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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 28, 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 FOURTEEN/  
CONTINUATION OF JURY DELIBERATIONS/  
JURY QUESTIONS**

**APPEARANCES:** Ammon Barker and Bryan Shea, Deputy County Attorneys, are present, appearing telephonically on behalf of the State. Counsel, Joshua Davidson, is present on behalf of the Defense. The Defendant is not present.

9:52 a.m. Court is in session.

The Court advises It has been presented with three (3) questions from the Jury.

The Court proceeds to read Questions 1 and 2 into the record which has been presented by the whole Jury.

Question 1: "Could we go to the crime scene?"

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Question 2: *"What are the two exact statements Steven Jones said in the police car?"*

The Court then proceeds to read the Question as posed by Jury No. 2.

*"Mr. Barker said in his closing statement that Collin Brough had the right to charge Steven Jones, once he had the light shined in his eyes. I never heard that during the testimony. One juror is holding onto that...I think it is wrong."*

The Court provides a proposed response to Juror No. 2's question.

Court and Counsel confer as to the Question and/or Statement from the Juror and the possible response.

The Court advises It will give the response to Juror No. 2's question as the Court previously proposed.

With respect to the two questions asked by the whole Jury, the Court provides It's proposed answers to Counsel.

The State (Ammon Barker) and Defense Counsel (Joshua Davidson) presents statements as to how the Court should respond to these two questions.

The Court presents statements regarding the two statements made by the Defendant. At the very least, the Court will send the statements back to the Jury in the form of answering all the questions or the Court will call the Jurors in and read those two statements to them.

Court and Counsel confer.

The Court advises that in response to the individual Juror's question the Court will send back the answer, *"What the lawyers said in opening statements and closing statements is not evidence. When I say evidence, I mean only the testimony and exhibits admitted during this trial. You are to rely on your own memory of the evidence."*

In response to the Questions raised by the Jury as a whole,

Answer to Question 1: *"For logistical reasons, the Court cannot grant this request."*

Answer to Question 2: *"The two statements made by Mr. Jones in the back of the patrol car were:*

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1. *"Why were they trying to hurt me?"*
2. *"I thought I was going to die."*

The Court will sign these responses and hand it back to the bailiff to be given to the Jury.

10:02 a.m. Court is in recess.

10:47 a.m. Court reconvenes. The State (Ammon Barker and Bryan Shea) and Defense Counsel (Joshua Davidson) are all appearing telephonically. Again, the Defendant is not present.

Upon Court inquiry, Counsel had an opportunity to review the questions asked by the Jury.

The Court reads the Questions into the record as follows:

Question 1: *"Does a non-contact motion directed toward someone legally justify self defense if it is believed the action was aggressive?"*

Question 2: *"Define "adequate time" for a cooling off period."*

Question 3: *"What does the law state regarding point a gun at an unarmed person? Is a threat? Is it an assault? Is it a crime?"*

Question 4: *"Is an unarmed person charging at someone with a gun considered a self defense?"*

Defense Counsel (Joshua Davidson) addresses the questions and provides possible responses.

The State (Ammon Barker) addresses and argues the questions and possible responses.

Court and Counsel confer regarding the questions, possible responses and the inclusion of a defensive display instruction.

After in depth discussion by Court and Counsel, the Court advises that as to all four questions, the Jury will be instructed: *"You are to rely on the instructions, your wisdom, common sense and experience to answer this question."*

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Defense Counsel (Joshua Davidson) understands the Court's ruling and appreciates the opportunity to voice his objection.

The Court advises that the Jury has advised that they will cease deliberations at 3:30 p.m. today and will be back Tuesday at 9:00 a.m. They opted not to come in on Monday.


Upon Court inquiry, Defense Counsel (Joshua Davidson) advises he will send in his original Memorandum to be filed. This pertained to yesterday's Oral Argument as to the Motion for Mistrial.

As Defense Counsel is located in the valley, the State (Ammon Barker) asks for the logistics if the Jury reaches a verdict.

If the Jury reaches a verdict before noon, then the Court would like the Defendant and Defense Counsel to proceed to Flagstaff immediately. If the verdict comes in the afternoon, the Court proposes that all of the verdict forms will be placed in an envelope, sealed and with the Jury Foreperson's initials. It would then be given to Cheryle, the bailiff, and she will keep it downstairs in the bailiff's safe. Court would then reconvene at 9:00 a.m., the next day, Cheryle would bring up the envelope to the Jury Foreperson. The Foreperson would then inspect the envelope and make sure that nothing was tampered with and pull the verdict forms out. Then we would go back into Court and take the verdict forms that way.

The Court notes the prior schedule that the Jury has followed this week. The Court tends to have doubts that the Jury will reach a verdict by 2:00 p.m. today. Again, if the Jury should come back with a verdict around 2:00 p.m. or after, the verdict will be sealed as the Court has proposed.

11:56 a.m. Court is in recess.

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