

WALTER F. BUGDEN, JR. (480)  
BUGDEN & ISAACSON, L.L.C.

Telephone: [REDACTED]  
Facsimile: [REDACTED]  
Email: [wally@bilaw.net](mailto:wally@bilaw.net)

Attorneys for Defendant

IN THE SUMMIT COUNTY JUSTICE COURT

SUMMIT COUNTY, STATE OF UTAH

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STATE OF UTAH,  
Plaintiff,

vs.

PATRICK HENRY,  
Defendant.

**MOTION TO ADMIT AFFIDAVIT OF  
BARRY RICHARD PETTITT  
PURSUANT TO UTAH RULES OF  
EVIDENCE 807 AND MEMORANDUM  
IN SUPPORT THEREOF**

**Case No. 141200165**

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Defendant Patrick Henry, by and through counsel, Walter F. Bugden, Jr., hereby moves this Court, pursuant to Utah Rules of Evidence 807, to admit the affidavit of Barry Richard Pettitt and submits this incorporated memorandum in support as grounds.

**STATEMENT OF FACTS**

1. Mr. Henry was in Park City, Utah in January 2014 for the Sundance Film Festival.
2. Mr. Henry and the alleged victim, Ariane Bellamar, spent time together on the evening of January 23, 2014.
3. Mr. Henry and Bellamar had a disagreement.

4. Bellamar alleges that Mr. Henry assaulted her. Mr. Henry denies these allegations.
5. Bellamar's ex-husband, Barry Pettitt has personal knowledge of Bellamar's character for untruthfulness.
6. Mr. Pettitt currently resides in Hong Kong and is not available to testify at trial.
7. Mr. Pettitt signed an affidavit on March 17, 2014, detailing his knowledge of Bellamar's character for untruthfulness.

### ARGUMENT

#### **A. Mr. Pettitt's Affidavit Should Be Admitted Under The Residual Hearsay Exception Pursuant To Utah Rules Of Evidence 807.**

Rule 807 of the Utah Rules of Evidence provides that hearsay evidence may be admitted even if the statement is not covered by Rules 803 or 804 if: "1) the statement has equivalent circumstantial guarantees of trustworthiness; 2) it is offered as evidence of a material fact; 3) it is more probative on the point for which it is offered than any other evidence that the proponent can obtain through reasonable efforts; and 4) admitting it will best serve the purposes of these rules and the interests of justice." Utah R. Evid. 807.

The purpose of Rule 807 is to admit reliable hearsay that is not covered by another exception contemplated for in the rules. Mr. Pettitt's affidavit, attached as Exhibit A, should be admitted pursuant to Rule 807 of the Utah Rules of Evidence. The affidavit firmly meets all of the requirements of the rule, and is the type of evidence contemplated in the spirit of Rule 807.

First, the affidavit has circumstantial guarantees of trustworthiness. Mr. Pettitt signed the affidavit under penalty of perjury at the U.S. Consulate in Hong Kong. Mr. Pettitt has no motivation to lie on behalf of Mr. Henry, a man he does not know, in a case that does not involve him. Mr. Pettitt has no stake in the outcome of this case. Therefore his signed affidavit has circumstantial guarantees of trustworthiness.

Second, the affidavit is offered as evidence of a material fact, Bellamar's character for untruthfulness. Bellamar alleges that Mr. Henry assaulted her. Mr. Henry emphatically denies the allegation. Ultimately, this case will come down to who is more credible, Ms. Bellamar or Mr. Henry. Accordingly, Bellamar's character for untruthfulness is central to this case and Mr. Pettitt's affidavit attesting to Bellamar's character for untruthfulness bears on a material fact.

Third, the affidavit is more probative on the point for which it is offered than other evidence that Mr. Henry can obtain through reasonable efforts. Mr. Pettitt was married to Bellamar. He has direct and substantial knowledge about her character for untruthfulness. Unfortunately, he is not able to testify at trial because he currently lives in Hong Kong. Mr. Henry believes that Mr. Pettitt has direct and substantial knowledge about Bellamar's character for untruthfulness. As such, Mr. Pettitt's affidavit is highly probative evidence.

Fourth, admitting the affidavit will best serve the purposes of the rules of evidence and the interests of justice. The rules against hearsay are meant to ensure the trustworthiness of evidence. The rules contemplate exclusion of out of court statements that are not reliable. The affidavit signed by Mr. Henry under penalty of perjury at the U.S. Consulate, however, is highly reliable. Furthermore, admission of

the affidavit serves the interests of justice. This case will largely come down to who the jury finds to be more credible. Accordingly, the affidavit will assist the trier of fact and will give Mr. Henry the ability to present a complete defense.


Finally, if the Court concludes that a portion of the affidavit does not meet the standard under Rule 807, that paragraph or paragraphs can be deleted from the affidavit.

**CONCLUSION**

Based on the foregoing, Mr. Henry respectfully asks this Court to admit the affidavit of Barry Pettitt pursuant to Utah Rules of Evidence 807.


DATED this 28<sup>th</sup> day of March, 2014.

BUGDEN & ISAACSON, L.L.C.

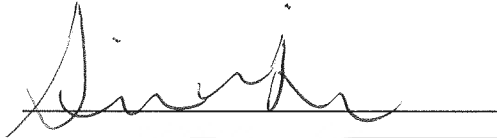
By:   
\_\_\_\_\_  
WALTER F. BUGDEN, JR.  
Attorneys for Defendant

**CERTIFICATE OF SERVICE**

I hereby certify that, on the 28<sup>th</sup> day of March, 2014, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Summit County Attorney's Office  


- HAND DELIVERY
- U.S. MAIL
- OVERNIGHT MAIL
- FACSIMILE:
- EMAIL:



TMAZ

TMZ

Exhibit A

INFO

寄件者: Barry Pettitt (ANSEN) [barry.pettitt@ansen.com.hk]  
寄件日期: 17日March2014年Monday 8:58  
收件者: [REDACTED]  
主旨: Please print email

**AFFIDAVIT OF BARRY RICHARD PETTITT**

STATE OF CALIFORNIA )

) SS

COUNTY OF \_\_\_\_\_ )

Consulate General of the  
United States of America } SS  
at Hong Kong

I, Barry Pettitt, do state, under penalty of perjury, as follows:

1. I am recently divorced from Ariane Bellamar.
2. I have found Ariane to not be a truthful person.
3. I have been in communication with Detective Christina Sally, with the Summit County Attorney's Office, and I have shared with her the various recent and repeated instances of Ms. Bellamar being untruthful.
4. Ariane claimed to my family and our friends that she had cancer and that her treating hospital and telephoned her late at night to share this dreadful news.
5. Upon further investigation, the hospital confirmed that not only did the hospital not make such a call to Ariane, but Ariane had never undergone diagnostic testing for cancer yet alone any positive test whatsoever.
6. Ariane was a bigamist when she married her second husband and knowingly became a bigamist two times over when she first married me.
7. In order for her marriage to me to be lawful, she had to obtain a divorce from her first husband, from whom she had never obtained a divorce, marrying not just me but a second husband, all the while knowing she had never obtained a divorce from the first husband is one example of the extent to which that Ariane believes that she is beyond the reach of the law.
8. When she married me and when she married husband number two, she did so without initially informing either my predecessor or me that she had not previously divorced husband number one.
9. On or around 14th November 2013 Ariane decide to separate from me, without any advance notice, and also without my permission proceeded to take a six figure amount of money (representing nearly 100% of our family cash) from our joint bank account at Bank of America - she had joined the Millionaire Match website in October and had rented a property in Santa Barbara, changed school for our 6 year old daughter (Emma - who had just had her surname changed the month before) and completely stunned all our mutual friends, because she had posted only happy positive things for years about our family life up to and indeed days after the separation. This shows the extent to which

17/3/2014

Ariane is untruthful, deceitful and sociopathic in her behavior; especially during the last few months

10. Ariane was scheduled to appear on a television show (San Diego Living) on or about 29th December 2014. On the night before she was to appear on the show she decided, while intoxicated, to tell the TV producer (and also then announced it on Twitter and Facebook) that her grandfather had just died. This was a bold faced lie. All of her grandparents died over a decade ago.

11. Ariane is willing to lie whenever it suits her purposes.

12. Ariane claimed to me in early January 2014 that she had been in a car accident and was hospitalized at the Cedars Sinai Hospital. She also claimed at the same time on her Twitter and Facebook accounts that the other driver was at fault.

13. The truth is that Ariane collided with a parked vehicle while under the influence of alcohol. She was arrested and jailed overnight for a DUI (District 2177 9T57 LA Police Report: 14-21-04202).

14. Later, Ariane claimed that she was actually trying to commit suicide. This was a yet again totally different version and explanation of the car accident, as she had also previously admitted that she was texting in her car while drinking.

15. Most importantly, Ariane claimed 2 days after being "brutally beaten" that she had begun getting bruises on her right side - I can confirm that she had no bruises on her right side whatsoever within 24 hours of the incident, as she and I spent the night together immediately after the incident, staying at the Avalon Hotel in Los Angeles. She had in fact asked me to do certain sexual things to her during our time together which I believe resulted in any such bruising. Furthermore, I can confirm that she did not have any cut or contusion on her head and, again, there is a strong possibility that, through sexual activity between us that night, she probably had some bruising on her head. For the avoidance of doubt, Ariane did not tell me about any incident to do with being "brutally beaten" until after we had spent the night together - in fact she stated that she had "fallen whilst skiing" - when she did mention it to me (which was the morning after our night together at the hotel) she did so stating that she "wanted him [Patrick Henry] to pay" for what he had done and then proceeded to call the Utah Police, in front of me, to tell them that she wanted to press charges. Afterwards, she was gloating in conversation when she started to openly scheme that she could get "millions" [of dollars] from him [Patrick Henry] because he was so rich had apparently earned \$2 million last year. It became sickening to me afterwards, when days later Ariane decided to deliberately leak information to the Press and also started to make me feel complicit by what I had innocently done to her directly after the incident and also later when she tried to entrap me by colluding with Detective Sally by having her ask me to formally retract my statement to the Utah DA Investigation, saying that I was angry and had told lies - of course, Ariane had also arranged to be with me that night at the 360 Hotel, on order to try to persuade me - naturally i was not made aware of this until I overheard their telephone conversation in the hotel room and subsequently received an email from Detective Sally.

16. Around the same time period, during January 2014, Ariane made a claim to Deputy Ferrel with the Santa Barbara Police Department on two separate occasions about me personally.

17. Neither of these accusations was true.

a. That I was stalking her;



and,

b. That I had stolen her cell phone number and phone contacts.

18. After explicitly asking Ariane not to contact me, Ariane then called me repeatedly, and in one case alone, sent me 162 text messages within 12 hours. The next day she made her first false report to the Santa Barbara Police Department (Case No. 14-359). She accused me of stalking her but then spent the night with me on January 19, 2014 - In fact, it was when I found out that she had made the second false allegation, I decided to immediately contact Deputy Farrell (see Exhibit A) as Ariane was (again) with me in a hotel in Burbank - I also immediately contacted the Burbank Police, who came to the hotel at 3am, and explained the situation; as Ariane had passed out drunk that evening and during our time together the previous day/night had eerily remarked upon how bruises I had made on her neck (from love bites) looked as if I had "choked" her - Therefore, in order to (prophetically) not be accused of doing something that could perhaps be misconstrued (as we were going through a separation and I had just found out that she was also living with another man which in my opinion - prior to the Patrick Henry incident - which meant that she was at the very least being disingenuous), I had both the respective Burbank Policeman and Policewoman come to our hotel room and confirm that Ariane was healthy and ok - they also took note of the bruises on her neck - in order for me to be able to leave the hotel room with them and without incident.

19. Ariane's search for millionaire victims is perhaps best epitomized by her pitch to get another television show. The tentative title was "How to Marry a Millionaire...Again".

20. The pitch sheet is attached hereto as Exhibit B. It unabashedly details Ariane's quest to lasso millionaire number three. The pitch goes on to state, "the stakes are high as Ari takes stock of what savings she has left from her last millionaire victim. Will she succeed or be forced into a more ordinary life and even have to get a J-O-B?!?! The horror!"

21. Ariane truly lives in a fictional world; creating Twitter and Facebook "fans" by buying them in hundreds of thousands through a third party that offers to sell followers.

22. With Ariane the truth is always secondary to the pitch. I am in possession of an opening draft for a book that she wanted to write, named: "Bringing Men to Heel" wherein she proudly proclaims:

"Fake it until you make it"

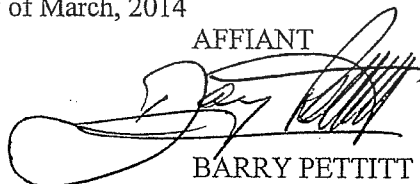
Equally, she has prolifically posted on her Twitter and/or Facebook pages:

"It's better to beg for forgiveness than to ask for permission."

If I'd observed all the rules I'd never have got anywhere."

Dated this 17 day of March, 2014

AFFIANT



BARRY PETTITT

Subscribed and sworn to before me this 17<sup>th</sup> day  
of March, 2014.

~~Notary Public~~

*Cristina Hansell*  
**Cristina Hansell**  
**U.S. Consul**

Dated this 17<sup>th</sup> day of March, 2014

This document consists of ..... 6 (six) ..... pages

Exhibit A



EXHIBIT A  
page 1

Thank you for your email and please see the 3 items detailed below (note: the second item is the email that I had forwarded to Deputy Farrell; from Ari's phone once I had found that she had sent him yet another email - several days after making the first "harassment/stalking" unfounded complaint and after he had called me informing me to not contact her - of course, I complied but she then contacted me - as witnessed by 2 people my side)

I have also since spoken with Christina from Summit County Attorney's Office and given her a comprehensive account of my experiences with Ari.

Hoping this may help.

Sincerely,

Barry

1) The Santa Barbara Police Department Report: 14-358 and the Reporting Officer: Deputy Farrell

2) Begin forwarded message:

From: "

Date: January 19, 2014 at 3:12:57 AM PST

To: Cameron Farrell

: Barry Pettitt

Subject: Re: Stolen Cell Number and Contacts Deputy Farrell, I am sorry to have to write to you on this subject but this is Barry Pettitt.

Ari is with me in the Hotel Amarano (Burbank) room 416 under Bellamar with my credit card (Pettitt) We have spent the last 3 days together in LA and at my Ranch in San Diego - all at Ari's request to me - in order to resolve our marital problems. Frankly we have had a wonderful time and just signed today notarized documents regarding a settlement for the \$125,000 that she took from our family joint bank account on 11th November.

However, for whatever reason - possibly to do with her alcoholic consumption at the Smoke House (who can verify we ate there twice in the last 3 days) she has decided to write to you at around 1:30am I have just found her email to you and have decided to email you immediately because this is simply wrong and a manipulative waste of Police time.

I intend to talk to Ari about this in an open loving way but understand that her confrontation with the truth in this instance will probably set us back in our relationship. You had asked me to not contact Ari and I complied - however she contacted me by phone 3 times with witnesses present; saying she missed me and wanted to meet....

This is the complete truth and I am happy to confirm this as such - you can also call her and/or the hotel at any time to verify as much.

This is a very sad day for me but I hope this will at least conclude this particular matter. After today I will endeavor to not contact Ari again.

Sincerely,

Barry Pettitt

Ariane Bellamar

"Well Behaved Women Rarely Make History" Marilyn Monroe

Handwritten initials or signature marks at the bottom right of the page.

# "How to Marry a Millionaire .... Again"

## PITCH SHEET

In SoCal superficial love affairs and lavish lifestyles are the norm! Mistresses, multiple marriages, 30 year age differences? Anything goes!

Freshly divorced, "Beverly Hills Nannies" breakout star Ari Bellamar has made the move to sunny Santa Barbara on a mission to lasso millionaire #3!

Flanked by her two gorgeous bff's (see attached bios), they're known as the "Triple Threats" - tearing through SB men like a swirling tornado of hotness!

Living on the same quaint road in charming Montecito, these three bombshells make up a real life Wisteria Lane and bring all of the drama that soap operas are made of - playing with the boy toys while hunting for the jackpot!

The stakes are high as Ari takes stock of what savings she has left from her last millionaire victim . Will she succeed or be forced into a more ordinary life and even have to get a J-O-B?!?! The horror!

Now this is TV worth watching!

