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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MOHAVE

STATE OF ARIZONA, Plaintiff, vs. WARREN STEED JEFFS, Defendant.	**SUPPLEMENTATION OF RECORD RE: MEMORANDUM IN OPPOSITION TO MOTION FOR DEPOSITION OF WITNESS LAMONT BARLOW** No. CR-2007-743 Judge Steven F. Conn

Lamont Barlow, through his undersigned pro hac vice counsel, respectfully submits this Supplementation of Record RE: Memorandum in Opposition to Motion For Deposition of Witness Lamont Barlow.

Attached as Exhibit A are pages from the transcript of the September 21, 2007 closing arguments delivered in State of Utah v. Warren Steed Jeffs, Case No. 061500526. The attached portions of the transcript contain the statements referenced in the Affidavit of Lamont Barlow and in the Memorandum in Opposition to Motion For Deposition of Witness Lamont Barlow.

On page 35 of the transcript, Warren Jeffs' Utah criminal defense lawyer is discussing Jane Blackmore and the medical records she maintained as an FLDS midwife in Canada. Ms. Blackmore treated Elissa Wall after Ms. Wall miscarried a pregnancy related to the "spiritual marriage" she was commanded to enter into by Mr. Jeffs. Defense counsel states:

> But what you'll find, ladies and gentleman of the jury, when you look at the two-page report is no where in here does it say he wouldn't take no for an answer.[1] It does not say that. And what you'll find – this right here – and you can look at it, says, "Anxiety distress due to social situation." Then over here, we have some interesting boxes, tell us something about Elissa Wall. Something that might be a little bit different from the Elissa Wall that sat right here, the victim Elissa Wall. Here, what is checked off: Drinks alcohol, does drugs, substance abuse, smokes, smoking.[2]

On pages 86 through 88 of the transcript, these false statements about Ms. Wall's medical records were addressed and corrected by the Washington County Attorney during his closing argument:

> Now, ladies and gentlemen, it's not easy for me to – it's against my nature to point out some of the things that I'm going to have to point out. But I want you to know that the stuff that you heard from defense is misleading.
>
> . . .
>
> Do you remember how Mr. Bugden used Exhibit No. 3 to say that Elissa Wall, when she was 16 years old was doing drugs, smoking, do you remember all that? Let's look at this a little closely. Here we go. Lifestyle and social history. No concerns.[3] Yes. Specify. No concerns with nutrition. No concerns with alcohol. No concerns with drugs. No concerns for substance abuse. No concerns with smoking. No

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[1] At the time of the miscarriage in Canada, Jane Blackmore was still an FLDS adherent who documented the unwanted "marriage" and rape of Ms. Wall euphemistically as "[a]nxiety distress due to social situation."

[2] In his Affidavit, Mr. Barlow recalled that the inapplicable medical conditions were past drug abuse and sexually transmitted disease. This supplementation of the record, which Mr. Barlow reserved the right to submit, clarifies what was actually misrepresented by defense counsel to the jury.

[3] In his Affidavit, Mr. Barlow recalled that the medical record said that these negative medical conditions did "not apply" to his wife. The actual record clarifies that it said the conditions were of "no concern."

concerns with secondhand smoke. Yes, needs a little folic acid in her diet. But the defense got up here and told you that Elissa Wall wasn't who she claimed to be. Just go ahead and take a look at it. It's in your evidence.

DATED this 26th day of February, 2010.

HOOLE & KING, L.C.

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Lee M. Novak (Local Counsel)

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this 26th day of February, 2010, to:

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