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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF COCONINO

STATE OF ARIZONA,

Plaintiff,

vs.

STEVEN EDWARD JONES,

Defendant.

No. CR2015-00862

**STATE'S RESPONSE TO MOTION TO
MODIFY CONDITIONS OF RELEASE**

(Judge Dan Slayton – Division 2)

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COMES NOW the State of Arizona, and hereby moves this Court to deny Defendant's Motion to Modify Release Conditions, and responds as follows.

Relevant Facts

In the early morning hours of October 9, 2015, Defendant opened fire on a group of unarmed college students, killing one and wounding three others. Defendant expended 10 rounds from his .40 caliber handgun. Seven of the 10 rounds connected with the victims in this case. The results of Defendant's actions were catastrophic:

- Defendant killed Colin Brough, age 20, by shooting him twice, once in the chest, and once in the shoulder. Colin was pronounced dead on scene after suffering extensive internal bleeding. At autopsy, the medical examiner removed approximately 2 quarts of blood from Colin's chest cavity.
- Defendant shot Nicholas Piring, age 20, once in the arm and once in the hip. Nicholas survived after hospital treatment.

1 • Defendant shot Nicholas Prato, age 20, once through his neck. Nicholas
2 Prato survived after hospital treatment.

3 • Defendant shot Kyle Zientek, age 20, twice in the back. Kyle survived after
4 days of critical care, however, one of his kidneys was removed as a result of his injuries.

5 Defendant claimed to the police that he fired on these unarmed students out of
6 self-defense. However, his statements and description of the events are contradicted by
7 multiple eyewitnesses.

8 Earlier that evening, Defendant and three of his friends and fellow Sigma Chi
9 pledges, Shay McConnell, Jacob Mike, and Hunter Todd, attended a party at The Grove
10 apartments in Flagstaff. Defendant drove them in his maroon Mustang and parked at the
11 NAU parking lot in front of Mountain View Hall. Defendant and his friends walked east on
12 Franklin Ave., which runs north of the Mountain View Hall, until they reached the party at
13 The Grove apartments. At around 1 a.m. the four walked back down Franklin Ave. toward
14 Defendant's car.

15 Meanwhile, a separate party was winding down at a place known as the Courtyard,
16 which is situated between the buildings at 262 E. Franklin Ave., directly north and across
17 the street from Mountain View Hall. This area houses a number of Delta Chi fraternity
18 members. As Defendant and his friends were walking past this location, Jacob Mike told
19 Defendant and Shay McConnell to get ready to run as he knocked on the door of the
20 Delta Chi house at 262 E. Franklin. Jacob Mike knocked on the door, and the three
21 friends walked across the street toward Defendant's car to wait for Hunter Todd. As they
22 began to walk away, the door to 262 E. Franklin opened and a handful of college aged
23 students came out onto the street and angrily asked them who they were and what they
24 were doing there. As it turned out, another group had earlier attempted to crash the Delta
25 Chi party and was causing a disturbance and was told to leave. That incident coincided
26 with the moment Jacob Mike decided to prank the Delta Chi house by knocking on their
door.

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1 Defendant and his group of friends, less Hunter Todd who was no longer around,
2 turned and faced the other group. At this time, others from the party had come out onto
3 the street to see what the commotion was all about. Nobody was carrying any weapons,
4 or threatened to use any weapons. At one point, a young man walked up to Defendant
5 and punched him once in the face.

6 It is unknown exactly who punched the Defendant. Descriptions vary about who
7 this person was, and it is unclear if any one of the victims in this case hit, shoved, or
8 touched Defendant or his friends. Regardless, it is undisputed that someone punched
9 Defendant, and others shoved Defendant's friends, although most of the interaction was
10 merely verbal. This verbal confrontation continued across the street and near the edge of
11 the parking lot in front of Mountain View Hall, as Colin Brough and others told the
12 opposing group to leave.

13 After he was punched, Defendant ran more than 90 feet to his car. Defendant
14 reached his car and unlocked it and, by his own admission, noticed that nobody had
15 followed him. Defendant made a decision not to remain in his car, not to drive away, not
16 to call the police, not to hide, but to retrieve his .40 caliber Glock handgun, turn on the
17 tactical light attached to his firearm, chamber a round, and return to the group he had just
18 run away from. Defendant traversed approximately 90 feet back towards what remained
19 of the confrontation.

20 By this time, the confrontation between the two groups had somewhat subsided.
21 Witnesses watching from the Mountain View dorms observed the Delta Chi group walking
22 back toward Franklin Ave. and away from the other group. These same witnesses then
23 observed an unknown individual from the other group yelling something at the Delta Chi
24 group. A male wearing a white T-shirt, identified later as Colin Brough, turned and ran
25 back at the other group and appeared to confront that individual. At this point, all the
26 witnesses agreed that there was a heated exchange of words, and possibly some chest
puffing, but not a single witness reported they saw any fighting, punching, or kicking.

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1 Likewise, no witness saw any group of individuals teaming up against a single individual
2 or any weapons on either side. That is, until Defendant returned from his car with his .40
3 caliber handgun.

4 When Defendant walked up to the group, he made certain commands, although
5 accounts vary as to the words he used. Most witnesses claim they never heard Defendant
6 say he had a gun. And nearly all the witnesses report that it appeared Defendant was
7 merely carrying a flashlight. At that moment, Colin turned and took a step or two toward
8 Defendant. Nobody reported that Colin raised his fists, put his hands on Defendant,
9 carried any weapons, or made any death threats toward Defendant. Despite the absence
10 of any imminent deadly physical force, Defendant pointed his gun at Colin and shot twice
11 into his torso. As Defendant later described to the police, he gave Colin a "double-tap,"
12 and Colin fell to the ground. Colin never got back up.

13 At that moment, Nicholas Piring, Colin's friend, ran to his aid. Colin had fallen in a
14 sloping gravel area next to the parking lot and Piring jumped over a small hedge to reach
15 Colin when he was also shot twice and fell to the ground. Piring was clear in both of his
16 interviews that he was not rushing or lunging at Defendant, but was merely trying to reach
17 his friend.

18 After these first shots, chaos erupted near that parking lot. Some people ran, some
19 went to Colin's and Piring's aid, and others attempted to take Defendant's gun away to
20 prevent any further shooting. Everyone at the scene was afraid of what Defendant might
21 do next. Even Defendant's friends, Shay McConnell and Jacob Mike, were afraid for their
22 lives. Jacob Mike recalled seeing Defendant with the gun and holding his hands up and
23 yelling at Defendant to not shoot him. Shay McConnell recalled thinking his friend was
24 going crazy and was on some type of "rampage" and ran away from the scene for fear of
25 being shot himself.

26 At some point, Defendant tucked the gun in the back of his pants and kneeled
down toward Colin to examine his injuries. Some recall Defendant telling people to call

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1 the police. This was the moment a few of the witnesses attempted to seize Defendant's
2 gun. They pushed him to the ground, while some hit or punched Defendant. Another put
3 him in a headlock. Defendant struggled for a moment to get free, and was able to reach
4 for his gun whereupon he fired additional shots into the crowd. Multiple witnesses
5 described the time between the first burst of shots (that hit Colin and Piring) and this
6 second burst of shots to be around 10 – 20 seconds.

7
8 Nicholas Prato, who was also Colin's friend, was near Colin at this point, cradling
9 his friend when he stood up so he could identify the shooter for the police. It was at that
10 exact moment Defendant again reached for his gun and fired the second burst of shots.
11 Prato recalled Defendant looking at him, pointing the gun at Prato's head, and firing. One
12 of the rounds hit Prato in the neck, just missing vital nerves and arteries. Prato grabbed
13 his neck and ran back toward 262 E. Franklin for help. Defendant then fired two shots
14 that struck Kyle Zientek in his back.

15 Defendant offered police his version of these events, claiming self-defense. Most
16 of the facts proposed to support self-defense are either not corroborated or are in fact
17 directly contradicted by all of the other evidence. Nobody chased the Defendant to his
18 car. Nobody threatened to "kill" the Defendant. The Defendant was not near his car when
19 he shot these young men. Defendant traversed approximately 90 feet back towards his
20 victims before he shot them. Defendant's own friends thought the Defendant was "crazy,"
21 perhaps going to shoot them, and in a "rampage." There was no threat of deadly force to
22 which Defendant was responding. And yet, Defendant brought deadly force into the
23 confrontation and used it to intentionally shoot and kill Colin Brough, and to intentionally
24 shoot at least Nick Piring and Nick Prato, if not also Kyle Zientek.

25 After Defendant shot Nick Prato and Kyle Zientek, those that had tried to take his
26 gun away scattered. The police were called by several people and they were already
nearby when Defendant finally surrendered his gun to an NAU student who had come
outside to help. NAU Officer Parks was first on scene and arrested Defendant. Multiple

1 medics and police officers entered the scene to secure the area and treat the victims.
2 Prato, Piring, and Zientek were transported to the hospital. Colin Brough was given CPR
3 compressions on scene but his injuries were too severe and he passed shortly after the
4 medics arrived.

5 Defendant has been indicted for First Degree Murder and six counts of Aggravated
6 Assault by the Coconino County Grand Jury.

7 The "Statement of Facts" section in Defendant's Motion includes several
8 assertions, presumably drawn from Defendant's statement alone, that are either incorrect
9 or in conflict with various other witness statements. Therefore, the State provides the
10 following corrections to Defendant's "Statement of Facts" section:

11 • "Approximately 12 individuals came out of the apartments and began yelling
12 at Steven." (Def. Motion, 2:7-8). This is disputed by every other witness. In fact,
13 Defendant's own friends describe 6-9 individuals. Other witnesses describe half that
14 many.

15 • The group "surrounded the three freshmen." (Def. Motion, 2:10). This is
16 not apparent in any witness interview. It is described as two groups facing off with each
17 other.

18 • "I am going to kill you." (Def. Motion, 2:11). Defendant is the only person
19 to use this language. In no other witness statement does the word "kill" ever appear.

20 • "... Steven ran towards his car in the nearby parking lot and was chased by
21 several of the individuals from the Courtyard who were yelling "I'm going to kill you, you
22 pussy faggot." No other witness corroborated this assertion of the Defendant. Indeed
23 when the Defendant was at his car retrieving his gun, there was no person near his car
24 who had chased him. Indeed, the defendant had to traverse 90 feet back to the original
25 confrontation before he found his victims.

26 • "The attackers had discontinued their pursuit of him but two of them (Brough
and his roommate Nicholas Piring) quickly started running back towards him. . ." (Def.

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1 Motion, 2:23-24). This only appears in Defendant's account. No other witness describes
2 this event.

3 • "Brough and Piring stated that they were going to kill Steven and "charged"
4 towards him." (Def. Motion, 3:2). Again, this description only appears in Defendant's
5 account. No other witness describes this event this way.
6

7 Law and Argument

8 A defendant's release conditions are governed by 17 A.R.S. Arizona Rules of
9 Criminal Procedure, Rule 7.2. It states in pertinent part:

- 10 a. Before Conviction. Any person charged with an offense bailable as a matter
11 of right shall be released pending or during trial on his own recognizance,
12 unless the Court determines, in its discretion, that such release will not
13 reasonably assure his appearance as required. If such determination is
14 made, the court may impose the least onerous condition or conditions
15 contained in Rule 7.3(b) which will reasonably assure his appearance.

16 The purpose of bail and any conditions of release set by a judicial officer include:
17 assuring the appearance of the accused; protecting against intimidation of witnesses;
18 and, protecting the safety of the victims, and any other person or the community.

19 A.R.S. section 13-3961(B);¹ Constitution of Arizona Article 2 section 22(B). Factors for
20 consideration are set forth in A.R.S. section 13-3967(B).

21 The views of the victims: The victims and the family of Colin Brough are
22 vehemently against any modification of Defendant's bond. The prospect of his release
23 is terrifying to them as it is believed that Defendant will have access to guns, and
24 possesses the willingness and ability to use them.

25 The nature and circumstances of the offense charged: The facts of the case are
26

1 It should be noted that the State requested that the defendant be held without bond at the initial appearance in this matter. The proof is evident and the presumption is great that the Defendant committed these crimes. The Justice Court elected to impose a high bond rather than no bond at that time. At this time the State is not asking that the Defendant be held without bond, but is asking that this Court deny the pending motion to modify release conditions.

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1 discussed above. Defendant was punched in the face outside of a party. Defendant
2 elected to respond to non-deadly force with deadly force by running to his car to get his
3 gun, returning quite a distance to what remained of the conflict, and shot 4 people in
4 cold blood. Colin Brough is dead because of the series of terrible decisions Defendant
5 made that night.
6

7 Defendant acted without justification. A simple reading of the plain language of
8 the self-defense statute makes that clear. Even if the Defendant's version of the facts
9 were given complete credit, which the State does not because the objective evidence
10 conflicts directly, his actions are still not justified by self-defense. Defendant committed
11 murder that night because he was punched in the face. Defendant shot and wounded
12 three other young people with no justification. No matter how you look at it, there is no
13 justification for killing Colin Brough and wounding three others. The facts prove that
14 Defendant was not forced into a situation in which he had to use his gun. Rather,
15 Defendant saw an opportunity to use his gun and he took it. The consequences of
16 those decisions are catastrophic. Steven Jones is a dangerous, loose cannon, with
17 access to guns and the ability and desire to use them. The nature and circumstances of
18 the offense are terrible, tragic, and frightening.
19

20 The weight of the evidence against the accused: The evidence against the
21 accused is strong. There is no dispute that Steven Jones was involved in an altercation
22 on Franklin Avenue on 10/9/15. There is no dispute that he was punched in the face,
23 although it is unclear by whom. There is no question that the Defendant separated
24 himself from whatever fray remained by running at least 90 feet away. The evidence
25 shows that Defendant was not chased to his car (as he claims, in an effort to justify his
26 actions). There is no dispute that Defendant acquired the gun he went to his car to get.

1 There is no question that he then walked approximately 90 feet back to what was a
2 diminishing conflict with no weapons or even any active physical confrontation. And
3 there is no dispute that Defendant shot Colin Brough twice in the torso, killing him.
4 There is no dispute that Defendant then shot three more young people, nearly killing
5 them. There is no dispute that none of Defendant's victims were armed. There is no
6 legitimate argument for self-defense. The evidence that the defendant committed first
7 degree murder and several acts of aggravated assault without justification is strong.
8

9 The strength of the evidence, combined with the potential penalty should he be
10 convicted of any one of the seven charges against him, creates a strong and obvious
11 risk of flight. The Court is aware of the lengthy prison sentences that must be imposed
12 if and when Defendant is convicted. Should he be released, Defendant would certainly
13 have ample motivation to flee to avoid prosecution. What could be more motivation to
14 flee than a strong likelihood that one will spend decades in prison? The fact that
15 Defendant has family in this state does not change the obvious risk of flight.
16

17 Conclusion

18 Steven Jones was involved in a fist fight. He left the fist fight and armed himself with
19 his gun. He then returned to what was now apparently a verbal argument, and promptly
20 shot and killed an unarmed 20 year old college student, in cold blood. Jones then shot
21 Nicholas Piring, twice. Defendant was then subdued from his "rampage" by some brave
22 souls who saw what he was doing. Those people, the state would suggest, saw that
23 Defendant was not acting in self-defense and responded accordingly. Unfortunately,
24 Jones was again able to raise his gun, look directly at Nicholas Prato and shoot him in
25 the neck. Jones then shot Kyle Zientek twice in the back. The evidence shows that
26 there was no self-defense here. A reading of the plain language of the law of self-

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1 defense makes clear that the Defendant's violence was not justified. As such, he is a
2 murderer. Should he be released, he would obviously represent a serious risk to the
3 community. Should he be released, there would be a significant risk of flight to avoid
4 prosecution. Upon review of the above stated facts and factors set forth in A.R.S.
5 section 13-3967(B), the State respectfully requests the court to deny Defendant's
6 motion and affirm the present release conditions.
7

8
9 RESPECTFULLY SUBMITTED this 10th day of February, 2016.

10
11 DAVID W. ROZEMA
COCONINO COUNTY ATTORNEY

12
13 By Bryan F. Shea
14 Bryan F. Shea
Deputy County Attorney

15 COPY of the foregoing
16 mailed/delivered this
10th day of February, 2016,
to:

17 The Honorable Dan Slayton
18 Division 2
Coconino County Courthouse
Flagstaff, AZ 86001

19 Burges McCowan
20 Joshua Davidson
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23 By: Melissa [Signature]
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