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2017 MAR 29 AM 10:56

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF COCONINO

FILED

Dan Slayton, Judge
Division 2
Date: March 23, 2017

Valerie Wyant, Clerk
Shanun Bass, Deputy Clerk
Steve Garwood, Court Reporter

MINUTE ENTRY

STATE OF ARIZONA)	
)	
Plaintiff,)	
)	Cause No. CR 2015-00862
vs.)	
)	
STEVEN EDWARD JONES,)	
)	
Defendant.)	
)	

ACTION: Oral Argument on Pending Motions

APPEARANCES: Ammon Barker and Bryan Shea, Deputy County Attorneys, are present, appearing on behalf of the State. The Defendant is present, appearing out of custody, with Counsel, Joshua Davidson and Burges McCowan. Sergeant Mike O'Hagan, Investigating Officer, is also present.

9:08 a.m. Court is in session.

The Court notes this is the time set for a hearing on outstanding Motions.

The Court notes It has read and reviewed the Motions in this matter.

The State (Barker) and Defense Counsel (Davidson) present oral argument as to the State's Motion for Release of Defendant's Jail Medical Records.

The Court advises It will not make a ruling at this time and will await the Defendant's decision whether or not to testify at Trial and what that testimony may be. Depending on the testimony, the Court may order an in-camera review of the information and then make a determination as to whether or not the State shall be given said records.

The State advises Defense Counsel has no objection as to the Motion Regarding the Voluntariness of Defendant's Statements.

Upon Court inquiry, Defense Counsel (McCowan) concurs.

The State (Barker) and Defense Counsel (Davidson) present oral argument as to the State's Motion to Preclude Irrelevant and Inadmissible Expert Testimony of Dr. French.

IT IS ORDERED *denying* the State's Motion to Preclude Irrelevant and Inadmissible Expert Testimony of Dr. French for the reasons set forth on the record. The Court notes that Dr. French is not allowed to offer any conclusions with regards to the actual named Victims. Dr. French, however, may discuss the levels of intoxication and the interplay associated with the level of intoxication. If evidence is presented that the other named Victims had alcohol *plus* any other drug in their system, Dr. French may discuss the levels of intoxication and the interplay associated with the level of intoxication.

10:09 a.m. Court is in recess.

10:22 a.m. Court reconvenes; all Parties are present.

The State (Barker) and Defense Counsel (Davidson) present oral argument as to the State's Motion to Preclude Irrelevant and Inadmissible Expert Testimony of Dr. Kephart.

IT IS ORDERED *granting* the State's Motion to Preclude Irrelevant and Inadmissible Expert Testimony of Dr. Kephart for reasons set forth on the record.

Defense Counsel (Davidson) and the State (Shea) present oral argument as to Defense Counsel's Motion to Compel Discovery regarding Mr. Bevel.

IT IS ORDERED all correspondence between the State and any of the investigating agencies working on this case shall be disclosed to Defense Counsel.

IT IS FURTHER ORDERED if Sgt. O'Hagan verbally responded to any questions brought forth by Mr. Bevel, those answers shall be written and provided to Defense Counsel.

Defense Counsel (Davidson) and the State (Shea) continue to present oral argument as to Defense Counsel's Motion to Compel Discovery regarding Mr. Bevel.

The Court directs the State to ascertain whether all correspondence between Mr. Bevel, the State and any of the investigating agencies have been disclosed to Defense Counsel. To the extent possible, the State shall try to determine what verbal information was conveyed to Mr. Bevel regarding the six questions, if any verbal communication was made. The State shall then file a notice with an avowal that the State has undertaken a diligent investigation and that all information, upon which Mr. Bevel's conclusions were predicated, have been disclosed.

Defense Counsel (Davidson) and the State (Shea) continue to present oral argument as to Defense Counsel's Motion to Compel Discovery regarding Mr. Bevel.

IT IS ORDERED Mr. Bevel shall identify the two hundred and eighty (280) photographs for Defense Counsel.

The Court notes if Mr. Bevel submits an invoice within twenty four (24) hours of his testimony at Trial, the State shall disclose said invoice to Defense Counsel.

The Court advises It will now address the Motions in Limine.

The State (Shea) and Defense Counsel (McCowan) present argument as State's Motion in Limine as to Rumors and Opinions Regarding Parties/Police Contact at the "Courtyard".

The State (Shea) advises he is withdrawing the State's Motion in Limine as to Deceased Victim's Tattoos, for the reasons set forth on the record. Further, the State advises that Defense Counsel has conceded with the State's Motion in Limine as to the Deceased Victim's False ID.

Regarding the State's Motion in Limine as to Rumors and Opinions Regarding Parties/Police Contact at the "Courtyard", the Court will allow questioning of the witnesses as to what drew their attention to the disturbance outside their windows.

The State (Shea) and Defense Counsel (McCowan) present oral argument regarding the State's Motion in Limine as to Mr. Prato and Mr. Zientek's Marijuana Use.

Regarding the State's Motion in Limine as to Mr. Prato and Mr. Zientek's Marijuana Use, the Court will allow Counsel to inquire of Mr. Prato and Mr. Zientek's drug use before that evening.

12:00 p.m. Court is in recess.

1:33 p.m. Court reconvenes; all Parties are present.

State's Exhibit #1 is marked for purposes of identification.

The State (Shea) presents oral argument as to the State's Motion to Preclude Defendant's Self-Serving Hearsay Statements.

The State (Shea) moves to admit Exhibit #1 into evidence; there being no objection, **IT IS SO ORDERED**. The State continues to present oral argument as to the State's Motion to Preclude Defendant's Self-Serving Hearsay Statements.

Defense Counsel (McCowan) presents oral argument as to State's Motion to Preclude Defendant's Self-Serving Hearsay Statements.

The Court will preclude Defense Counsel from introducing or discussing the Defendant's statements regarding self-defense.

The Court advises It will not make a blanket ruling regarding the State's Motion to Preclude Defendant's Self-Serving Hearsay Statements without seeing context of the statements and will hold It's ruling in abeyance; further, the State shall submit additional information to the Court regarding the statements made by the Defendant.

The State (Barker) advises Counsel have reached an agreement as the proposed jury questionnaire.


Court and Counsel confer regarding the proposed jury questionnaire and statements to be given to the prospective jurors.

Counsel advise they have no objection to including the additional voir dire questions to the jury questionnaire, as set forth on the record; further, the State shall submit a copy to the Court.

There being no objection, prospective jurors shall be read a statement as contained in the jury questionnaire and shall be given the jury questionnaire as well as a copy of the redacted indictment.

The State shall submit a copy of the redacted indictment that will be given to prospective jurors to Defense Counsel for approval.

2:57 p.m. Court is in recess.


cc: Deputy County Attorneys (Barker/Shea)
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Category

CR



Case Number

S0300CR201500862



Filing Date

3/23/2017



Event Code

2000401



Sequence

374



Party Type

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Party Number

D-1



Document Id

1302128



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