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2017 APR 28 PM 1:21

FILED

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

Dan R. Slayton, Judge  
Division 2  
Date: April 25, 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 ELEVEN**

**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.

8:52 a.m. The Defendant, Counsel and the investigating officer are present, outside the presence of the Jury.

The Court advises the Parties worked pretty late last night on the Final Jury Instructions. The Court believes that all the arguments were placed on the record last night regarding objections and modifications. The Court has ruled on them and has presented the Final Jury Instructions to Counsel.

Upon Court inquiry, both the State (Bryan Shea) and Defense Counsel (Joshua Davidson) have no objections other than those already noted on the record.

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8:53 a.m. Court is in recess.

9:13 a.m. The Defendant, Counsel and the investigating officer are present, outside the presence of the Jury.

The Court addresses those present in the gallery. The Court knows there is pain on both sides of the aisle. Under the authority the Court has, this Court called fourteen (14) citizens to come in and Ordered them to sit here and listen to this case. Twelve (12) of them will have the monumental task of making some very difficult decisions. In order to assist them in making those decisions, we have closing arguments.

**IT IS ORDERED** everyone in the gallery are to maintain a respectful and dignified attitude and demeanor during these closing arguments. Some of you may hear things in the closing argument that you don't want to hear. Each side gets a chance to tell those Jurors how they think the case should be decided. If there is any undignified or disrespectful response during closing arguments, the Court wants to assure those in the gallery that this Court will have that person removed immediately. Therefore, the Court trusts all of you to maintain a dignified and respectful attitude you have had during this trial. The Court wants to make it clear as to the actions this Court will take should that demeanor and composure be violated in any way.

9:15 a.m. Court is in recess.

9:17 a.m. Court reconvenes. The Defendant, Counsel, the investigating officer and the Jury are present.

The Preliminary Jury Instructions are retrieved from the Jurors by the Bailiff. The Bailiff proceeds to pass out the Final Jury Instructions that will be used to decide this case.

The Court advises how Court will proceed today.

The Court proceeds to read the Final Jury Instructions into the record.

Upon Court inquiry, Counsel confirm that the Court did not fail to read or materially mislead when reading the Final Jury Instructions.

The Court notes that, as this was a fairly long reading, and where the Court misread any word or words, the Jurors should rely on the printed Jury Instruction and not how the Court read it.

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

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

9:59 a.m. Court is in recess.

10:12 a.m. Court reconvenes. The Defendant, Counsel, the investigating officer and the Jury are present.

The State (Ammon Barker) presents closing argument.

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

11:16 a.m. Court reconvenes. The Defendant, Counsel, the investigating officer and the Jury are present.

Defense Counsel (Burges McCowan) presents closing argument.

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

11:57 a.m. The Defendant, Counsel and the investigating officer are present, outside the presence of the Jury.

Court and Counsel hold a bench conference off the record.

11:59 a.m. Court is in recess.

1:35 p.m. Court reconvenes. The Defendant, Counsel, the investigating officer and the Jury are present.

Defense Counsel (Burges McCowan) continues with closing argument.

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

The State (Ammon Barker) presents rebuttal argument.

The Court presents statements regarding the alternate jurors and to make it fair they are selected randomly at the end of the Trial. The alternate jurors are excused and will not participate in the Jury deliberations. However, even though they will be excused, they will not be

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released from the Admonition. It may be necessary to have one or both of the alternate jurors brought back in case one or more of the twelve jurors aren't able to complete those deliberations.

The two alternate jurors randomly selected are:

Juror No. 11  
Juror No. 14

The alternate jurors are thanked for their service to the community and the Parties. Once there is a verdict, the Admonition will be lifted and their notes will be destroyed.

The Court advises that the admitted exhibits will be provided to the Jury. Some of them are digital imagery and they are working on providing a computer so that the Jurors can view these particular exhibits. Also, there was a weapon, as well as the magazine that was admitted into evidence. The gun will be available to view and once the Jurors determine that they have examined that exhibit and that they want to view the magazine, the gun will be removed and the magazine will then be provided to the Jury.

The Court advises that once the Jurors settle down the Jury Room door will be closed and everything that is done in that room will be secret and confidential. If any of the Jurors have questions, they should use their Juror Question forms. Both Court and Counsel have to review the question, determine the answer that is to be given and then send it back. The Court addresses other miscellaneous issues, as well as the inspection of the final verdict forms and the reading of the verdicts into the record by the Clerk.

The two bailiffs, Cheryle Hartman and Eli Navarro, are administered the Oath to take charge of the Jury.

2:51 p.m. The Defendant, Counsel, and the investigating officer are present, outside the presence of the Jury.

Defense Counsel (Joshua Davidson) presents argument and moves for a Mistrial.

The State (Ammon Barker) responds.

The Court notes there were some issues that were a little bit concerning. The Court did the best it could to reflect on the testimony that was given. At this point, the error, if any, did not rise to the level to grant the Motion for a Mistrial; therefore, **IT IS ORDERED *denying*** Defense Counsel's Motion for a Mistrial.

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In the alternative, Defense Counsel (Joshua Davidson) asks the Court if the Court would consider amending the Jury Instructions to provide the Jury with a defensive display justification instruction.

The State (Ammon Barker) presents statements, opposes and feels there is no reason to give this instruction.

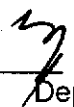
Defense Counsel presents rebuttal argument.

The Court places findings on the record. **IT IS ORDERED *denying*** the Motion to submit a defensive display instruction.

The State (Ammon Barker) presents statements regarding the availability of software that will be downloaded this afternoon for specific exhibits.

The Court addresses the family of the Victims and the family of the Defendant and that this has been a very difficult case. The Court thanks the attorneys for the manner in which they have represented their respective clients. They have done an outstanding job and it was an honor to preside over this Trial.

2:58 p.m. Court is adjourned.

  
cc: Deputy County Attorney (Barker/Shea)  
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Div. 2