

FILED
FIFTH DISTRICT COURT
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WASHINGTON COUNTY

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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 REPLY TO MEDIA
INTERVENERS' MEMORANDUM IN
OPPOSITION TO DEFENDANT'S
MOTION TO EXCLUDE STILL
CAMERAS FROM COURTROOM**

Case No. 061500526

Judge James L. Shumate

The Defendant, Warren Steed Jeffs, by and through his attorneys, hereby respond to the Media Interveners memorandum in opposition to Defendant's motion to exclude still cameras in courtroom.

ARGUMENT

The Media Interveners, in their memorandum in opposition, have acknowledged a responsibility, "That public observers of court proceedings should act responsibly and not snoop or eavesdrop on privileged communications between parties and their counsel." (Memorandum at 2.) The Media Interveners also assert, defiantly and unabashedly, that the *Morning News* acted properly when it published the contents of Mr. Jeffs's note because, *inter alia*, a portion of the content was read and corroborated "by multiple law enforcement sources." (Memorandum at 2, 3, and 4.)

The multiple law enforcement sources that the Media Interveners refer to could only be the Defendant's jailers or transportation officers. Those law enforcement sources had no right to read Mr. Jeffs private note, and they certainly had no right to breach the privacy of Mr. Jeffs and contact Ben Winslow with the *Morning News* to reveal the content of a private, privileged communication. The law enforcement officers who apparently gained access to the note did so in their official capacity to either protect the Defendant, transport the Defendant, or detain the Defendant at the Purgatory Correctional Facility. None of these law enforcement officers have any legal right to disclose, reveal or "leak" the content of this note to Mr. Winslow or any other media representative. In so doing, the law enforcement sources have jeopardized the Defendant's right to a fair trial.

As previously briefed in the opening memorandum, *The Deseret News* published the content of Mr. Jeffs's private note on the front page of the newspaper. The Media Interveners, as judged by their responsive pleading, apparently believe that *The*

Deseret News acted "responsibly" by inducing multiple law enforcement sources to disclose private, confidential information to the media.

Neither the Defendant nor defense counsel have possession of the note. For all the defense team knows, the law enforcement sources may still have possession of the note. Alternatively, it is just as believable that the media has possession of the note. A law enforcement officer leaking information about a high-profile defendant's case to the media clearly jeopardizes the ability of this Defendant to receive a fair trial. It strains credulity to suggest otherwise. The Media Interveners, by their own responsive pleading which stresses that "[t]his case is a matter of significant public interest . . .", have unequivocally demonstrated that they will not police themselves, nor will law enforcement police themselves.


Accordingly, the best way to get to the bottom of the law enforcement leak is to place Mr. Winslow under oath before arguments are presented on the Defendant's Motion to Exclude Still Cameras in the Courtroom. Mr. Winslow has been served with a Subpoena this morning.

CONCLUSION

The combined power of the administration of the oath and this Court's inherent powers of contempt will assist in ferreting out the identity of Ben Winslow's law enforcement sources that have compromised Mr. Jeffs's ability to receive a fair trial.

DATED this 24th day of May, 2007.

BUGDEN & ISAACSON, L.L.C.

By: 

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CERTIFICATE OF SERVICE

I hereby certify that, on the 21 day of May, 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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