

# Natalie E. Malonis

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Attorney and Counselor

"For the Family"

November 16, 2009

Mr. Matthew J. Smith  
Mohave County Attorney  
315 N. 4<sup>th</sup> Street  
PO Box 7000  
Kingman, Arizona 86402  
Via Facsimile 928-753-2669

**RE: Arizona v. Warren Jeffs, CR-2007-743**

Dear Mr. Smith:

In connection with the above-referenced case, I am writing on behalf of Carolyn Jessop as a designated witness for the State of Arizona. As you're aware, I represented Carolyn in her Texas child support case against Merrill Jessop. On behalf of my clients in whose cases Sam Brower was engaged, I also participated with Lee Novak and Roger and Greg Hoole in preparing a response to the Defense's motion to depose Mr. Brower. I will soon be submitting my *pro hac vice* application in Arizona so that I may appear in December for oral argument on the issue on behalf of clients, such as Carolyn, whose confidentiality could be compromised if Mr. Brower's deposition is allowed to proceed.

Carolyn has requested that I contact you and communicate her intent to withdraw from voluntarily participating as a witness for the State in its case against Warren Jeffs. Although Carolyn was initially willing to provide testimony for the State, such willingness and cooperation with the State has been transformed into an unreasonable and unnecessary burden. As lead attorney for the prosecution, it appears that you are doing little or nothing to shield your witnesses from harassment and unreasonable exposure by Mr. Jeffs' attorneys. Per your request, Carolyn has voluntarily made herself available on two occasions for more than four hours of interviews by Mr. Piccarretta; she has produced sensitive and private documents relating to her financial dealings; and she is now being asked to submit to a third interview for Mr. Piccarretta's continued fishing expedition. Mr. Piccarretta's right to interview witnesses is not unlimited, but there has been no apparent gesture on your part to place any outer limits on Mr. Piccarretta's continued access to witnesses. Additionally, as far as Carolyn is aware, you did not request or secure any type of protective order or non-disclosure agreement in connection with her financial data disclosed to Mr. Piccarretta. She feels that you have failed to take reasonable actions to protect her privacy interests and to shield her from unreasonable exposure by the defense.

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Carolyn is also testifying for the State in criminal proceedings in Texas. Based on your conduct and apparent open-door policy with Mr. Piccarretta, Carolyn is concerned that her Texas grand jury testimony may be requested by you and supplied to Mr. Piccarretta or other FLDS attorneys or supporters, thus exposing her to even greater harassment, ridicule and scorn (If you're not aware, Carolyn endures a constant barrage of public invective from those who wish to hide the FLDS practices). It seems as though even Judge Conn has taken note of your passivity in the face of an onslaught from the defense – noting in a recent order that the State had not filed any type of response to Mr. Piccarretta's motions for depositions of non-party, non-witnesses, although several responses were filed by various other attorneys on behalf of those whose depositions were unreasonably sought. This type of habitual lack of response and seeming acquiescence and exaggerated courtesy extended to defense attorneys portrays you as unwilling to protect and defend Ms. Jessop, and perhaps other witnesses as well.

Having carefully evaluated the circumstances and potential for negative exposure and unwelcome consequences to Ms. Jessop, she has made the decision that she no longer wishes to participate as the State's witness in this proceeding, although she remains supportive of the State's efforts to bring justice to Warren Jeffs. Naturally, Ms. Jessop is aware that the State could subpoena her and order her to appear and give testimony, contrary to her expressed desire and intent, and she hopes that the State would not place her in that position.

Carolyn has requested that any further communications on this or related issues be made through me; she does not care to be coaxed into changing her decision and is concerned that would be the result if she were to communicate with you directly. In view of Carolyn's decision to withdraw her voluntary participation, she also withdraws her agreement to give any further interviews to Mr. Piccarretta or make any further voluntary disclosures or production of documents. Please communicate this information to Mr. Piccarretta, as necessary.

Please know that Carolyn remains very appreciative of the stance you have taken in bringing the first indictments against Warren Jeffs and being the frontrunner in bringing justice to this group. Unfortunately, as circumstances have evolved, it has become too onerous for Carolyn to remain involved to the same extent on a voluntary basis.

Please do not hesitate to contact me if you have any questions or need for further discussion.

Kind regards,



**Natalie E. Malonis**