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30 Oct 07

[Signature]

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FIFTH DISTRICT COURT
WASHINGTON COUNTY, STATE OF UTAH

STATE OF UTAH,
Plaintiff,

vs.

WARREN STEED JEFFS,
Defendant.

ORDER GRANTING MOTION REGARDING
USE OF NAMES

FILED UNDER SEAL BY COURT ORDER

Criminal No. 061500526

Judge James L. Shumate

Based upon the Motion Regarding Use of Names on file herein, and good cause appearing, the court now makes and enters the following order:


IT IS HEREBY ORDERED that:

1. That Jane Doe IV be permitted to testify under the name, "Elissa Wall";
2. That Jane doe IV's husband be permitted to testify under the name "Israel Lamont Barlow"; and
3. That for purposes of this litigation, "Elissa Wall" and "Israel Lamont Barlow" be true and correct answers to questions regarding name and identity.

Date: _____

District Court Judge

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FIFTH DISTRICT COURT
 WASHINGTON COUNTY, STATE OF UTAH

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| <p>STATE OF UTAH, Plaintiff,</p> <p>vs.</p> <p>WARREN STEED JEFFS, Defendant.</p> | <p>MEMORANDUM IN SUPPORT OF MOTION REGARDING USE OF NAMES</p> <p>FILED UNDER SEAL BY COURT ORDER</p> <p>Criminal No. 061500526</p> <p>Judge James L. Shumate</p> |
|---|--|

The State of Utah respectfully submits the following Memorandum in support of its Motion Regarding Use of Names.

to be released. Not only is she concerned for her safety but she is also concerned for her family and their safety.

ARGUMENT

Allowing The Witnesses To Testify Using Their Former Names Is Appropriate In this Case As A Witness May Not Be Compelled To Testify Regarding Locating Information

The Court's interest in protecting victims and witnesses, coupled with the unique and expansive press coverage of this case necessitates protecting Elissa Wall and Israel Lamont Barlow's new identities.

Under the Utah Constitution, a victim of crime is entitled "to be treated with fairness, respect, and dignity, and to be free from harassment and abuse throughout the criminal justice process." *Utah Constitution Article I, Section 28*. In this case, the victim and her family have relocated and legally changed their name in order to protect their identity and maintain their safety. Their former names were the names they were known by throughout all times relevant to this litigation.

Utah law recognizes that a witness may not be compelled "to testify regarding the witness's address, telephone number, place of employment, or other locating information..." unless "the court orders disclosure on finding that a compelling need for the information exists. *Utah Code Ann. §77-38-6 (1953, as amended)*. The family's new legal name is "locating information," in that it would permit parties including the defendant and the media to locate their

new address and telephone number. If their new names are disclosed, it could undermine or destroy their efforts to maintain anonymity and safety.

There is no compelling need for disclosure of the family's new name. Disclosure of the new name will not in any way affect the credibility of the witness. The witnesses will be available and subject to cross-examination on all facts relevant to the charged offenses. Moreover, the family's new names do not constitute an element of any of the offenses charged.

On the other hand, the State has a compelling interest in protecting the witnesses' current identity in order to assure the availability of witnesses to testify. Consequently, the State requests that the Court grant the motion allowing the witnesses to testify under their former names.

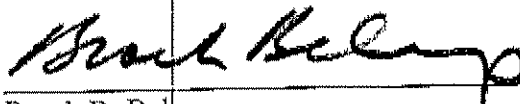
CONCLUSION

The measures sought by the State will help ensure that the victim and her family are not harassed, abused, or compelled to testify regarding "locating information." There is no compelling need to disclose the family's new names. Therefore, the State respectfully requests that the Court grant the following orders:

1. That Jane Doe IV be permitted to testify under the name, "Elissa Wall";
2. That Jane Doe IV's husband be permitted to testify under the name "Israel Lamont Barlow"; and

3. That for purposes of this litigation, "Elissa Wall" and "Israel Lamont Barlow" be true and correct answers to questions regarding name and identity.

Respectfully submitted this 1st day of November, 2006.



Brock R. Belnap
Washington County Attorney

CERTIFICATE OF DELIVERY

I hereby certify that, on the 1st day of Nov., 2006, I caused a true and correct copy of the foregoing document to be served as follows:

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