Professor Gershowitz was quoted in a *Wall Street Journal* article on August 4, 2011 about the recent conviction of polygamist leader Warren Jeffs.

The following article appeared on the *Wall Street Journal* website on August 4, 2011 (available at [http://online.wsj.com/article/SB10001424053111903454504576488654130131900.html](http://online.wsj.com/article/SB10001424053111903454504576488654130131900.html)).

**Polygamist Leader Convicted of Sexual Assault**

By RUSSELL GOLD

A Texas jury on Thursday found the leader of the largest polygamous religious sect in the U.S. guilty of two counts of sexual assault on a child, ending what has been one of the strangest trials in recent years.

Warren Jeffs, 55 years old, could face more than 100 years in prison for having sex with two underage girls, members of his sect whom he claimed were his brides from "celestial marriages."

The weeklong trial in the Tom Green County courthouse in downtown San Angelo was unconventional from start to finish.

Mr. Jeffs fired his seven-person defense team on the morning testimony began, telling the judge he wanted to defend himself. He had previously gone through several other lawyers.

Once the case began, Mr. Jeffs sat utterly still by himself at the defense table, not talking or even seeming to acknowledge the proceedings.

In subsequent days, he veered from silence to sermon. At one point, he stood and made a nearly hour long objection to the judge, discoursing on the history of polygamy and religious freedom.

Later in the trial, he read a statement he said was from God, threatening disease and death on everyone involved in the case if it were allowed to continue, according to the Associated Press.

Judge Barbara Walther persevered. Allotted 30 minutes for a closing argument, Mr. Jeffs stood in silence for most of the time and then uttered "I am at peace," according to AP and courtroom observers.

Texas prosecutors countered by presenting a case built on DNA evidence and audiotapes of his sexual encounters. The prosecution closed its case on Wednesday by playing an audio tape of Mr. Jeffs's sexual encounter with a 12-year-old girl. He is heard on the tape calling it a "heavenly session."
Perhaps the most damning evidence, however, were the DNA tests that indicated he had fathered a daughter with a 15-year-old girl.

"You have heard the defendant make repeated arguments about religious freedoms," said Eric Nichols, who led the prosecution. "This case is not about any religion. It is about one individual, Warren Steed Jeffs, and his actions."

Legal observers said Mr. Jeffs's courtroom behavior was among the most unusual in recent memory. "It is strikingly bizarre behavior," says Adam Gershowitz, an associate professor at the University of Houston Law Center. "Maybe he was acting like this to get sympathy from the jury."

Mr. Jeffs is the leader of a sect called the Fundamentalist Church of Jesus Christ of Latter-day Saints, or FLDS, which years ago broke away from the mainstream Mormon church. It owns a ranch about 45 miles away from San Angelo in the tiny town of Eldorado. The group purchased the ranch in 2003, after Arizona intensified an investigation into the sect's other compound on the Arizona-Utah border.

His followers view him as "The Prophet," a man who can converse with God. He is believed to have arranged numerous marriages between under-aged girls and middle-aged men. Mr. Jeffs is expected to face another trial, on a bigamy charge, later this year.

Texas has charged several other men with sexual assault and bigamy. Two of the other men have taken plea bargains and five have been convicted; several of those are in the process of appealing.

Dick DeGuerin, a criminal defense attorney in Houston, says a lawyer could have mounted a potent defense, especially focusing on how the evidence against Mr. Jeffs was gathered. "He had some very strong factual and legal defenses that were thrown to the wind when he fired his legal team," he said.

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