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## Warren Jeffs' legal saga isn't over by a long shot

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Warren Jeffs began serving a life sentence for child rape in a Texas prison this week, but his legal saga is far from over.

Following the 55-year-old Fundamentalist Church of Jesus Christ of Latter-Day Saints leader's Tuesday sentencing, his former attorneys told reporters there are several possible avenues for appeal — and Jeffs has already seen one conviction overturned in Utah.

The sexual assault cases against him in Texas for taking girls ages 15 and 12 as wives, though, was very different from the one in Utah.

In 2007, Jeffs was found guilty of being an accomplice to rape in Utah for presiding over a marriage between an unwilling 14-year-old girl and her cousin. The Texas conviction is likely less vulnerable to appeal as he was charged directly, said University of Utah professor Daniel Medwed.

"It was a novel and justifiable charge — it was just very difficult to prove," he said of the Utah case. "It was the best case prosecutors had at the time. It was just an uphill climb."

Jeffs could also face a challenge in Texas appeals court judges, who generally need a very compelling reason to grant an appeal, said appellate attorney and Baylor University professor Greg White.

"The statistics do not favor a criminal defendant's reversal," White said. An attorney must "provide [judges] with enough law to virtually compel them to do something, show them one direction and only one is the correct result."

Still, some appeal is likely in Texas. It will probably center on the same issues that came up at trial, among them three attempts to recuse District Judge Barbara Walther on claims of bias — all denied by other judges —



Authorities inside the FLDS temple at the Yearning for Zion Ranch in Eldorado collect evidence following a 2008 raid. Shown are temple beds. This photo was entered as evidence in the Warren Jeffs trial. Prosecutors alleged Jeffs had sex with underage child brides inside the temple and ordered construction of a table that could be transformed into a bed with a plastic-covered mattress. Courtesy Image

and Jeffs' frequent requests for more time, all denied by Walther.

But his lead-up to trial was not unusually short, White said. Jeffs arrived in Texas in early December, and his trial began in late July.

"Eight months is not a quick trial — that's an average trial," White said.

Jeffs' best hope for appeal might lie in the search warrant used to execute a 2008 massive raid on the FLDS Yearning for Zion Ranch in Eldorado. Authorities gathered nearly all of the voluminous evidence used against him in the raid, which was prompted by a hoax phone call.

Despite a 2009 denial of a motion to suppress the evidence, the FLDS continue to challenge the search warrant. Twelve men were charged in the wake of the raid. All seven other men who have been found guilty or pleaded no contest have appealed. In May, FLDS member Michael Emack's challenge to the search warrant in appealing his sexual assault conviction was argued at the Texas 3rd Court of Appeals. The judges have not yet issued an opinion.

In choosing to represent himself at trial, Jeffs could prove to be his own worst enemy. Though attorneys can bring up issues on appeal that did not come up at trial in Texas, those must be fundamental, basic problems.

"It's a very rare instance when you don't have to bring something up before a trial judge to make the appeal complaint," White said. "Those are very, very rare."

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What's Next?

If Warren Jeffs wants to appeal his conviction on two sexual assault charges in Texas, he'll need to find new representation before the 30-day deadline to ask for a new trial or file a notice of appeal. He had not filed either as of Friday.

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The bigamy case against Jeffs

Warren Jeffs is scheduled to go to trial Oct. 3 on a single count of first-degree felony bigamy in his marriage to a 12-year-old girl, one of 78 wives prosecutors documented during Jeffs sexual assault trial. She is the same girl who was the victim in the aggravated sexual assault of a child charge Jeffs was sentenced on Tuesday. The bigamy charge carries a possible penalty of life in prison.