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DISTRICT COURT

2007 APR -3 AM 9:28

WASHINGTON COUNTY

BY CPS

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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.

**PETITION FOR INQUIRY AS TO
DEFENDANT'S COMPETENCY**

**Case No. 061500526
[Filed Under Seal]**

Judge James L. Shumate

The undersigned counsel, pursuant to U.C.A. § 77-15-3, hereby petitions the Court to examine the Defendant's competency to proceed to trial in this matter. The basis of this Petition is set forth as follows:

1. During the Defendant's pretrial detention at the Purgatory Correctional Facility, the Defendant has experienced a substantial weight loss.

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as now redacted
25 May 07*

2. Although the Defendant's weight has fluctuated, the Defendant has lost in the neighborhood of 30 pounds and presently weighs approximately 130 pounds. The Defendant is 6' 4".

3.

4. The Defendant was physically frail, feeble, gaunt and emaciated.

5. The Defendant appeared to be detached, confused, and unclear about everything transpiring in court.

7. The Defendant had difficulty staying awake throughout the court proceedings. The Defendant was slumped in his chair and it was widely reported by the news media that the Defendant was unable to hold his head up and drooled at various times throughout the court proceeding.

8. Ms. Isaacson, co-counsel for the Defendant, observed the Defendant to nod off during the proceeding.

9.

10.

11. All three defense counsel believe that the Defendant had great difficulty tracking with the proceedings, difficulty standing, and difficulty with his balance. At one point when the Defendant stood up, one of the bailiffs and defense counsel, Ms. Isaacson, were concerned that the Defendant might fall and injure himself.

12.

13.

14.

15. The undersigned counsel believes that the Impairment and diminished mental capacity has deprived the Defendant of the present capacity to:

- a. engage in a reason choice of legal strategies and options.
- b. manifest appropriate courtroom behavior.
- c. perhaps testify relevantly at the trial in this matter.

I hereby certify that this Petition is being filed in good faith and on the reasonable grounds set forth above.


ACCORDINGLY, the Defendant moves this Court to enter an Order pursuant to U.C.A. § 77-15-5 (1994), that the Department of Human Services be appointed to examine Warren Steed Jeffs. The Defendant recommends that the Department select

Eric Nielsen, DSW, 2040 East Murray-Holladay Boulevard, Salt Lake City, Utah 844117,
as one of the mental health experts. The State has no preference.

Finally, pursuant to U.C.A. § 77-15-5, the proceeding shall be stayed pending a
hearing on the Defendant's mental condition.

DATED this 2 day of April, 2007.

BUGDEN & ISAACSON, L.L.C.

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

WRIGHT, JUDD & WINCKLER
RICHARD A. WRIGHT

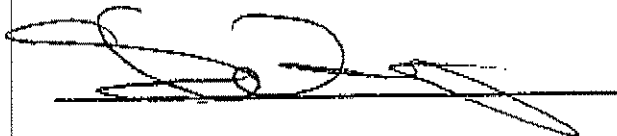
Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that, on the 2 day of April, 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:



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Attorneys for Defendant

FILED
DISTRICT COURT
2007 APR -3 AM 9:34
WASHINGTON COUNTY
BY Cps

IN THE FIFTH DISTRICT COURT
WASHINGTON COUNTY, STATE OF UTAH

STATE OF UTAH,

Plaintiff,

vs.

WARREN STEED JEFFS,

Defendant.

ORDER FOR INQUIRY INTO
COMPETENCY OF DEFENDANT AND
APPOINTMENT OF EXAMINERS

Case No. 061500526
[Filed Under Seal]

Judge James L. Shumate

A Petition having been filed pursuant to U.C.A. § 77-15-3 (1994) in the above entitled matter by defense counsel raising the issue of the Defendant's competency in this case, and based on the stipulation of the State to that issue as raised, and good cause appearing, it is hereby

ORDERED, pursuant to U.C.A. § 77-15-5 (1994), that the Department of Human Services is appointed to examine Warren Steed Jeffs. The Department is directed to have the Defendant examined by at least two mental health experts not involved in the current treatment of the Defendant.

The Court orders that the examination be directed to whether the Defendant is currently suffering from a mental disorder or mental retardation which results either in (a) his inability to have a rational and factual understanding of the proceedings against him, or of the punishment specified for the offense(s) charged, or (b) his inability to consult with his counsel and to participate in the proceedings against him with a reasonable degree of rational understanding. U.C.A. § 77-15-2 (1994).

The Court orders that the experts shall, in the conduct of their examinations and in their report to the Court, consider and address, in addition to any other factors determined to be relevant by the experts, those items specifically detailed in subsection (4) of the Utah Code Ann. § 77-15-5 (1994). See attached.

If the expert opinions are that the Defendant is incompetent to proceed, the expert shall indicate in his report with specificity those factors detailed in subsection (5) of U.C.A. § 77-15-5 (1994). See attached.

The experts examining Defendant shall provide an initial report to the Court, the Defendant's counsel, and the Washington County District Attorney's Office within thirty (30) days of the receipt of the Court's order, or alternatively, must supply to the Court, the Defendant's counsel, and the prosecution a written request for an additional amount of time to prepare and submit the report.

The examiner's report shall identify the specific matters referred for evaluation as well as the sources of information used by the expert and relied on as the basis for the clinical findings and opinions. The examiner's report shall also describe the procedures, techniques, and tests used in the examination and the purpose or purposes of each procedure, technique or test. The examiners' report shall state the expert's clinical observations, findings, and opinions on each issue referred by the Court, and shall indicate specifically those issues, if any, on which the expert could not give an opinion.

Counsel for the Defendant shall forthwith provide information and materials to the examiners relevant to the determination of the Defendant's competency and shall provide copies of the charging document, arrest, or incident reports pertaining to the charged offense(s), known criminal history information, and known prior mental health evaluations and treatments. Custodians of mental health records pertaining to the Defendant shall provide such records to defense counsel or to the examiners without the need for consent of the Defendant or further order of the Court.

It is further ordered that all proceedings in the above-stated criminal case be stayed until completion of this Court's inquiry into the competency of the Defendant.

A competency hearing will be set confirmed by the Court after receipt of the examiners' reports.

BI

DATED this 3 day of April, 2007.

BY THE COURT:


HON. JAMES L. SHUMATE

STIPULATION

The State, by and through counsel, hereby stipulates to the foregoing Order for Inquiry of Competency.

DATED this 2nd day of April, 2007.

STATE OF UTAH

By: 
Brock Belnap
Washington County Attorney

ATTACHMENT TO COURT ORDER

Utah Code Ann. § 77-15-5 (1994)

- (4) The experts shall in the conduct of their examination and in their report to the court consider and address, in addition to any other factors determined to be relevant by the experts:
 - (a) the defendant's present capacity to:
 - (i) comprehend and appreciate the charges or allegations against him;
 - (ii) disclose to counsel pertinent facts, events, and states of mind;
 - (iii) comprehend and appreciate the range and nature of possible penalties, if applicable, that may be imposed in the proceedings against him;
 - (iv) engage in reasoned choice of legal strategies and options;
 - (v) understand the adversary nature of the proceedings against him;
 - (vi) manifest appropriate courtroom behavior; and
 - (vii) testify relevantly, if applicable;
 - (b) the impact of the mental disorder, or mental retardation, if any, on the nature and quality of the defendant's relationship with counsel;
 - (c) if psychoactive medication is currently being administered:
 - (i) whether the medication is necessary to maintain the defendant's competency; and
 - (ii) the effect of the medication, if any, on the defendant's demeanor and affect and ability to participate in the proceedings.
- (5) If the expert's opinion is that the defendant is incompetent to proceed, the expert shall indicate in the report:
 - (a) which of the above factors contributes to the defendant's incompetency;
 - (b) the nature of the defendant's mental disorder or mental retardation and its relationship to the factors contributing to the defendant's incompetency;
 - (c) the treatment or treatments appropriate and available; and
 - (d) the defendant's capacity to give informed consent to treatment to restore competency.

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that, on the ___ day of April, 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

Walter F. Bugden, Jr.
Tara L. Isaacson
Bugden & Isaacson, LLC
445 East 200 South, Suite 150
Salt Lake City, UT 84111

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

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

Apr 23 07 09:43a

Tim Kockler, Ph.D.

435-688-1091

p.1

Tim Kockler, Ph.D.
Licensed Psychologist
Clinical and Forensic Psychology
PO Box 153
PHONE: (435) 632-1445
FAX: (435) 688-1091

Fax

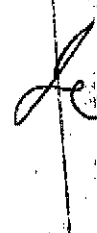
To: Judge James L. Shumate	From: Tim Kockler, Ph.D.
Fax: (435) 986-5723	Pages: 8
Phone: (435) 986-5700	Date: 4/23/2007
Re: Warren Steed Jeffs	CC:

Urgent
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 Please Comment
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● Comments: Warren Steed Jeffs (case#0615008526).

Sincerely,

Tim Kockler, Ph.D.
Licensed Psychologist

BY 

APR 23 AM 10:38
JUDICIAL DISTRICT OF COCONINO

CONFIDENTIALITY NOTICE: This e-mail transmission message, together with any other documents or attachments, is intended only for the use of the individual or entity to which it is addressed and may contain personal information that is subject to confidential privacy regulations such as the Health Insurance Portability and Accountability Act of 1996 (HIPAA). The authorized recipient of this information is STRICTLY PROHIBITED from disclosing this information to any other party unless required to do so by law or regulation and is required to destroy the information after its stated need has been fulfilled. If you are not the intended recipient, you are hereby notified that any disclosure, dissemination, saving, printing, copying, or action taken in reliance on the contents of these documents of this message, or any attachment, is strictly prohibited. Please notify the original sender (only) immediately by telephone or by reply E-mail and delete this message along with any attachments, from your computer.

The undersigned opinion regarding Mr. Jeffs' competency to proceed is based on the following database:

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Open file as
now redacted.
25 May 07

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Tim Kockler, Ph.D.

435-688-1091

p.2

Competency Evaluation**Re: State of Utah vs. Warren S. Jeffs****Page 2 of 7**

Clinical Interview

Mini-Mental State Examination (MMSE)

Evaluation of Competency to Stand Trial—Revised (ECST-R)

Order for Inquiry into Competency of Defendant and Appointment of Examiners

Facsimile from Walter Bugden (04.05.07)

Petition for Inquiry as to Defendant's Competency

Amended Information

Washington County Jail Detailed Incident Report (03.28.07; 13 pages)

Washington County Jail Detailed Incident Report (03.28.07; 167 pages)

Purgatory Correctional Facility Patient Notes/Clinical Social Work Notes

RELEVANT HISTORY

Information in this section was gathered from the clinical interview with Mr. Jeffs. Mr. Jeffs appeared to be a reliable historian; thus, the below information is likely to be an accurate representation of his upbringing.

Mr. Jeffs was born in Sacramento, CA, and raised in Salt Lake valley. Mr. Jeffs lives in Hildale, UT, with his wife. He reported fathering children. His mother is alive while his father is deceased. The defendant also reported having siblings.

Mr. Jeffs reported employment through the church. His longest period of employment is 10 years. He denied being laid off or fired.

Mr. Jeffs reportedly completed 12 years of formal education. He reportedly performed in the top 3% of his class. He denied participating in resource classes or repeating grades. He denied significant behavioral problems that would have led to detentions, suspensions, or expulsion. While in school, his social network consisted of friends and family.

Mr. Jeffs denied significant medical issues. Approximately 6 years ago, Mr. Jeffs underwent

Medications: Vitamins

Mr. Jeffs denied receiving inpatient or outpatient psychiatric treatment. He denied any family mental health history. He denied past suicidal and homicidal ideation.

He commented, "My religion is one of peace." The defendant denied behaviors such as shoplifting, setting fires, harming animals, physical aggression, truancy, running away, defiance of authority figures, and destruction of property—criteria associated with oppositional and/or conduct disorders.

Mr. Jeffs denied past and current substance and tobacco use.

Apr 23 07 09:43a

Tim Kockler, Ph.D.

435-688-1091

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Competency Evaluation

Re: State of Utah vs. Warren S. Jeffs

Page 3 of 7

Mr. Jeffs denied a juvenile and adult criminal record. Specifically, he denied ever being placed on probation or parole and serving time in jail or prison.

COMPETENCY TO PROCEED

Mr. Jeffs was interviewed on the morning of April 21, 2007, for approximately one hour and thirty minutes.

BEHAVIORAL OBSERVATIONS

Mr. Jeffs has short black hair and brown eyes. Mr. Jeffs is 6'3" tall and weighs approximately 135lbs. He appeared comfortable with the examiner and adequate rapport was established. Mr. Jeffs is right-handed. He was alert and responsive. He was oriented in all major spheres and no significant disturbances were noted in attention and concentration. Mr. Jeffs appeared his stated chronological age. Eye contact during the evaluation was appropriate. Mr. Jeffs was dressed in prison garb and his grooming and hygiene appeared to be adequate. No motor functioning deficits were observed. Gait was normal with respect to stride, stance and arm swing. No visual perceptual problems were reported.

Speech was normal with regards to volume, rate and tone. No auditory comprehension difficulties were apparent. No apparent disturbances in immediate, recent, or remote memory were noted. The defendant's intellectual ability was estimated to be in the average to above average range. Higher level cognitive abilities appeared intact. Affect was appropriate to the context. His mood was described as "encouraging." The defendant denied having both homicidal and suicidal ideation. His thought content was appropriate for the situation. Thought processes were linear and goal directed. No delusions were conveyed by the defendant. The defendant denied experiencing hallucinations and he did not appear to be responding to internally or externally generated stimuli. Records indicated self-injurious behavior. Judgment, reasoning and insight were adequate.

TEST RESULTS**MENTAL STATUS**

Mental status, as measured by the Mini-Mental State Examination (MMSE), was in the average range for his age and education. He obtained a score of 30 out of a possible 30 points. He was oriented in all major spheres (year, day of the week, date, month, season, state, county, city, building, and floor). He immediately recalled three words that were presented to him. Mr. Jeffs performed the serial 7s task without difficulty. After a short delay, Mr. Jeffs recalled all of the three previously learned words. He identified two objects to confrontation and repeated a short phrase. The defendant followed a 3-step command. He was able to write

Competency Evaluation

Re: State of Utah vs. Warren S. Jeffs

Page 4 of 7

a sentence and follow simple written directions. Mr. Jeffs copied two geometric figures.

Recitation of U.S. Presidents: Bush, Clinton, Bush, and Reagan.

He correctly identified several current news events (e.g. VT shooting, Iraq War).

He correctly interpreted a simple proverb. Mr. Jeffs interpreted verbal concepts.

COMPETENCY TESTING

The ECST-R is an empirically validated semi structured interview designed to assess psycholegal domains relevant to the legal standard for competency to stand trial. The ECST-R consists of 18 items that yield scores for four scales that assess competency to stand trial: 1) Factual Understanding of the Courtroom Proceedings; 2) Rational Understanding of the Courtroom Proceedings; 3) Consult with Counsel; and 4) Overall Rational Ability. The test also screens for feigned incompetency.

Results from this testing revealed an individual performing in the normal range across all domains including factual understanding of the courtroom proceedings, rational understanding of the courtroom proceedings, ability to consult with counsel, and overall rational ability.

A) Does the person suffer from a substantial mental illness?

No. The defendant appears to meet the DSM-IV criteria for the following listed below psychiatric conditions.

DSM-IV Diagnostic Impressions:

Axis I: 311 Depressive Disorder NOS

Axis II: 799.9 Deferred

Axis III: none

Axis IV: incarceration; legal charges

Axis V: GAF = 60 (current)

B) Appreciation of Charges – Acceptable

Mr. Jeffs' ability to appreciate the seriousness of the charges facing him was acceptable. Mr. Jeffs reported the current charges as "2 counts of rape." He defined these charges as "They are accusing me of influencing someone to commit these crimes." Mr. Jeffs understands these charges are "1st degree felonies" punishable of "5 years to life." If incarcerated he understands that "Your freedom of coming and going is taken away." He believes these charges to be "serious." The defendant reported that a felony is more serious than a misdemeanor. Mr. Jeffs understands that the death penalty could not be imposed on the above-mentioned charges.

Competency Evaluation

Re: State of Utah vs. Warren S. Jeffs

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C) Appreciate of the Range and Nature of Possible Penalties – Acceptable

Mr. Jeffs' appreciation of the range and nature of possible penalties associated with his charges is acceptable. Mr. Jeffs correctly identified several plea options including not guilty, guilty, and no contest. He defined not guilty as, "That I didn't do it." Mr. Jeffs defined guilty as, "I agree with the charges and get a sentence." He defined no contest as, "I don't agree with the charges, not able to prove innocence and will face the results of charges. Often times a plea bargain is involved." When asked to provide a working definition of not guilty by reason of insanity, he replied, "At the time of the crime the person was not capable of controlling self."

D) Understanding of the Adversarial Nature of the Legal Process – Acceptable

Mr. Jeffs' understanding of the adversarial nature of the legal process is acceptable. Mr. Jeffs correctly identified his counsel as Richard Wright, Walter Bugden and Tara Isaacson. The defendant reported his attorney's role as, "Succeed in defending my rights according to the law. Do all they can to prove me innocent or protect my rights. Represent me all they can." Mr. Jeffs understands that Judge Shumate oversees the court and "...make[s] sure all parties follow the law and keep order in court, and protect the rights of everyone according to the law. He also decides if evidence is admissible according to court rules." Furthermore, he stated that the Judge is "supposed to be neutral." The defendant commented that the prosecuting attorney brings charges against him, would like him to be found guilty, and receive the maximum sentence possible. He understands that it is not in his best interest to discuss the case with the prosecutor without his attorneys being present as evidenced by the following statement: "He would try to find evidence against me. He would use it in court." The defendant defined a plea bargain as, "Plead guilty or no contest for a lesser charge or sentence." Mr. Jeffs reported the role of the jury as, "Listen to the evidence according to the law and instructions by judge. They also decide innocence or guilt."

E) Capacity to Disclose Pertinent Legal Facts to Counsel – Acceptable.

Mr. Jeffs' capacity to disclose to his attorney pertinent facts surrounding the alleged offense is acceptable. It is important to note that Mr. Jeffs was very cautious answering questions in this area. He stated, "My attorneys advised me to not answer questions about the defense." Nevertheless, he reported a willingness to discuss the events surrounding the charges with his defense team. Mr. Jeffs stated that he has been working very well with his attorneys and denied any current disagreements. When asked how he would handle any disagreements, he stated, "We would discuss openly." Mr. Jeffs recalled his arrest and subsequent incarceration but would not divulge any additional information to the examiner.

Competency Evaluation

Re: State of Utah vs. Warren S. Jeffs

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F) Engage in Reasoned Choice of Legal Strategies and Options – Acceptable

Mr. Jeffs' ability to engage in legal strategies is acceptable. Mr. Jeffs informed the examiner that he would discuss any offer made by the prosecution with his attorneys before making a final decision. When asked why this was a good idea, he commented, "Because they know the law and consequences better."

G) Ability to Manifest Appropriate Courtroom Behavior – Acceptable

Mr. Jeffs' ability to manifest appropriate courtroom behavior is acceptable. Mr. Jeffs understands that he cannot talk unless "invited by the Judge." When asked how you are supposed to act in the courtroom, he replied, "Behaved and quiet." During today's examination, he appropriately interacted with the undersigned examiner and there is no reason why he could not continue the same during the proceedings. When asked what would he do if a witness told a lie, he stated, "Tell quietly my attorneys." He denied any significant behavioral problems (e.g., fighting, yelling) while in court. Mr. Jeffs stated that he should wear a "suit and tie" to court. When asked what could happen if he acted out in the courtroom, he commented, "Contempt." He understands there is a penalty associated with contempt of court, as evidenced by this statement: "Usually prison sentence, fine, or both."

Mr. Jeffs appears to have the capacity to testify if he so chooses. He defined oath as, "To tell the truth." The defendant defined perjury as, "To tell a lie with a penalty." Mr. Jeffs defined to plea the 5th as, "Don't testify against yourself. No self-incrimination."

H) Other Relevant Issues

None.

I) What is the impact of his mental disorder on his relationship with counsel?

The undersigned examiner had no problem working with the defendant and there is no reason why this could not occur with his defense team. He denied any current disagreements and reported positive working relationships.

J) Psychoactive Medications

Mr. Jeffs denied current medication use at PCF.

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Tim Kockler, Ph.D.

435-688-1091

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Competency Evaluation

Re: State of Utah vs. Warren S. Jeffs

Page 7 of 7

FINDINGS AND OPINIONS

The following findings and opinions are based upon all information I have gathered and reviewed on the case. Subsequent information I have not seen may alter my opinions.

Based on the clinical interview, behavioral observations, and accompanying records, the undersigned examiner is of the opinion that Mr. Jeffs is competent to proceed to trial.

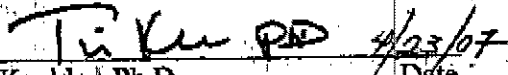
Mr. Jeffs meets DSM-IV criteria for Depressive Disorder NOS. Nonetheless, at the present time, the aforementioned diagnosis does not appear to be negatively impacting the defendant's competency status. Mr. Jeffs demonstrated a rational and factual understanding of the proceeding against him and he has the ability to consult with counsel and to participate in the proceedings against him with a reasonable degree of rational understanding.

RECOMMENDATIONS: The following recommendations are suggested to the Court.

1. Mr. Jeffs should be returned to court to face his current charges.

Thank you for this most interesting referral. Should you have questions about this report, please feel free to contact me at 435-632-1445.

Respectfully submitted,


Tim Kockler, Ph.D.
Licensed Psychologist

4/23/07
Date

Clinical Neuropsychologist
Director of Neuropsychology Services
Dixie Regional Medical Center

Certified Forensic Examiner, State of Utah
Forensic Psychologist
Private Practice

Cc: Brock Belnap (prosecutor)
Walter Bugden & Tara Isaacson (Defense counsel)
Richard Wright (Defense counsel)

ASSOCIATED BEHAVIOR CONSULTANTS, INC.

10 East Murray-Holladay Road
Rm 211
Holladay, Utah 84117
(801) 272-5083
X (801) 272-5094

JUDICIAL DISTRICT COURT
2007 MAY -9 PM 4:15
WASHINGTON COUNTY
BY

CONFIDENTIAL

REPORT OF A COMPETENCE TO PROCEED EVALUATION

Name: Warren Jeffs
Case No. 061500526
Age: 51
DOB: 12/3/55
Sex: Male
Date Order Received: April 6, 2007
Date of Evaluation: April 10, 2007
Date of Report: April 18, 2007
Examiner: Eric Nielsen, D.S.W.
Charges: Rape as an accomplice, First Degree Felony, two counts

061500526

Referral: This man was referred by the Honorable James L. Shumate of the Fifth Judicial District Court in Washington County for an evaluation to assist the court in determining his competence to proceed. The evaluation was conducted pursuant to Utah Code Annotated Section 77-15-1 et seq.

Conclusions:

1. Does this man suffer with a substantial mental illness?

Yes. Although he is guarded and careful about providing information, this appears to be a general suspiciousness that may have developed as a result of his lifestyle. At the point he was examined, he did not appear to be paranoid but was careful about what information he was willing to reveal.

He came across as mildly depressed and there is ample evidence in the chart that he has been struggling with symptoms of depression coupled with anxiety.

This is illustrated by the fact he has spent several hours on his knees praying. Consequently, he developed ulcers on both knees. During these times he was uncommunicative. It appears he is capable of communicating but chooses not to. At the point he was examined, these symptoms were in remission. It is the examiner's opinion the most appropriate diagnosis is Depressive Disorder, NOS which includes significant features of agitation and depression. His

*File redacted Report
in Open file.
25 May 07*

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COURT FILED
FIT
a May 07*

Confidential Report
Warren Jeffs
Case No. 061500526
Page 4

Brief History: The following history was obtained from Mr. Jeffs. He was cooperative in sharing some details of his life but declined to provide any information about his extended family.

He described that he was born in Sacramento, California but raised in the Salt Lake Valley from the age of about six months. He described both parents as "wonderful." He refused to describe the number of siblings in his family.

He said he struggled in school until about the 6th grade. He denied he had any learning problems simply stating "I'd rather be home." He said he graduated from Jordan High School with grades ranging between A and B. After graduating from high school, he worked for his father and indicated he also taught school in a private religious school for about 25 years.

He denied he had ever used alcohol or any illegal drugs.

He stated he has no memory of ever having a concussion and he has never had any seizures or other neurological problems.

He stated he was married but refused to talk about this aspect of his life.

He said his health was generally adequate at this point. He described a prior surgery about 16 years ago. At the point he was examined, he was on no medication.

From what the examiner could discern, he has never been treated for any mental or emotional disorder before he came to the Purgatory Correctional Facility.

Interview Behavior and Mental Status: He was oriented to person, place, and time and understood the purpose of the evaluation. He was somewhat cooperative with the evaluation procedures although he balked about describing information about his family and also refused to talk about any of the facts related to the case. This refusal appeared to be elective as opposed to a product of any mental disorder.

He presented in a somewhat guarded fashion. Initially he was reluctant to answer some questions and told the examiner that much of the information could be gathered from the records as if he were hoping to defer discussing certain aspects of his life. When asked about his mood, he said "I'm encouraged. I'm always reaching and praying." During the course of the evaluation his affect was more subdued although he occasionally smiled. There was often a delay between a question and his response. When pressed about this delay, he said "I'm just thinking about what I talked to my lawyer about." He did not appear to be responding to internal stimuli. Rather, he appeared to be assessing whether it was information that he should share.

Confidential Report
Warren Jeffs
Case No. 061500526
Page 5

His general fund of information appeared to be good. He had a good grasp of common sense information. For instance, he understood that cars needed to slow down near a school zone to ensure the safety of the children and that nurses needed to pass a test in order to ensure that they were competent.

He could provide his Social Security number forwards and backwards with no errors. He performed serial 7's with no errors. He could spell five letter words backwards with no errors and make change in his head. He smiled during this portion of the evaluation. He had a good ability to identify similarities and differences and had a good ability to interpret proverbs. His immediate recall was relatively good. He could remember nine digits forward and five digits backwards. He was capable of remembering three separate items after a 15-minute delay.

He denied auditory or visual hallucinations but did add that he sometimes has impressions and that he believes in inspiration. He denied that he has any unusual capabilities or powers stating "I don't consider myself special." He was questioned about information received before the evaluation,

When asked what was going on for him at the time, he said "I'll say I'm feeling a lot better and encouraged. I'm doing better." When asked why this was the case, he said "prayer and study."

Records from the mental health staff working with him at the jail indicate he had told them he was anxiety ridden

He described his appetite as "I've been eating regularly the last few days. Before that I was fasting off and on." At the examiner's request, he was weighed. He weighed 136 pounds. He had been weighed approximately two weeks before and weighed 130 pounds. This would suggest he has been eating regularly and gaining weight. He denied any gastrointestinal problems. He complained he had been in the holding area next to the booking desk since January and that it was difficult to sleep there because there was a great deal of activity and the lights were always on.

He was questioned about his response to medication. He said he could see no positive effect of the long stating "when I found out I didn't have to take it I stopped." He added "I didn't feel like I needed it."

He was questioned about anxiety and he stated "I always feel anticipation and anxiousness." However, he did not endorse a large number of current anxiety linked symptoms apart from feeling

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worried.

Throughout the evaluation his affect was generally subdued. He was quite guarded about what information he would share although this did not appear to be the result of any delusional belief. He frequently deferred questions to "the records."

The examiner attempted to elicit his cooperation in completing psychological testing including a Multiscore Depression Inventory and a Millon Clinical Multiaxial Inventory-III. He examined both of the tests, particularly looking at the items on the Multiscore Depression Inventory (this is a 110 item test that measures symptoms of depression). He refused to take the test. When asked the reason, he said "I don't want to." He made comments to the effect that his attorneys had told him he did not have to do things he did not want to do.

Record Review: At the point he was examined, he was in a cell adjacent to the booking area. A review of the records show that when he was booked into jail in 2006, he was oriented and showed no clear symptoms of mental illness. The jail records show there have been long periods where he has been observed kneeling and praying so much so that he developed ulcers on his knees. There have been periods where he has spent several hours on his knees without adjusting his position. He also had been refusing food and liquid during this period. This behavioral pattern was in place throughout the month of

By February 13, 2007, he was described as much improved, particularly noting his mood was better. The defendant discontinued medications for about a five-day period during the end of February but was encouraged to start the medications again March 7, 2007. However, by the time the examiner saw him on April 10, 2007, he had discontinued all medication. From what the examiner could discern, he had been off medication for approximately one week.

Collateral Contacts With Defense Counsel: Both attorneys, Mr. Wright and Mr. Bugden, indicated that on January 27, 2007 he was in court and did not seem to understand what had

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transpired. They further noted his functioning had begun to deteriorate for a month prior and had not seemed himself. They noted that when they first began to represent him he was on task and even more optimistic and upbeat; however, since that time he had slowly deteriorated. Mr. Wright saw him the day before the examiner met with him (April 9, 2007). He indicated at that time the defendant was doing much better but even then had a hard time remembering some aspects of a conversation they had on the Friday prior.

From information obtained from both attorneys as well as information from jail records, it appears likely that during the period surrounding January 27, 2007, he was not functioning well and was likely in a depressed, catatonic state. He has periodically complained of anxiety. Those who have observed him have noted he appeared to be depressed. During this period he began to pray and go on episodes of fasting and praying. It appears that he has been depressed, experiencing a high degree of anxiety. All of this likely contributed to the symptoms noted by his attorneys.

Collateral Contact With Jail Staff: In addition to the records, the examiner spoke with Jon Worlton, L.C.S.W. He provided additional information noting that in fact there has been a deterioration in Mr. Jeff's functioning and then subsequently had been agitated. He noted that once was begun, his symptoms began to abate rather rapidly and that more recently he had been communicating and eating on a regular basis. He also confirmed that he has discontinued medication at this point.


Legal Situation: Information obtained from counsel suggested that on January 27, 2007 he appeared to be mildly stuporous and did not understand what had transpired in the hearing. His attorneys noted there had been a general deterioration in his mental functioning prior to this hearing. This served as the basis for the request for competency evaluation.

At the point he was examined, he understood he was charged with an accomplice to rape, two counts. He recognized that these were felony offenses. He had a basic understanding of the roles of the prosecutor and defense attorney. He recognized that his defense attorneys would represent him and that he needed to provide relevant and useful information in order for them to accomplish this task. He recognized a prosecutor will attempt to obtain a conviction and he understood that a judge was the ultimate authority stating that a judge would "see that the law is fulfilled" and he noted that the judge was impartial and could impose a sentence if there was a conviction. He understood the court had various sentencing options including fines, probation, and incarceration. He recognized that if convicted of his particular charges, incarceration could consist of several years in prison. He had a basic understanding of legal concepts to include pleas of guilty and not guilty and plea bargains. Throughout the evaluation, he clearly recognized that he was in significant jeopardy of being incarcerated for an extended period of time.

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He likes his attorneys and is willing to work with them.

He was unwilling to talk about any of the facts of his case or how he might consider managing his case. In fact, he was so cautious about this that at times he was guarded about even answering hypothetical questions that had nothing to do with his case. This response style did not appear to be due to a pervasive sense of paranoia but rather cautiousness and he reports that he is willing to discuss such matters with his attorneys. At times during the administration of the MacArthur Competency Assessment Tool for Criminal Adjudication, he judged certain hypothetical questions as too close to his own situation and refused to answer them. As a consequence, the MacArthur could not be scored. He specifically refused to talk about any of the facts of his case. At times he refused to answer certain hypothetical questions in the MacArthur Competency Assessment Tool for Criminal Adjudication. For instance, when asked the questions "Compared to other people who are charged with the same offense you are, do you think you are more likely, less likely, or just as likely to be found guilty?" he refused. As a consequence, the MacArthur could not be scored but was used more as a tool to guide the interview. Generally, his performance on the instrument shows an adequate understanding and an adequate appreciation of his situation but he was unwilling to discuss any of the facts of his case. However, this appears to be volitional and not the product of a mental illness.


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May 10, 2007


Honorable James L. Shumate
Fifth District Court of Washington County
220 North 200 East
St. George, UT 84770

Re: Warren Jeffs
Case No. 061500526

Dear Judge Shumate:

Mr. Bugden has drawn to my attention a factual error in my report. This has to do with the date of Mr. Jeff's last hearing in which he demonstrated to his attorneys that he may not have understood what was happening. I consistently said it was January 27, 2007 when in fact the hearing was March 27, 2007. It appears he began to deteriorate in his overall functioning in the latter part of January. This does not change my overall opinion in any fashion.


Sincerely,


Eric Nielsen, D.S.W.

cc: Walter Bugden, Attorney at Law
Washington County Attorney

File
In Open File
25 May 07

~~Send to File
14 May 07~~

FILED
JUDICIAL COURT
2007 MAY 25 PM 3:45
WASHINGTON COUNTY
BY 

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Publishing Company, publisher of the *Deseret
Morning News, The Salt Lake Tribune, The Spectrum,*
Bonneville International Corporation d/b/a KSL-TV,
Four Points Media Group of Salt Lake City, Inc.
d/b/a KUTV 2 News, the Utah Media Coalition,
and the Utah Headliners Chapter of the Society of
Professional Journalists

**IN THE FIFTH DISTRICT COURT IN AND FOR WASHINGTON COUNTY
STATE OF UTAH**

STATE OF UTAH,

Plaintiff,

vs.

WARREN STEED JEFFS,

Defendant.

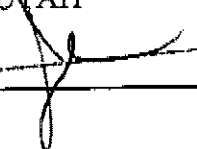
**ORDER GRANTING MOTION
FOR LIMITED INTERVENTION
OF FOUR POINTS MEDIA
GROUP OF SALT LAKE CITY,
INC. d/b/a KUTV 2 NEWS**

Criminal No. 061500526

Judge James L. Shumate

Based upon the Motion for Limited Intervention of Four Points Media Group of Salt Lake
City, Inc. d/b/a KUTV 2 News ("KUTV"), and good cause appearing therefor,

FILED
DISTRICT COURT
2007 MAY 25 PM 3:04

IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF UTAH
WASHINGTON COUNTY, ST. GEORGE DEPARTMENT
BY 

STATE OF UTAH,

Plaintiff,

vs.

WARREN STEED JEFFS,

Defendant.

ORDER REGARDING EXTRAJUDICIAL
STATEMENTS

Case No. 061500526

Judge James L. Shumate

This Court is aware of reports in certain media outlets of an anonymous "law enforcement source" who has disclosed and discussed confidential information about Mr. Jeffs and other matters in this case. These reports do not establish that a law enforcement agent is in fact the purported source; however, the Court emphasizes that the prosecution, defense, and all persons connected with them have a duty to refrain from making public statements that may interfere with the administration of justice and this defendant's right to a fair trial before an unbiased jury. Under Rule 3.6(a) of the Utah Code of Judicial Administration,

A lawyer who is participating or has participated in the investigation or litigation of a matter shall not make an extrajudicial statement that the lawyer knows or reasonably should know will be disseminated by means of public communication and will have a substantial likelihood of materially prejudicing an adjudicative proceeding in the matter.

As a corollary, Rule 3.8(e) states that the prosecutor's office shall

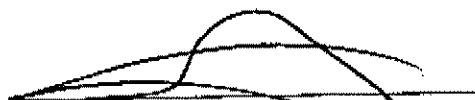
Exercise reasonable care to prevent investigators, law enforcement personnel, employees or other persons assisting or associated with the prosecutor in a criminal case from

making an extrajudicial statement that the prosecutor would be prohibited from making under Rule 3.6.

It is therefore ORDERED that counsel for the prosecution, counsel for the defense, their agents, and all members of associated agencies shall not discuss with the press any matter pertaining to the evidence in this case and shall make no statement otherwise improper under the above-cited rules.

DATED this 25 day of May, 2007.

BY THE COURT:


The Honorable James L. Shugate
Fifth District Court Judge

FILED
1ST DISTRICT COURT

2007 MAY 25 PM 2:33

WASHINGTON COUNTY

BY



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Publishing Company, publisher of the *Deseret
Morning News, The Salt Lake Tribune, The Spectrum,*
Bonnevile International Corporation d/b/a KSL-TV,
the Utah Media Coalition, and the Utah Headliners
Chapter of the Society of Professional Journalists

IN THE FIFTH DISTRICT COURT IN AND FOR WASHINGTON COUNTY

STATE OF UTAH

STATE OF UTAH,

Plaintiff,

vs.

WARREN STEED JEFFS,

Defendant.

**ORDER GRANTING MOTION
FOR LIMITED INTERVENTION
OF THE ASSOCIATED PRESS,
DESERET MORNING NEWS, THE
SALT LAKE TRIBUNE, THE
SPECTRUM, KSL-TV, THE UTAH
MEDIA COALITION, AND THE
UTAH HEADLINERS CHAPTER
OF THE SOCIETY OF
PROFESSIONAL JOURNALISTS**

Criminal No. 061500526

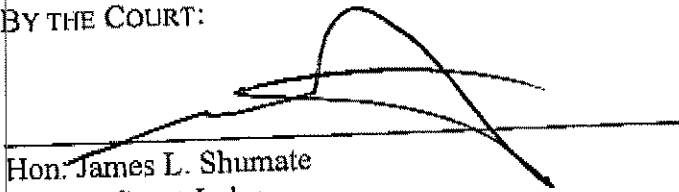
Judge James L. Shumate

Based upon the Motion for Limited Intervention of the Associated Press ("AP"), Deseret News Publishing Company, publisher of the *Deseret Morning News* ("The Morning News"), *The Salt Lake Tribune* ("The Tribune"), *The Spectrum*, Bonneville International Corporation d/b/a KSL-TV ("KSL-TV"), the Utah Media Coalition (the "Coalition"), and the Utah Headliners Chapter of the Society of Professional Journalists (the "Society") (collectively the "Media Intervcnors"), and good cause appearing therefor,

IT IS HEREBY ORDERED that the Motion for Limited Intervention of the Media Intervcnors is granted and the Media Intervcnors are hereby made parties to the above-captioned case for the limited purpose of opposing any effort to prohibit or otherwise restrict public or news media access to any proceeding, record, or information in this case.

DATED this 24 day of May ~~April~~ 2007.

BY THE COURT:

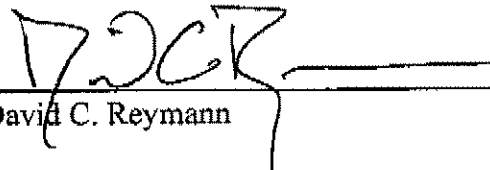

Hon. James L. Shumate
District Court Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 18 day of April 2007, a true and correct copy of the foregoing **ORDER GRANTING MOTION FOR LIMITED INTERVENTION OF THE ASSOCIATED PRESS, *DESERET MORNING NEWS, THE SALT LAKE TRIBUNE, THE SPECTRUM, KSL-TV, THE UTAH MEDIA COALITION, AND THE UTAH HEADLINERS CHAPTER OF THE SOCIETY OF PROFESSIONAL JOURNALISTS*** was sent via United States mail, postage prepaid, to:

Brock R. Belnap
Ryan Shaum
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178 North 200 East
St. George, UT 84770

Walter F. Bugden
Tara L. Isaacson
BUGDEN & ISAACSON, LLC
445 East 200 South, #150
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David C. Reymann