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Attorneys for Defendant

IN THE FIFTH DISTRICT COURT

WASHINGTON COUNTY, STATE OF UTAH

STATE OF UTAH,

Plaintiff,

vs.

WARREN STEED JEFFS,

Defendant.

**MOTION TO DECLARE
U.C.A. § 76-5-406(11)
UNCONSTITUTIONALLY VAGUE**

Case No. 061500526

Judge James L. Shumate

The Defendant, Warren Jeffs, by and through counsel, hereby moves this Court to declare Utah Code Annotated, § 76-5-406(11) void for vagueness. The statute fails to sufficiently define the term “entice” in a manner that an ordinary person could understand what conduct is prohibited. Utah’s courts have interpreted the statute so broadly that the statute operates as a strict liability offense. Moreover, the broad

interpretation of the statute allows the State to infringe on the Defendant's First Amendment rights and thereby criminalize religious speech.

This Motion is supported by a Memorandum of Law submitted contemporaneously herewith.

DATED this ____ day of March, 2007.

BUGDEN & ISAACSON, L.L.C.

By: _____
WALTER F. BUGDEN, JR.
TARA L. ISAACSON

WRIGHT, JUDD & WINCKLER
RICHARD A. WRIGHT

Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that, on the ____ day of March, 2007, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Brock R. Belnap
Washington County Attorney
178 North 200 East
St. George, UT 84770

___ HAND DELIVERY
___ U.S. MAIL
___ OVERNIGHT MAIL
___ FACSIMILE:
