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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF COCONINO

Dan R. Slayton, Judge
Division 2
Date: April 19, 2017

Valerie Wyant, Clerk
Marie Jones, Deputy Clerk
Steve Garwood, Court Reporter

MINUTE ENTRY

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

ACTION: JURY TRIAL – DAY EIGHT

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

Prior to the resumption of the Trial, State's Exhs. #471 to #474 are marked for purposes of identification.

9:34 a. m. Court reconvenes. The Defendant, Counsel, the investigating officer, and the Jury are present.

The Court apologizes for the delay due to the morning Duty Court calendar. Again, the Court thanks the Jurors for their patience.

The State (Bryan Shea) calls Nick Pletke to the stand. The Witness is sworn and testifies on direct examination.

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The State (Bryan Shea) asks that the record reflect that the Witness has identified the Defendant and **IT IS SO GRANTED.**

The Witness continues to testify on direct examination. At times during direct examination, the Witness testifies as Exh. #353 and #316 are published.

The Witness continues to testify on cross examination by Defense Counsel (Burgess McCowan) and redirect examination by the State (Bryan Shea).

As there are no Jury Questions and there being no objection, the Witness is excused.

The Court advises It will now take a recess and gives the Admonition.

10:43 a.m. Court is in recess.

11:05 a.m. Court reconvenes. The Defendant, Counsel and the investigating officer are present, outside the presence of the Jury.

It has been brought to the Court's attention that someone was outside the courtroom and was live streaming these proceedings without the use of microphones. As a result, testimony was being broadcast outside the courtroom door where the Witnesses are sitting.

IT IS ORDERED there will be no broadcasting of these proceedings in this courthouse. This could seriously compromise the integrity of this Trial. Anyone doing so will be dealt with harshly if there is any violation of this Order in this case.

The Court advises for those present they are to let family and friends know that they are not to broadcast or livestream this Trial in the courthouse because there could be potential witnesses walking throughout the courthouse.

11:06 a.m. Court is in recess.

11:07 a.m. The Jury is now present.

The State (Ammon Barker) calls Deputy Mikkell Libarle to the stand. The Witness is sworn and testifies on direct and cross by Defense Counsel (Burgess McCowan) and redirect examination.

As there are no Jury Questions and there being no objection, the Witness is excused.

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The State (Ammon Barker) calls Nick Prato to the stand. The Witness is sworn and testifies on direct examination.

Defense Counsel (Joshua Davidson) has an objection to the testimony as hearsay; however, the Witness still continues to testify. As a result, said Counsel moves to strike the rest of the comments.

The Court advises that the rest of the Witness' comments are stricken from the record.

The Witness continues to testify on direct examination by the State (Ammon Barker). At times during direct examination, the Witness testifies as Exh. #316 is published.

The Court advises It will now take the luncheon recess and gives the Admonition.

11:58 a.m. Court is in recess.

1:36 p.m. Court reconvenes. The Defendant, Counsel, the investigating officer, and the Jury are present.

The Witness, Nick Prato, retakes the stand and continues to testify on direct examination.

The State (Ammon Barker) moves for the admission of Exhs. #192, #193 and #310 into evidence.

Defense Counsel (Joshua Davidson) has no objection to the admission of Exhs. #192 and #193; however, the Defense objects to Exh. #310 under Rule 403.

The Court advises that the objection is noted; however, **IT IS ORDERED** admitting **Exhs. #192, #193 and #310** into evidence.

Permission is granted to publish the exhibits to the Jury. While doing so and after, the Witness continues to testify on direct examination.

As Defense Counsel has an objection, Court and Counsel hold a bench conference off the record.

The Witness continues to testify on direct and cross examination by Defense Counsel (Joshua Davidson). At times during cross examination, the Witness testifies as Exh. #316 is published.

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Defense Counsel (Joshua Davidson) moves for the admission of **Exh. #74** into evidence. There being no objection, **IT IS SO ORDERED.**

The Witness continues to testify on cross examination by Defense Counsel (Joshua Davidson).

Permission is granted to publish Exh. #74 to the Jury.

The Witness continues to testify on redirect examination by the State (Ammon Barker). At times during redirect examination, the Witness testifies as Exh. #74 is published.

Defense Counsel (Joshua Davidson) objects to the question pertaining to "pinning a murder on the Defendant."

Court and Counsel hold a bench conference off the record.

The objection is overruled. The answer will stand.

The Witness continues to testify on redirect examination by the State (Ammon Barker).

Defense Counsel (Joshua Davidson) has an objection to a line of questioning as it is vague.

The objection is sustained.

The Witness still proceeds with an answer and Defense Counsel (Joshua Davidson) moves to strike.

The Witness' answer is stricken.

The Witness continues to testify on redirect examination by the State (Ammon Barker). At one point during redirect examination, the Witness testifies as Exh. #316 is published.

As there are Jury Questions, Court and Counsel sidebar and review off the record

The Witness continues to testify on Jury Questions and follow-up examination by the State (Ammon Barker) and Defense Counsel (Joshua Davidson).

There being no objection, the Witness is excused.

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At the request of the Court, Court and Counsel hold a bench conference off the record.

The Court advises the members of the Jury that the comment the Witness, Nick Prato, made thanking the Jury, the Jury is to disregard.

The Court advises it will now take the afternoon recess and gives the Admonition.

3:12 p.m. Court is in recess.

3:34 p.m. Court reconvenes. The Defendant, Counsel, the investigating officer, and the Jury are present.

The State (Ammon Barker) calls Officer Kevin Sapp to the stand. The Witness is sworn and testifies on direct examination.

The State (Ammon Barker) moves to admit Exh. #359 into evidence.

Defense Counsel (Burgess McCowan) advises that the Defense has nothing to add to the previous objection.

IT IS ORDERED admitting Exh. #359 into evidence.

Permission is granted to publish the exhibit to the Jury. The State advises that Counsel stipulate that the court reporter does not have to report.

The CD is published to the Jury.

The Witness continues to testify on direct, cross by Defense Counsel (Burgess McCowan) and redirect examination.

As there are no Jury Questions and there being no objection, the Witness is excused.

The State (Bryan Shea) calls Adam Johnson to the stand. The Witness is sworn and testifies on direct examination. At one point during direct examination, the Witness testifies as Exh. #316 is published.

There is no cross examination.

As there are no Jury Questions and there being no objection, the Witness is excused.

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The State (Ammon Barker) calls Kyle Zientek to the stand. The Witness is sworn and testifies on direct examination.

At the request of the State (Ammon Barker), Court and Counsel hold a bench conference off the record.

The State (Ammon Barker) moves to admit Exh. #308 into evidence. Defense Counsel (Joshua Davidson) objects due to relevance and the prejudice to the Jury under 403.

IT IS ORDERED admitting **Exh. #308** into evidence.

The Witness continue to testify under direct examination.

The State (Ammon Barker) moves to admit Exh. #309 into evidence. There being no objection, **IT IS SO ORDERED.**

The Witness continue to testify under direct examination.

The State (Ammon Barker) advises he withdraws Exh. #309.

Exh. #308 is published to the Jury.

The Witness continues to testify on direct examination.

Defense Counsel (Joshua Davison) requests a brief recess.

The Court advises It will take a brief recess and gives the Admonition.

4:18 p.m. Court is in recess.

4:31 p.m. Court reconvenes. The Defendant, Counsel, the investigating officer, and the Jury are present.

The State (Ammon Barker) advises that Defense Counsel has advised that the State can re-open for a couple of questions.

The Witness continues to testify on direct examination.

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The State (Ammon Barker) moves for the admission of **Exhs. #209** and **#221** into evidence. There being no objection, **IT IS SO ORDERED.**

The exhibits are published to the Jury.

The Witness continues to testify on direct and cross examination by Defense Counsel (Joshua Davidson) and redirect examination.

As there are Jury Questions, Court and Counsel sidebar and review on the record.

The Witness continues to testify on the Jury Questions. There is no follow-up examination by Counsel.

There being no objection, the Witness is excused.

The Court advises it will now taking the evening recess and reminds the Jury of the Admonition.

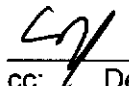
4:43 p.m. the Defendant, Counsel and the investigating officer are present, outside the presence of the Jury.

The State (Ammon Barker) advises that the State's last witness will be Detective Casey Rucker. There are a number of photos that Counsel will go over and then they will present the photos to the Court for approval.

Upon Court inquiry, the State (Ammon Barker) advises there are approximately fifty (50) photographs. They will present all of them to the Court tomorrow morning.

The Court notes that It has several matters in the morning and will review with Counsel at 8:15 a.m.

4:45 p.m. Court is adjourned.



cc: Deputy County Attorney (Barker/Shea)
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