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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 FOR ARREST WARRANT  Criminal No. 061500526  Judge
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The State of Utah submits the following memorandum in support of its Motion for Arrest Warrant.

1. **There Is Probable Cause To Arrest Warren Steed Jeffs for Rape As An Accomplice.**

In *State v. Chaney*, a jury convicted the defendant of rape of a child as an accomplice for placing his thirteen year-old daughter in a spiritual marriage with an older man with the expectation that she would engage in sexual intercourse. *State v. Chaney*, 989 P.2d 1091, 1098-1099 (Utah App. 1999). The appeals court upheld the conviction even though the defendant was not physically present at the time of the act. *Id.*

The principles of *Chaney* apply to this case. Even though Warren Jeffs was not physically present at the time John Doe IV had sexual intercourse with Jane Doe IV, Jeffs encouraged, commanded, or intentionally aided John Doe IV to commit the act.

Under Utah law, a person who solicits, requests, commands, encourages, or intentionally aids another to commit a criminal act is criminally liable if that person acts with the mental state required for the crime. *See* Utah Code Ann. § 76-2-202 (1953, as amended).

In this case, the charge of rape is appropriate because “a person commits rape when the actor has sexual intercourse with another person without the victim’s consent.” Utah Code Ann. § 76-5-402 (1953, as amended).

Sexual intercourse occurs *without consent* when “the victim is 14 years of age or older, but younger than 18 years of age, and the actor is more than three years older than the victim and *entices or coerces* the victim to submit or participate under circumstances not amounting to force or threat ....” Utah Code Ann. § 76-5-406(11) (emphasis added). According to the Utah Court of Appeals, this statute “provides juveniles older than fourteen but younger than eighteen with special protection against improper sexual coercion by adults.” *State v. Gibson*, 908 P.2d 352, 355 (Utah App. 1995).

Under Utah law, “entice” consists of “some acts or words intended to cause a person to do something the other person would not otherwise do.” *State v. Scieszka*, 897 P.2d 1224 (Utah App. 1995). It includes “the use of improper psychological manipulation to influence the will of another.” *State v. Gibson*, 908 P.2d 352, 357 (Utah App. 1995). Specifically, “enticement” can

include a promise of a reward, and “the offer of God’s approval to a young religious girl can certainly be classified as an offer of a reward.” *State v. Scieszka*, 897 P.2d 1224 n. 5 (Utah App. 1995).

Because Jane Doe IV did not legally consent to have sexual intercourse with John Doe IV, she was a victim of rape. Because Jeffs commanded, encouraged, or intentionally aided John Doe IV to have sexual intercourse with Jane without her consent, Jeffs is liable as a party to the crime. *Chaney*, at 1999.

In light of the foregoing legal principles, the factual allegations in the Affidavit of Probable Cause constitute probable cause that Warren Steed Jeffs committed the crime of rape as an accomplice.

2. **Jeffs Should Be Held Without Bail Because No Amount Of Money Will Compel His Appearance And He Constitutes a Danger to the Community**

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 has found good cause that Jeffs is avoiding service of process. A federal warrant has already issued against Jeffs charging him with flight to avoid prosecution.

Members of the FLDS community have told investigators that Jeffs “will not be subject

to earthly courts,” that he “will not allow himself to be taken alive,” and that he “will die as a martyr.” Jeffs is known to travel with body-guards and is considered by the FBI to be armed and dangerous.

Persons charged with a felony “shall be admitted to bail as a matter of right” unless “there is substantial evidence to support the charge and the court finds by clear and convincing evidence that the person would constitute a substantial danger to any other person or to the community, or is likely to flee the jurisdiction of the court, if released on bail...” Utah Code Ann. § 77-20-1(1)(c) (1953, as amended). Rule 7 of the Utah Rules of Criminal Procedure also states that a bail determination “shall coincide with the recommended bail amount in the Uniform Fine/Bail Schedule unless the magistrate finds substantial cause to deviate from the schedule.”

In this case, there is clear and convincing evidence that if apprehended and released, Jeffs is likely to flee. Therefore, the Court should issue a no-bail warrant.

Dated this 5<sup>th</sup> day of April, 2006.

  
Brock R. Belnap  
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