhibit "D"** – a Marriage Record indicating that on December 16, 2005, at the home of President Warren Jeffs at R17 [YFZ Ranch], President Wendell L. Nielsen married Child B to Warren Jeffs for "Time and Eternity", with President Merril Jessop and Isaac S. Jeffs as the witnesses to the marriage ceremony.
- (b) **Exhibit "E"** – extracts from the Dictations of President Warren Jeffs dated November 29, 2005 pp. 672-674; December 11, 2005 (pp. 696-99); December 12, 2005 pp. 701- 704; December 16, 2005 (p. 709); and December 17, 2005 (pp. 713-14).

#### Child C

27. Now shown to me and attached as **Exhibit "F"** to this Affidavit is a true copy of a Marriage Record indicating that on December 16, 2005, at the home of President Warren Jeffs at R17 (YFZ Ranch), President Wendell L. Nielsen married Child C to Warren Jeffs for "Time and Eternity", with President Merrill Jessop and Isaac S. Jeffs as the witnesses to the marriage ceremony.

28. As Child C was married to Warren Jeffs at the same time as Child B, the extracts from the Dictations of President Warren Jeffs pertaining to Child C are the same as those pertaining to Child B. These dictations are attached as Exhibit "E". Child B and Child C are not sisters (they do not share the same mother or the same father), but Exhibit "E" indicates they do have a family connection: Child C's father is the father of Child B's father, that is, Child C's father and Child B's paternal grandfather are the same man.

29. The November 29 Dictations of Warren Jeffs at page 674 refer to two telephone calls between Warren Jeffs and the fathers of Child C and Child B. In these calls Warren Jeffs is arranging to "marry" both Child C and Child B. Child B is described in the Dictations as being 12 years old and Child C as "around 13 years old". The Dictation provides:

At 2:00p.m. I called [Father of Child C] and I heard his testimony. He bore a strong testimony of me being the Prophet and he wanted to stand with us. I then told him that he would be called to receive greater training and he must become a man who can keep the Lord's confidence and not always express his own opinions; and he needed to take on a heavenly hush and what I was about to say to him he had to keep quiet, even from his family. I told him his daughter [Child C] would be called to the redemption of Zion mission and he also must prepare for the greater training on the redemption of Zion mission. I told him that part of her call to the redemption of Zion mission would be to be to get married, which he accepted. I asked the Lord silently if I should name to him who she will be married to, and I simply said, as the Lord directed me I simply said, "She will be sealed in the same place that your daughter [name] is sealed, namely me" and he thrilled at that. I told him to go ahead with his medical appointments through the week and I would be in contact with him sometime toward the end of the week.

Then at 2:15 p.m. I called [Father of Child C] who was working at [Short Creek]. I questioned him the same and he bore a strong testimony. I then

informed him that his daughter [Child B] will be called to the redemption of Zion mission and part of that call is to be sealed in marriage. Again I felt impressed to tell him who and I told him she would be sealed to me. He supported it whole heartedly. I told him that sometime within the next week or two I would send him to go get his daughter and perhaps others. [Father of Child C] told me his daughter is around thirteen years old and [Child B] is twelve years old. I thank the Lord for His directives. I had been seeking for several days that the Lord would touch these men's hearts to receive this, and to prepare the girls to receive this and have the gift and privilege to get close quickly.

30. The December 11, 2005, Dictations of President Warren Jeffs, at p. 697, refer to the movement of Child B and Child C from Canada to the United States in early December 2005, accompanied by their respective fathers as well as the mother of Child B:

Through the day Friday [December 9, 2005] I was shown that I was being withdrawn. I yearned unto the Lord to know if he wanted me to perform those ordinances, and I was shown that I was being withheld for some reason, which only makes me yearn stronger to know what to do next. I was able to send Isaac to a city to the north and call [Father of Child B] to see where he was. [Father of Child B] had made the connection and had his father, [Father of Child C], and [Child C], [Mother of Child B], and [Child B] with him. The the [sic] connections to give the transcripts to the Bishop in Short Creek were all made the day before. Isaac brought that report. I told Isaac through Friday night to be ready sometime Saturday to receive the holy anointing, yearning to accomplish what the Lord directed.

...  
I sent Patricia up to the temple to get archiving ready. I had Naomie type the record from the morning. Marlene assisted me and Millie did our laundry, seeing I should leave quickly. I met the First Presidency at 12:30 p.m. in the afternoon [on Saturday, December 10, 2005]. I recorded this First Presidency Meeting completely. I began with prayer. I described to the brethren, Brother Wendell and Brother Merrill, that I was sent to that land to perform more ordinances of the holy anointing, and also some marriages. I told them people were coming from Canada and Short Creek and R23. But the Lord had warned me through the night that there were traitors, and somehow my enemies had learned where I was.

31. Later in his Dictations of the same date, at p. 699, Warren Jeffs describes his departure from R17 (YFZ Ranch) around 6:30 p.m. on Saturday, December 10, 2005 and subsequent arrival in Lubbock, Texas, around midnight. At that point, the Dictations refer to a telephone communication with the Father of Child B, in which Warren Jeffs gave instructions for Child B and Child C to be kept in hiding in Short Creek:

As we traveled I used my phone answerer and I had Isaac be my mouth as he talked to [Father of Child B]. [Father of Child B] was about three hours away from Short Creek at 11:00 p.m. I gave instructions through Isaac that they should stay at Jerry Johnson's house and keep the two girls in hiding there, and not let them out and about among the people; and they themselves should not wander among the people, and wait for my phone call for further instructions.

I am seeking of the Lord to know if the two girls should come separate and the parents be the diversion while they visit relatives; and [Father of Child B] take [Father of Child C] and [mother of Child B] back to Canada. I seek of the Lord to know what to do, and those girls will be protected, and that we can connect with them somehow, undetected.

32. The following day in Dictations dated Monday, December 12, 2005 Warren Jeffs indicates that the Lord revealed how to transport Child B and Child C from Canada to Texas. The dictations state the following at page 701:

I was in a heavenly session from 1:30 a.m. in the morning until 7:00 a.m. The Lord revealed how to transport those two girls from Canada to R17 [YFZ Ranch] and to be protected, having John Wayman drive them away from Short Creek at midnight and then [Father of Child B] drive his father, [Father of Child C], and [Father of Child B's] wife, [Mother of Child B], back to Canada.

33. Also from the Dictations dated Monday, December 12, 2005 the willing participation of Father of Child B is noted:

I was on the phone much of the day. [Father of Child B], when I talked to him he was very willing to do exactly as directed. I called

John Wayman and arranged for him to get Tom Cox's car that has been at R17, one of his trucks, and pull a trailer with a bathroom in it so these girls [Child B and Child C] would not have to go into gentile places to use the restroom. All of this was named by the Lord, and all the brethren were willing to do.

34. The Dictations of President Warren Jeffs indicate that he wrote a letter with specific directions about Child B and Child C;

Another letter was to Mother Kathie concerning these two young girls who would be arriving at R17, and that she should be the caretaker and work close to them as they listened to all the trainings. I directed that Millie should also help with these girls when Mother Kathie cannot be with them.

35. There are various references in the Dictations from this time period that he had to be careful as he was being searched for by government powers. The Dictations from December 12, 2005 at page 702 note the following about Child B and Child C:

I knew that as I was going into this day, that Nephi Jeffs would be traveling toward R23 with four of my ladies, and John Wayman would be traveling toward R17 with these two young girls from Canada. This has been a great yearning of my heart all day long that the Lord would preserve these people in their travels, and not let our enemies discover them.

36. The Dictations suggest that Child B and Child C arrived safely at the YFZ Ranch in Texas by December 12, 2005 (page 703):

I called John Wayman a few times today as he traveled. I talked to these two young girls, [Child C] and [Child B], and told them to be very prayerful, and they were going on the redemption of Zion mission and would work under Mother Kathie's direction. [...]

I thank the Lord for the safe travels of ourselves as well as these other groups going to the lands of refuge. Tonight I called Patricia and talked to Kathie, and these two young girls listened; I mainly talked to Kathie and Millie, gave them instructions on how to work with these young ladies without saying the words, "Young Ladies." I called them "Kathie's project".

37. The Dictations for December 12, 2005 at page 704 end with a description of a discussion between Warren Jeffs and Father of Child B where, amongst other things, the Father of Child B is asked to destroy his phones before he crosses the Canadian border:

I kept in contact with [Father of Child B]. I recorded a phone call placing [Father of Child C] and [Mother of Child B] [Father of Child B's] wife, under the covenants of the redemption of Zion, the fulnes [sic] of the United Order, and the Celestial Law, giving their lives to establish Zion. I told [Father of Child B's] wife that his daughter was on this mission to be married, and that [Father of Child B] would tell her before he left Canada who his daughter would be sealed to. I then told [Father of Child B] to go ahead and tell her if he feels like she can keep that confidence. And she will need to keep quiet for their sakes, and her daughter's sake. I felt urged to call [Father of Child B] and have him destroy the two tracfones, the prepay phones, before he crossed the Canadian border, which he said he would do. I asked him to be at R17 by the weekend, by Friday. He hasn't seen his family in many months. This will encourage them all. He seeks to be perfectly obedient, I observed.

38. The December 17, 2005 Dictations indicate that by December 16, 2005, Warren Jeffs had arrived back at R17 (YFZ Ranch). At pp. 713-14, the Dictations refer to his marriages to Child B and Child C on that date:

We continued having Naomie type the transcript and I was preparing for meeting the First Presidency around 5:00 p.m. [on Friday, December 16, 2005]. I was ready in my suit. I met with Kathie and the two new young ladies [Child C and Child B], and they got acquainted with me. I told them they would be sealed to me and to be ready by 8:00 p.m. I have been yearning concerning this people on this land, because I have been told to stay in hiding in my home, not even let my family see me or know I am here. Some of the ladies have figured things out because of some activity going in and out of the rooms, and also some are just inspired and feel that I am near. The Lord showed me that we still did not have a quorum of wives ready. I am yearning He will forgive these ladies and work with them. As I was ready to send a note for the First Presidency to come, yearning to know how to be in hiding if these marriages were done, the Lord took me in hand again around 6:00

p.m. I sent Patricia and Millie out and Naomie stayed, and I was in session until 7:45 p.m.

The Lord showed me to go ahead with the four weddings tonight, which was [R.S.A.] receiving [J.R.], [J.D.R.'s] daughter; [B.E.J.] received [J.S.], [D.S.'s] daughter. The First Presidency were ready.

I then called in these two young ladies with Kathie, Millie, and Naomie present. I explained to all that these girls were to be sealed to me to protect them at a time that they were able to be sealed, and that I had their father's permission and the Lord's direction. I delegated Wendell Nielsen to be mouth to perform these two marriages for time and eternity. There was first sealed [Child C] to Warren Steed Jeffs, and then [Child B] to Warren Steed Jeffs. We felt a powerful Spirit of peace, and more especially the second one, the younger one received that burning witness of burning peace. All present received that peace.

...  
I met with my two new ladies and Kathie again, got some pictures for the archives. They are very sweet young girls. I have several others....

#### Child D, Child E and Child F – Marriages in March 2004

39. A further review of the Dictations attached as Exhibit "C" to my Affidavit, in regards to Child A, revealed a number of other potential child brides. In particular, Child D, Child E and Child F are referred to in Dictations of President Warren Jeffs dated Tuesday, March 2, 2004 at page 89. These dictations are attached to my Affidavit as Exhibit "C". The Dictations, at page 89, indicate that Jim Oler was to bring his two sisters, Child D and Child E, before Warren Jeffs to be sealed in marriage. James Oler also stayed for the marriage of Child F:

I had arranged for [S.H.] and Dr. [L.B.] to meet me by 11:00 a.m., had them on call, but I did not have them brought to me until past 1:30 p.m. We then commenced the marriages and I will list those. I like to do them in order. I had Jim Oler bring his two sisters, and his sister [Child D] was sealed to [K.L.J., Jr.]; and his sister [Child E.] was married to [J.J.], son of [K.J.], the daughters are daughters of [D.O.]. The witnesses were LeRoy Jeffs, James Oler, and James Allred for those marriages. And then [B.S.B.] received [Child F], daughter of [E.J. Jr.], son of [E.J. Sr.]. James Oler stayed for that wedding.

I counseled with James Oler, he counseled with me after that wedding, in private, and I told him I gave [Father of Child A] a partial training on the places of refuge, and we discussed the log lathe he was building out of a metal lathe, that it would be ready...

40. I understand that Jim (James) Oler is the Bishop of the FLDS in British Columbia, Canada.

41. Now shown to me and attached to my Affidavit and marked as **Exhibit "G"** is a copy of the Marriage Record for Child D. This Marriage Record confirms that she was "married" for "Time and Eternity" to [K.L.J. Jr.] on March 1, 2004 in Colorado, City Arizona. The Marriage Record indicates that the marriage was performed by President Warren S. Jeffs as mouth.

42. Attached to my Affidavit and marked as **Exhibit "H"** is a copy of the Marriage Record for Child E. This Marriage Record confirms that she was "married" for "Time and Eternity" to [J.J.] on March 1, 2004 in Colorado, City Arizona. The Marriage Record indicates that the marriage was performed by President Warren S. Jeffs as mouth.

43. Attached to my Affidavit and marked as **Exhibit "I"** is a copy of the Marriage Record for Child F. This Marriage Record confirms that she was "married" for "Time and Eternity" to [BSB] on March 1, 2004 in Colorado, City Arizona. The Marriage Record indicates that the marriage was performed by President Warren S. Jeffs as mouth.

#### Child G, Child H, and Child I – Marriages in April 2006

44. Amongst the FLDS Records are Marriage Records for three marriages that occurred on April 26, 2006 in Denver Colorado. Attached to my Affidavit and marked as **Exhibit "J"** is a copy of the Marriage Record for Child G. This Marriage Record states that she was "married" for "Time and Eternity" to [JIA] on April 26, 2006 in Westminster, Denver, Colorado. The Marriage Record indicates that the marriage was performed by President Warren S. Jeffs as mouth and witnessed by Mac Blackmore, Spencer Blackmore and Isaacs S. Jeffs. No parents are listed in this Marriage Record.

45. Attached to my Affidavit and marked as **Exhibit "K"** is a copy of the Marriage Record for Child H. This Marriage Record states that she was "married" for "Time and Eternity" to [LTJ] on April 26, 2006 in Westminster, Denver, Colorado. The Marriage Record indicates that the marriage was performed by President Warren S. Jeffs as mouth and witnessed by Mac Blackmore, Spencer Blackmore and Isaac S. Jeffs. No parents are listed in this Marriage Record.

46. Attached to my Affidavit and marked as **Exhibit "L"** is a copy of the Marriage Record for Child I. This Marriage Record states that she was "married" for "Time and Eternity" to [DJW] on April 26, 2006 in Westminster, Denver, Colorado. The Marriage Record indicates that the marriage was performed by President Warren S. Jeffs as mouth and witnessed by Mac Blackmore, Spencer Blackmore and Isaac S. Jeffs. No parents are listed in this Marriage Record.

Child J, Child K. and Child L – Marriages in June 2004

47. Now shown to me and marked as **Exhibit "M"** is a copy of the Dictations of President Warren Jeffs from Thursday, June 24, 2004 pp. 230 – 235 and Friday, June 25, 2004, p. 236. These Dictations pertain to Child J, Child K and Child L who were all reportedly sealed in celestial marriage in June 2004.

48. The Dictations attached as Exhibit M reference the involvement of James Oler:

I called Jim Oler last night and told him to bring his daughter [Child J] for her to get married, that Jim Oler would receive a wife, that Brandon Blackmore and his son Zane should come and receive the training and that [Father of Child L's] daughter

[Child L] should come and be married, that they should wait in Cedar City, Friday, morning, until I called. (Thursday, June 24, 2004 a p. 234)

49. The Dictations go on to at page 236, Friday, June 25, 2004 to list 18 "weddings" performed on June 25, 2004 by President Warren Jeffs. These dictations indicate that 1:23 p.m. Child J was married to [JLJ]. This marriage was witnessed by James Oler. Directly following his "marriage" at 1:34 p.m. where he was married to Child K. At 1:45 p.m. these dictations indicate that Child L was married.

50. Attached to my Affidavit and marked as **Exhibit "N"** is a copy of the Marriage Record for Child J. This Marriage Record states that she was "married" for "Time and Eternity" to [JLJ] on June 25, 2004 in Mesquite, Nevada. The Marriage Record indicates that the marriage was performed by President Warren S. Jeffs as mouth and witnessed by four men including James Oler. Child J's parents names are listed on the Marriage Record.

51. Attached to my Affidavit and marked as **Exhibit "O"** is a copy of the Marriage Record for Child K. This Marriage Record states that she was "married" for "Time and Eternity" to [JMO] on June 25, 2004 in Mesquite, Nevada. The Marriage Record indicates that the marriage was performed by President Warren S. Jeffs as mouth and witnessed by four men.

52. Attached to my Affidavit and marked as **Exhibit "P"** is a copy of the Marriage Record for Child L. This Marriage Record states that she was "married" for "Time and Eternity" to [FMJ] on June 25, 2004 in Mesquite, Nevada. The Marriage Record indicates that the marriage was performed by President Warren S. Jeffs as mouth and witnessed by four men.

Child M and Child N – Marriages in December 2003

53. Now shown to me and marked as **Exhibit “Q”** is a copy of the Dictations of President Warren Jeffs from Wednesday, December 17, 2003 pages 210-215; Friday, December 19, 2003 pages 221 -223; and Saturday, December 20, 2003 pages 229 - 235. These Dictations pertain to Child M and Child N who were reportedly sealed in marriage in December 2003. The entry in the Dictations for Wednesday, December 17, 2003 is in *italics*. It is entitled, “4:34 a.m. Naomie’s Testimony of What Happened Through the Night at page 212 it refers to upcoming “weddings” with Jim Oler. The dictations state:

*You said, I will be doing seven weddings on Saturday, maybe nine weddings if the Lord tells me to go ahead with those two girls. You said, “Richard Allred will be getting MaryEllen Steed. Jim Oler will receive [...]*

54. The Dictations of President Warren Jeffs from Friday, December 19, 2003 at page 222 once again reference upcoming “marriages” with Canadians including that Jim Oler will be given [Child M]. Then at page at page 231 (Saturday, December 20, 2003) of these Dictations the “marriages” are recorded:

I then arranged the marriages. Five men came from Canada and they should be recorded. James Marion Oler received [Child M] –[Father of Child M’s]; MacRae Dalmon Oler received [B H] –[N.S.’s] former wife with four children; Ty Rulon Oler, Jims’ brother received [Child N], [LJ’s] daughter; [Father of Child C] received [R. J] . ...

55. Attached to my Affidavit and marked as **Exhibit “R”** is the Marriage Record for Child M. It indicates that she married James Oler for “Time and Eternity” on December 20, 2003 at the Home of Wendell Loy Nielson -- Hildale, Utah. The “marriage” was

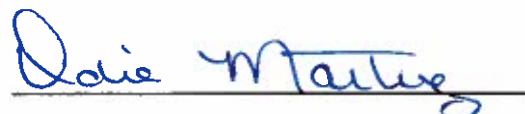
performed by President Warren S. Jeffs as mouth and the witnesses are listed as Wendell Neilson and the Father of Child M.

56. Attached to my Affidavit and marked as **Exhibit "S"** is the Marriage Record for Child N. It indicates that she married [TRO] for "Time and Eternity" on December 20, 2003 at the Home of Wendell Loy Nielson -- Hildale, Utah. The "marriage" was performed by President Warren S. Jeffs as mouth and the witnesses are listed as Wendell Neilson and the Father of Child M.

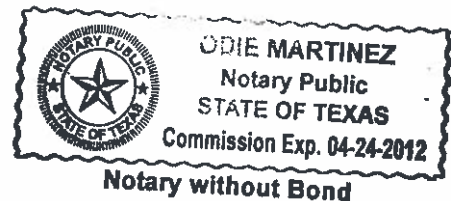
57. The Exhibits listed above have been provided upon the assurances of counsel for the Attorney General of British Columbia that they will be tendered to the Court in Supreme Court action 0-97767 under seal, that they will not be used for any other purpose without the further authorization of the appropriate Texas authorities, and that they will not be publicly released except with identifying information of Children A- S redacted.

  
John "Nick" Hanna

SWORN TO AND SUBSCRIBED before me, the undersigned Notary Public, by John "Nick" Hanna on this 2nd day of <sup>02nd</sup> ~~February~~ March, 2011.

  
Notary Public in and for  
the State of Texas

My Commission expires the 2nd day of March, 2011.





No. S-097767  
Vancouver Registry

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

**IN THE MATTER OF:**

THE *CONSTITUTIONAL QUESTION ACT*, R.S.B.C. 1996, c. 68

**AND IN THE MATTER OF:**

THE *CANADIAN CHARTER OF RIGHTS AND FREEDOMS*

**AND IN THE MATTER OF:**

A REFERENCE BY THE LIEUTENANT GOVERNOR IN COUNCIL SET OUT IN  
ORDER IN COUNCIL NO. 553 DATED OCTOBER 22, 2009 CONCERNING THE  
CONSTITUTIONALITY OF s. 293 OF THE *CRIMINAL CODE OF CANADA*,  
R.S.C. 1985, c. C-46

---

**AFFIDAVIT**

---

**Ministry of Attorney General  
Legal Services Branch  
1301 – 865 Hornby Street  
Vancouver, BC V6Z 2G3  
Telephone: 604 660-3093  
Facsimile: 604 660-6797**

**LEAH GREATHEAD  
Barrister and Solicitor**