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

STATE OF UTAH,

Plaintiff,

vs.

WARREN STEED JEFFS,

Defendant.

**DEFENDANT'S MOTION IN LIMINE  
TO EXCLUDE ANTICIPATED  
TESTIMONY OF  
RICHARD HOLM**

**[FILED UNDER SEAL]**

**Case No. 061500526**

**Judge James L. Shumate**

The Defendant, Warren Steed Jeffs, by and through counsel, hereby moves this Court to prohibit the State from presenting any testimony from Richard Holm (a former member of the FLDS religion). It is anticipated that Mr. Holm would testify about how Warren Jeffs took over a leadership position in the FLDS church, underage marriages

under the leadership of Rulon Jeffs compared with Warren Jeffs, and hearsay statements of Sam Barlow regarding following the prophet and underage marriages.

The defense asserts that Mr. Holm's testimony is not relevant under Rule 401 or 402 of the Utah Rules of Evidence and that it is unfairly prejudicial under Rule 403. The defense also believes that this an improper use of character evidence that is prohibited by Rule 404(b) of the Utah Rules of Evidence. In addition, Mr. Holm does not have personal knowledge of the kind that is required under Rule 602. Finally, much of his testimony relies on hearsay and should be excluded under Rule 802 of the Utah Rules of Evidence.

For the reasons enumerated, the defense requests that this Court order that Mr. Holm's testimony be excluded at trial.

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

DATED this 9<sup>th</sup> day of July, 2007.

BUGDEN & ISAACSON, L.L.C.

By:   
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**CERTIFICATE OF SERVICE**

I hereby certify that, on the 9 day of July, 2007, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

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