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VALERIE WYANT CLERK

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FILED

**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

RESPONSE TO DEFENSE MOTION
TO COMPEL DISCOVERY

(Honorable Dan Slayton- Division 2)

WILLIAM P. RING
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COMES NOW the State of Arizona, by and through the undersigned deputy, and Responds to Defendant's Motion to Compel Discovery. The State has complied with the rules of disclosure. Counsel has sought additional discovery not covered by the rule. The State will respond to each request below:

1. Correspondence to and from Mr. Bevel relating to his request for clarification of the contents of certain photos. The State has investigated the request and determined that all of the information asked about and responded to is currently in the possession of the defense. The request refers to a group of nine photos and six questions sent by Mr. Bevel to the State for clarification. The photos and questions were forwarded to the case agent, Sgt. Mike O'Hagan, who reviewed the case materials (already disclosed to the defense) and sent answers to the State, who provided them to Mr. Bevel verbally. The photos and questions sent by Mr. Bevel, and the answers returned by Sgt. O'Hagan were disclosed on 2/17/17. Of course,

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each of the nine photos contained in the email had long since been disclosed to the defense. As such, there is no new material contained in this disclosure, it is simply clarification of previously disclosed material. The State has disclosed the material again but maintains the position that it has been previously disclosed in compliance with Rule 15.

2. The State has disclosed all discoverable material relative to Mr. Bevel, to include correspondence and statements.
3. Mr. Bevel's 280 photo power point mentioned during the defense interview. Counsel inquired of Mr. Bevel about this power point and it was clear that there are no written notes associated to the photos, and that all of the photos in the power point have already been disclosed to the defense. The defense claims that these photos are "notes." Clearly, that is a mischaracterization. The photos have been disclosed to counsel. Mr. Bevel having moved 280 photos from one file to another does not turn them into "notes." The plain meaning of the word makes that apparent, and counsel has provided no law indicating otherwise.
4. "A copy of billing invoices submitted by or on behalf of Mr. Bevel in connection with his work on this case." The State has responded to counsel that no invoices have been submitted. Counsel had ample opportunity which he employed during the defense interview to inquire of Mr. Bevel's rates and roughly how much he will be billing based on his work so far. As such, the defense has the requested information. The defense has all of the billing information relative to Mr. Bevel currently in possession of the State. The fact that counsel claims that the State has "refused" to provide the requested information is "puzzling."

Contrary to the counsel's assertion, the defense has been provided all of the information considered by Mr. Bevel during the formation of his expert opinion, and all of his "statements." The State has complied with all disclosure requirements.

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RESPECTFULLY SUBMITTED this 21 day of February, 2017.

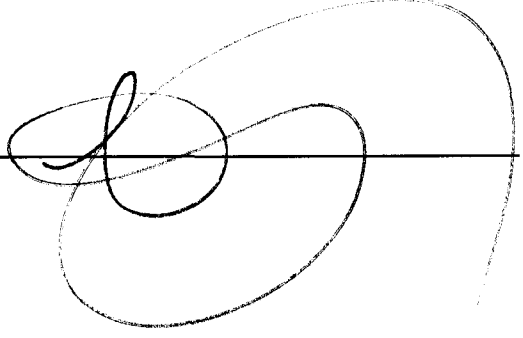
WILLIAM P. RING
COCONINO COUNTY ATTORNEY

By B. Shea
Bryan F. Shea
Deputy County Attorney

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

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

Burges McCowan, Esq.
Joshua Davidson, Esq.
Defense Counsel

By: 

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