

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

WILLIAM P. RING
COCONINO COUNTY ATTORNEY

Ammon D. Barker
Bar # 028010
Bryan Shea
Bar # 027631
Deputy County Attorneys
110 E. Cherry Avenue
Flagstaff, Arizona 86001-4627
PHONE: (928)679-8200
FAX: (928) 679-8201
Attorneys for the State

VALERIE WYANT CLERK
2017 APR -3 PM 4: 17

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 PROPOSED VOIR DIRE

Hon. Dan Slayton – Div. 2

The State of Arizona, by and through the undersigned Deputy County Attorney,
submits the attached Proposed Voir Dire. This list contains questions State's counsel
intends to ask.

RESPECTFULLY SUBMITTED this 3 day of April, 2017.

WILLIAM P. RING
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

STATE'S PROPOSED VOIR DIRE

- 1
- 2
- 3 1. How many of you have to make important decisions in your life based on information
- 4 that is not perfect? Anyone ever had to do that? [e.g., whether to have children,
- 5 buying a home, who to vote for, where to live, what job to take]
- 6
- 7 a. Is there anyone here who feels like it is realistic to wait until you have 100%
- 8 perfect information to make these types of decisions?
- 9
- 10 b. Is there anyone who just feels they are not someone who does a good job of
- 11 deciding things unless they have 100% perfect information?
- 12
- 13 2. How many of you watch CSI?
- 14
- 15 a. For those of you who do, is there anyone who, in addition to requiring proof
- 16 beyond a reasonable doubt, will also require something else in this case--
- 17 evidence that looks like what you see on TV?
- 18
- 19 b. You may hear things that are different from what you have seen on TV.
- 20
- 21 c. Is there anyone who will refuse to believe testimony or evidence if it is
- 22 different from what you have seen or heard on TV?
- 23
- 24 d. Is there anyone who will not be able to set aside what you have seen on TV in
- 25 deciding this case, and decide the case fairly and impartially based solely on
- 26 the evidence introduced at trial?
- 1 3. In this case, the judge will instruct you to set aside sympathy and prejudice in
- 2 deciding the case.
- 3
- 4 a. Let's consider those words in their broadest possible sense. You might think
- 5 of sympathy just as liking someone or feeling sorry for someone.
- 6
- 7 b. Does anyone feel like they would have a hard time setting aside sympathy for
- 8 the defendant or the victim and deciding this case based solely on the
- 9 evidence and the instructions which the judge will give you?
- 10
- 11 i. For example, you'll learn that at the time of the murder, Steven Jones,
- 12 the defendant, was 18 years old at the time.
- 13
- 14 1. Is there anyone who would not be able to reach a verdict
- 15 because of the fact that Steven Jones was a young man?
- 16
- 17 2. Is there anyone who would just have a hard time with that
- 18 decision because of that fact?

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

- ii. By the same token, you'll learn that the victims in this case were also young men. Anyone feel like they'll have a hard time separating out sympathy for the victims.
 - iii. Is there anyone who is the type of person who easily sympathizes with others, even people they've never met?
4. Let's talk now about prejudice. Consider prejudice in the broadest possible sense-rejecting someone's testimony because of who they are or because of your preconceived notions about them.
- a. For example, you will hear that several of the witnesses in this case had consumed alcohol under the legal age. Does anyone have strong feelings about that which would cause them to dislike these witnesses solely based on that fact and find them less credible because of it?
 - b. Now, prejudice can also work the other way. Anyone think that if a witness or defendant is dressed nicely or is a good-looking individual that they would tend to side with their story simply because of how they look?
5. Credibility
- a. Is there anyone here who feels they are not good at judging someone's credibility, to tell if someone is lying or telling the truth?
 - b. Have you ever had someone tell you: "you'll believe anything"?
 - c. Have you ever had an experience where you had to determine who was telling the truth?
 - d. What were some of the ways you determined someone was lying/telling the truth?
 - e. What things might you consider if you were trying to determine if someone was telling the truth?
 - i. Would it affect your determination if the person said one thing one day, then said a different thing another day?
 - ii. What if they left out significant facts in their story?
 - iii. Would someone's demeanor affect how you judged their credibility?
 - iv. What about if the person telling you the story had something to gain if you believed them?
6. How many people believe that only bad people do bad things?

- 1 7. Premeditation
- 2 a. One of the issues in this case will be proof of a mental state; what was going
- 3 on in someone's head. First Degree Murder requires proof not only of killing
- 4 someone, but that the person thought about killing before killing someone.
- 5 This is called reflection. Second degree murder is killing someone, but
- 6 without reflection. This is the critical difference between First and Second
- 7 Degree murder.
- 8 b. This means one of the key issues in this case is going to be deciding what
- 9 was on a person's mind.
- 10 c. Does anyone feel like that is just too hard, you don't feel qualified to do that,
- 11 because you can never know what is going on in a person's mind?
- 12 d. How many of you have heard the phrase premeditated murder on TV or the
- 13 movies?
- 14 i. Does everyone understand that what you heard may be completely
- 15 different than what the law is?
- 16 ii. Will everyone follow the law regardless of what you think premeditation
- 17 means based on what you may have heard outside of the courtroom?
- 18 e. How many believe that to be guilty of premeditated murder there must have
- 19 been some type of plan beforehand?
- 20 f. How many believe that to be guilty of premeditated murder a person must be
- 21 a coldblooded killer?
- 22 g. How many of you have made a decision to do something wrong, and
- 23 immediately regretted it after you did it?
- 24 i. Anyone comfortable sharing a moment that happened?
- 25 8. Is there anyone who does not feel comfortable judging someone else's actions?
- 26 9. Penalty:
- a. You've heard that one of the charges is 1st Degree Murder. However, this is not a Capital Case—in other words, this is not the type of case that would carry the death penalty. At any rate, you will be instructed NOT to consider the penalty when making your decision. That decision is left to the judge. Is there anyone who disagrees with this principal of law?
- b. Is there anyone who would have a hard time reaching a verdict because they would be thinking about what type of penalty the defendant would receive?

1 c. Let's be very clear about this: if you find that the facts support a guilty verdict,
2 will you have a hard time voting for guilt because you weren't sure what would
3 happen to the defendant?

4 10. Guns

- 5 a. How many people think the gun laws in Arizona are too lenient?
6
7 b. How about too strict?
8
9 c. Just right?
10
11 d. How many believe that guns should be available at schools or college
12 campuses? Disagree? Ambivalent?

11 11. Self-defense:

- 12 a. Is there anyone who feels that it's ok to kill someone if they say hurtful words
13 to you? What about if they threatened to hurt you?
14
15 b. How many of you have been in a physical fight before?
16
17 i. Anyone comfortable sharing that experience?
18 1. Who started it?
19 2. How did it end?
20 3. Did you feel like you would have used a weapon if you had one
21 available?
22 4. Are there unwritten rules in fights? Or, is everything fair game?
23
24 c. The law says that a person may only use deadly force, that is, force that can
25 kill someone, if that person is threatened with that same level of force.
26 Anyone disagree with this concept?
i. Anyone have a hard time following this instruction?
d. The law says that to use such force against another, the threat must be
imminent or immediate. Does anyone disagree with this concept?
i. Anyone have a hard time following this instruction?
e. The law for self-defense is not based on a person's subjective intent, but on
an objective standard. That means that a person may believe they are acting
in self-defense, and still violate the law. Does anyone disagree with that
concept? Anyone have a hard time following the law in this regard?
i. Let me be clear: what a person thinks they are doing is not the
standard. The standard is what a "reasonable person" would do.

1 Does anyone not understand the difference between a person's
2 subjective intent, and a reasonable or objective person's intent? Does
3 anyone feel like they won't be able to follow this standard?

4 12. You will receive an instruction that tells you that the State has to prove its case
5 beyond a reasonable doubt. The judge will tell you that proof beyond a reasonable
6 doubt is proof that leaves you firmly convinced. It is not the same thing as proof
7 beyond any theoretical or possible doubt.

- 8 a. Do any of you think you will have a difficult time telling the difference between
9 a reasonable doubt and a possible doubt?
10
11 b. Is there anyone here who would hold the State to a higher standard than
12 beyond a reasonable doubt—that would require the State to prove the case
13 beyond every doubt?
14
15 c. Is there anyone here who understands that standard, but would really like the
16 State to prove the case beyond all doubt?

17 COPY of the foregoing mailed/delivered this
18 day of April, 2017, to:

19 The Honorable Dan Slayton
20 Division 2
21 Coconino County Courthouse
22 Flagstaff, AZ 86001

23 Burges McCowan
24 Joshua Davidson
25 Attorneys for Defendant

26 By: 

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