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**WILLIAM P. RING  
COCONINO COUNTY ATTORNEY**

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FILED

**IN THE SUPERIOR COURT, 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 MOTION FOR SITE VISIT**

Hon. Dan Slayton – Div. 2

**WILLIAM P. RING**  
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110 E. CHERRY AVENUE  
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COMES NOW the State of Arizona, by and through the undersigned deputy, and hereby moves this Court for a site visit at trial, for the reasons set forth in the accompanying Memorandum of Points and Authorities.

RESPECTFULLY SUBMITTED this 28 day of February, 2017.

WILLIAM P. RING  
COCONINO COUNTY ATTORNEY

By   
Ammon D. Barker  
Deputy County Attorney

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**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. Factual Background**

The facts of this case have been discussed at length in other filings. For purposes of this Motion, the relevant facts are as follows:

Defendant was punched one time in the face while standing in Franklin Street. Once that happened, Defendant knew exactly what he was going to do next: he went to his car to retrieve his gun. He walked or ran approximately 150 feet to where his car was parked in the parking lot of Mountain View dormitory. Once he reached his car, he unlocked it, opened the driver's side door, opened the glove box, retrieved his gun, attached the tactical light to his gun and turned it on, and chambered a round in the firearm. There was nobody around him. He was alone in the car with his gun. But, he did not stay in his car. He left the safety of his car and walked approximately 90 more feet toward Mountain View dormitory where the group in the street had migrated. He then opened fire on several unarmed college students, killing one and seriously wounding three others.

Defendant has since claimed his actions were justified under a self-defense theory. Self-defense requires that the threat of deadly physical force be imminent before using this type of force on another. The State intends to argue that Defendant was the aggressor, there was no imminent threat of deadly physical force, and that he had sufficient time to reflect on the killing before he intentionally killed Colin Brough. This is the crux of the State's case, and the heart of the defense's case. Consequently, the layout of the scene, and in particular, the distances between interactions of the parties will play a significant role in this trial.

**II. The State's Proposal for a Site Visit**

Even if the defense and the State agreed on the distances, it is still critical for the jury to have a full, contextual understanding of the distances involved and the actions taken at these points. The State understands the inherent challenges with a site visit.

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However, the procedure outlined below and in advance of trial should allow for a clean record while allowing the jury to understand the scene on a level that is impossible with photographs or video. The State proposes the following process:

- The visit is anticipated to take approximately ninety minutes, including travel time;
- It will not be necessary to transcribe the visit, if Defendant and the Court will agree that a video/audio recording will be made and will be submitted as an exhibit for purposes of appeal. However, even if that is agreeable to the Court and counsel, the State has no objection to attendance by the clerk, reporter, and judicial assistant;
- The State proposes that the visit be preceded by the court testimony of Det. Casey Rucker, the witness who will explain the scene. He will be able to testify to the jury about the locations of various items of evidence, and the distances involved. He will also be able to provide an overview map of the scene, with specific items of evidence marked for location and identification. This will provide the jury context, and will eliminate the need for unnecessary testimony at the scene, where it can be difficult to document;
- After the testimony, Judge, counsel, Defendant, Det. Rucker and Sgt. O'Hagan, and the jury and bailiff would then meet at Franklin St. to the north of Mountain View Dormitory. The jury would be transported from the courthouse via a shuttle service contracted by the County. Only the jury, the bailiff, and driver, will be permitted inside the shuttle. The jury will be instructed not to speak about the case, per the usual admonition.
- Once everyone has assembled, the State will have arranged for two things. First, there will be a video/audio recording made at the scene to make sure a record of all proceedings is made. Second, there will be NAU and Flagstaff police in place to block off the parking lot and Franklin St. The perimeter will

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also be blocked off with police tape and only those named above would be permitted inside the location.

- Det. Rucker will then conduct a “walk-through” of significant scene locations. These locations will be pre-marked. At a minimum, these would include the following:
  - The location where Defendant’s glasses were found in Franklin St.;
  - The location where Defendant’s car was parked;
  - The area where the shooting took place;
  - The location where shell casings were recovered;
  - The area where blood swabs were taken;
  - The area where Colin Brough’s body came to rest;
- State’s counsel has no objection to Defendant submitting additional locations if Defendant believes they need to be referenced/included in the visit;
- In order to maintain a clear record of exactly what transpired at the visit, the State proposes that Det. Rucker should be the only person speaking during the visit. This maintains the best possible record. Everyone in attendance should be instructed prior to the visit that there is to be no talking, so that the video/audio recording can capture the narration of the scene locations, so there is no confusion about what was said. The members of the jury will also be provided an overview map of the location with the items of evidence marked on the map to orient each juror about what they are seeing;
- State’s counsel will have a discussion with the victim’s family about this motion. Although the victims and victims’ families would like to attend all aspects of the trial, the State anticipates that they will waive their right to be present at the site visit to facilitate the most focused and orderly process possible. This means only police officers, State’s counsel, Defendant and Defense counsel, the jury and bailiff, will be present at the site visit, along with the Court and courtroom

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personnel as needed.

**III. Arizona Law Gives This Court Authority To Adopt This Proposed Process.**


Arizona law gives this Court discretion to determine if a crime scene visit is appropriate in a particular case. See e.g., *State v. Mauro*, 159 Ariz. 186, 204 (1988) (“Whether to grant a view of the crime scene by the jury is a matter left to the trial court’s sound discretion.”); *State v. Money*, 110 Ariz. 18, 25 (1973) (same); *State v. Avila*, 141 Ariz. 325, 330 (App. 1984) (same); *State v. Prewitt*, 104 Ariz. 326, 333 (1969) (same).

The State’s position is that the site visit is critical to the jury’s consideration of the distances, the time for reflection, and the issue of immediacy in a self-defense scenario. State’s counsel’s experience is that the vast majority of crime scenes can be comprehended for trial or sentencing purposes through photographs, maps, and diagrams. This crime scene is different. The distances involved are only completely understood when viewed in person, and are only fully appreciated when viewed in the context of all the physical evidence.

The experience of viewing this scene is different than looking at photographs, maps, or diagrams. Knowing the time and inconvenience involved, the State does not make this request lightly. But for the nature and circumstances of this crime to be appreciated fully, the State requests the Court grant this request.

RESPECTFULLY SUBMITTED this 28 day of February, 2017.

WILLIAM P. RING  
COCONINO COUNTY ATTORNEY

By   
Ammon D. Barker  
Deputy County Attorney

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COPY of the foregoing  
mailed/delivered this  
28<sup>th</sup> day of February, 2017,

to:

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

Burges McCowan  
Joshua Davidson  
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By: 

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