

1 **WILLIAM P. RING**  
2 **COCONINO COUNTY ATTORNEY**

3 Ammon D. Barker  
4 Bar # 028010  
5 Bryan Shea  
6 Bar # 027631  
7 Deputy County Attorneys  
8 110 E. Cherry Avenue  
9 Flagstaff, Arizona 86001-4627  
10 PHONE: (928)679-8200  
11 FAX: (928) 679-8201  
12 Attorneys for the State

VALERIE WYANT, CLERK ~~66~~  
17 JAN 23 AM 10:36  
FILED

9 **IN THE SUPERIOR COURT, THE STATE OF ARIZONA**  
10 **IN AND FOR THE COUNTY OF COCONINO**

11 STATE OF ARIZONA,  
12 Plaintiff,  
13 vs.  
14 STEVEN EDWARD JONES,  
15 Defendant.

No. CR2015-00862

**MOTION FOR RELEASE OF JAIL  
MEDICAL RECORDS FOR STEVEN  
JONES**


Hon. Dan Slayton – Div. 2

**WILLIAM P. RING**  
COCONINO COUNTY ATTORNEY  
110 E. CHERRY AVENUE  
FLAGSTAFF, ARIZONA 86001-4627  
(928) 779-6518

17 COMES NOW the State of Arizona, by and through the undersigned deputy, and  
18 respectfully moves this Court to order the release of any and all medical records from the  
19 Coconino County Detention Facility pertaining to the medical care of Steven Jones, DOB  
20 12/19/1996. The basis for this Motion is provided in the accompanying Memorandum of  
21 Points and Authorities.

22  
23  
24 RESPECTFULLY SUBMITTED this 20 day of January, 2017.

25 WILLIAM P. RING  
26 COCONINO COUNTY ATTORNEY

By   
Ammon D. Barker  
Deputy County Attorney

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. Factual and Procedural Background**

3 Defendant shot four unarmed college students, murdering one of them and  
4 seriously injuring the others. Defendant received some superficial injuries to his face and  
5 body. He has since claimed self-defense and/or defense of others. Defendant has also  
6 claimed his injuries were worse than the current evidence would suggest.  
7

8 During the course of interviews and disclosure, it has become apparent that the  
9 defense intends to claim that Defendant suffered serious injuries to his head and face.  
10 Notably, during the defense interview of the medical examiner, Dr. Czarnecki, defense  
11 counsel asked a series of questions related to the issue of "concussions."<sup>1</sup> For instance,  
12 the defense asked if a concussion would affect one's ability to see or hear things clearly.  
13

14 Defendant's purported "use-of-force expert" also referenced an injury to  
15 Defendant's head. Under "Basis #7," he mentions that Defendant was "struck in the back  
16 of the head," which apparently created the need for Defendant to (once again) shoot  
17 several rounds into a group of unarmed college students.  
18

19 More recently, the State interviewed Defendant's father, Warren Jones, who stated  
20 that Defendant's teeth were "knocked out" as a result of his altercation with unnamed,  
21 and unarmed individuals. This was apparently a statement Defendant made to his father  
22 following his release from jail. There is currently no evidence to support this claim.  
23

24 It should be noted that Defendant *declined* medical attention at the scene.  
25 However, the State is unaware of any medical treatment Defendant may have received  
26 at the jail. If any such records exist, they would be in the custody of the Coconino County

---

<sup>1</sup> There was no evidence that Colin Brough, the subject of Dr. Czarnecki's involvement in this case, had suffered a concussion. The State understands defense counsel was inquiring into this matter for purposes of developing their own theory regarding Defendant's injuries.

**WILLIAM P. RING**  
COCONINO COUNTY ATTORNEY  
110 E. CHERRY AVENUE  
FLAGSTAFF, ARIZONA 86001-4627  
(928) 779-6518

**WILLIAM P. RING**  
COCONINO COUNTY ATTORNEY  
110 E. CHERRY AVENUE  
FLAGSTAFF, ARIZONA 86001-4627  
(928) 779-6518

1 Detention Facility, which the State does not currently have access to. Any medical reports  
2 obtained from the jail would shine light on Defendant's claims that he received a serious  
3 head injury, or that his teeth were knocked out.  
4

5 For these reasons, the State requests an order from the Court to obtain medical  
6 documentation from the jail pertaining to any medical care Defendant may have received  
7 during his brief stay, beginning 10/9/15 until his release on 4/13/2016.

8 **II. Law and Argument**

9 Arizona Rules of Criminal Procedure, Rule 15.2(g) gives this Court discretion to  
10 order the requested disclosure if three conditions are met. First, the prosecutor must  
11 have a "substantial need in the preparation of his or her case" for the materials. Second,  
12 the prosecutor must not be able to otherwise obtain "without undue hardship" the  
13 information or its "substantial equivalent by other means." Third, the disclosure must not  
14 violate the Defendant's constitutional rights.  
15

16 Here, all three requirements are satisfied. First, the medical records are necessary  
17 to meet Defendant's claim of self-defense, and more specifically, his claims that he  
18 suffered more serious injury than the current evidence suggests. This evidence will either  
19 support or refute Defendant's claims. Either way, these medical records (if any exist) will  
20 be relevant at trial to illustrate Defendant's disproportionate response to superficial injury.  
21

22 Second, there is no other method to obtain this information and there is no  
23 "substantial equivalent." Both Arizona and federal law make the information confidential.  
24 See A.R.S. §§12-2292 & 36-2220; *see also*, 45 C.F.R. Parts 160 & 164(E) of the Health  
25 Insurance Portability and Accountability Act of 1996 (HIPAA). Thus, the State is unable  
26 to obtain the information by means other than an order from this Court. However, this  
Court has the authority to order the release of confidential medical information or

WILLIAM P. RING  
COCONINO COUNTY ATTORNEY  
110 E. CHERRY AVENUE  
FLAGSTAFF, ARIZONA 86001-4627  
(928) 779-6518

1 protected health information, which may then be provided to the parties pursuant to  
2 A.R.S. §12-2294(A) & 45 C.F.R. §164.512.

3 Third, there are no constitutional rights at stake. Defendant has no basis to object  
4 on this ground since “the physician-patient privilege is not constitutionally required.”  
5 *Johnson v. O’Connor ex rel. County of Maricopa*, 235 Ariz. 85, 92 (App. 2014) citing  
6 *Benton v. Superior Court*, 182 Ariz. 466, 469, 897 P.2d 1352, 1355 (App.1994). “It has  
7 never been an absolute privilege, and it must be strictly construed.” *Id.* Furthermore,  
8 “[t]he public policy of apprehending and **prosecuting** criminals often trumps the policy of  
9 the privilege.” *Johnson*, 235 Ariz. at 92 (emphasis added). See also, *State ex rel. Udall*  
10 *v. Superior Court*, 183 Ariz. 462, 466, 904 P.2d 1286, 1290 (App.1995) (physician-patient  
11 privilege did not preclude disclosure of medical records of a defendant charged with  
12 murder of infant); *Benton*, 182 Ariz. at 468, 897 P.2d at 1354 (“We conclude that the  
13 privilege does not apply under the circumstances of this case because the public’s interest  
14 in protecting victims outweighs the privacy interest reflected in the physician-patient  
15 privilege.”)

16  
17  
18  
19 **III. Conclusion**

20 For the above reasons, the State requests this Court order the release of the  
21 information and records as set forth in the attached Proposed Order.  
22

23  
24 RESPECTFULLY SUBMITTED this 20 day of January, 2017.

25 WILLIAM P. RING  
26 COCONINO COUNTY ATTORNEY

By   
Ammon D. Barker  
Deputy County Attorney

**WILLIAM P. RING**  
COCONINO COUNTY ATTORNEY  
110 E. CHERRY AVENUE  
FLAGSTAFF, ARIZONA 86001-4627  
(928) 779-6518

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26

COPY of the foregoing mailed/delivered this  
day of January, 2017, to:

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

Burges McCowan  
Joshua Davidson  
Counsel for Defendant

By: 