

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

Dan R. Slayton, Judge
Division 2
Date: April 4, 2017

VALEERIE WYANT, CLERK
MAY 2 2 02 PM
FILED
Valerie Wyant, Clerk
Marie Jones, Deputy Clerk
Steve Garwood, Court Reporter

MINUTE ENTRY

THE STATE OF ARIZONA,

Plaintiff,

vs.

STEVEN EDWARD JONES,

Defendant.

Cause No. CR 2015-00862

ACTION: JURY SELECTION / JURY TRIAL – DAY ONE

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 commencement of the Trial, State's Exhibits #1 through #333 are marked for purposes of identification.

Prior to the beginning of Jury Selection the following individuals are excused by Counsel:

Jeffrey Carbonneau (hardship), Pierson Honahni (hardship), Natasha Lacapa (hardship), Janine Schipper (hardship), Robert Snopek (hardship), Zachary Levine (hardship), Maria Price (hardship), Carol Watters (hardship), Daniel Stift (hardship), Mara Reisman (hardship), Macshayne Hicks (cause), Susan Watson (hardship), Shayla Tsosie (hardship), Anthony McClinton (cause), Jasper Slavens (hardship), Jeremy Ledesky (hardship), Veronica Schaefer (hardship), Trini Goodman (hardship), Titania Lewis (cause), Dante Corum (hardship), Esther Yazzie (hardship), Gary Gustafson (hardship), Robyn Palmer (hardship), Iton Redking (hardship), David Coleman (hardship), Francisco Kramer (hardship), Wayne Klutinis (hardship), Nickolas Birner (hardship), Kelly Hurlbut (cause), Ruth Solomon (hardship), Howard Mansker (hardship), Terri Quotskuyva (hardship), Gloria Hardwick (hardship), and Misha Danilenko (hardship).

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9:21 a.m. Court is in session. The Defendant, Counsel, the investigating officer and the Prospective Jurors are present.

The Court announces the case and greets the Prospective Jurors.

Upon Court inquiry, Counsel advise they are ready to proceed.

The Court reminds the remaining Prospective Jurors that they are still under Oath.

The Clerk calls the first twenty-six (26) names from the Random List to be seated on the Panel as follows:

(1) Regan Rowson, (2) Rita Hoover, (3) Margot Saltonstall, (4) [REDACTED], (5) Maryellen Pugh (6) [REDACTED], (7) Jerry Causer, (8) [REDACTED], (9) Robert Braudy, (10) [REDACTED], (11) Yao Ntifafa, (12) James Gioia, (13) [REDACTED], (14) Lynn Martin (15) Michael Calacci, (16) Loraine Lopez, (17) Richard Smith, (18) Dana Price, (19) Karen Applequist, (20) Sacha Charny, (21) Amber Serrone, (22) Karen Beeson, (23) Matthew Southwell, (24) [REDACTED], (25) Jay Sutcliffe and (26) Jennifer Stack.

The Court gives the procedure and logistics of how the Prospective Jurors will go back and forth to and from the Jury Assembly Room.

The State (Ammon Barker) introduces himself; Co-Counsel Bryan Shea, Sergeant Mike O'Hagan, NAU Police Department, and Tammy Spears, Assistant to the State.

Defense Counsel (Joshua Davidson) introduces himself, Co-Counsel Burges McCowan, and their client, Steven Edward Jones.

The Court gives the estimated length of the Jury Trial, the daily schedule of the Trial (Tuesday through Friday); however, there will be no Jury Trial on April 11th and 12th. When this Court is "Duty Court," Court will begin at 9:00 a.m. as opposed to the usual 8:30 a.m.

The Court explains how and why, according to the law, Prospective Jurors can be excused for hardship.

The Court explains and proceeds with the process of voir dire.

The Court advises there will be a brief recess so that Court and Counsel can address some of the Prospective Jurors' issues. Some of the Prospective Jurors may have valid

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excuses, others may not; the Court has to make decisions. Court and Counsel will address in Chambers.

9:49 a.m. Court is in recess.

9:51 a.m. On the record in Chambers. The Defendant and Counsel are present in Chambers.

The Court presents statements regarding Karen Beeson, Prospective Juror No. 22. In essence, the Court believes she should be excused as she takes care of moderately to severely disabled adults. If she serves on the Jury, it could greatly impact these disabled adults.

The Court notes that Sachy Charny, Prospective Juror No. 20, has a trip to Page scheduled and Yao Ntifafa, Prospective Juror No. 11, has employment concerns.

The State (Bryan Shea) did not see in the questionnaire any employment concerns of Prospective Juror No. 11.

The State (Ammon Barker) has no objection to excusing Prospective Juror No. 22 for hardship.

Defense Counsel (Joshua Davidson) has no objection to excusing Prospective Juror No.22 and presents statements as to excusing the other Prospective Jurors.

The Court presents statements as to what the statute states in proposing to excuse the other Prospective Jurors for hardship. As such, the Court does not have the ability to excuse for hardship Prospective Jurors No. 20 and No. 11.

The State (Bryan Shea) presents additional statements.

9:55 a.m. Off the record in Chambers.

9:56 a.m. Court reconvenes. The Defendant, Counsel, the investigating officer and the Prospective Jurors are present.

Karen Beeson, Prospective Juror No. 22, is excused for hardship and is replaced by Zenas Dehoag.

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The Court addresses Yao Ntifafa, Prospective Juror No. 11, regarding his employment concerns.

The Prospective Juror presents statements.

Voir dire continues.

The State (Ammon Barker) proceeds with voir dire at this time.

At the request of Defense Counsel (Joshua Davidson), Court and Counsel hold a bench conference off the record.

The State (Ammon Barker) continues with voir dire.

The Court notes that, if necessary, voir dire can be addressed in private.

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

Jerry Causer, Prospective Juror No. 7, is excused for cause and is replaced by Andrew Sloan. Voir dire continues.

The Court advises It will take a recess and that Margot Saltonstall, Prospective Juror No. 3, should remain.

IT IS ORDERED that all the Prospective Jurors shall remain downstairs until they are called to return to the courtroom. The Prospective Jurors are further advised not to discuss the case or any of their answers as to the Jury Questionnaire.

Yao Ntifafa, Prospective Juror No. 11, is asked by the Court to contact his employer as to Jury Service.

10:29 a.m. The Court is in recess.

10:31 a.m. On the record in Chambers. The Defendant and Counsel are present in Chambers.

The Court presents statements regarding general voir dire and then Counsel can proceed with general voir dire as to the Jury Questionnaires.

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Margot Saltonstall, Prospective Juror No. 3, is now present for individual voir dire by the Court. There is no follow-up by Counsel and the Prospective Juror is excused from Chambers.

Defense Counsel (Joshua Davidson) moves to strike Prospective Juror No. 3 for cause.

The State (Ammon Barker) presents statements regarding Prospective Jurors who have knowledge of this case.

Defense Counsel (Joshua Davidson) presents statements and notes that the Defendant is entitled to a fair and impartial jury. Said Counsel further notes that to voir dire individuals as a group, who have knowledge of this case, could have an inflammatory effect. As such, Defense Counsel would like to individually voir dire these Prospective Jurors outside the presence of the other Prospective Jurors.

The State (Ammon Barker) does not see group voir dire as having an inflammatory effect and that there is no basis for individual voir dire.

The Court presents statements regarding:

- Jury Questionnaires
- A fair and impartial jury
- Group voir dire

Court and Counsel confer.

The Court advises that Defense Counsel can call those Prospective Jurors that he would like to individually voir dire in Chambers.

10:48 a.m. Off the record in Chambers.

11:01 a.m. Court reconvenes. The Defendant, Counsel, the investigating officer and the Jury are present.

Margot Saltonstall, Prospective Juror No. 3, is excused for cause and she is replaced by [REDACTED]. Voir dire continues by the Court and the State (Ammon Barker).

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

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Robert Braudy, Prospective Juror #9 is excused for cause and is replaced by [REDACTED]. Voir dire continues by Court and the State (Ammon Barker).

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

James Gioia, Prospective Juror #12 is excused for cause and is replaced by Elizabeth Oscar. Voir dire continues by the Court and the State (Ammon Barker).

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

Michael Calacci, Prospective Juror #15 is excused for cause and is replaced by Robert Campbell. Voir dire continues by Court and the State (Ammon Barker).

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

Robert Campbell, Prospective Juror #15 is excused for cause and is replaced by David Crockett. Voir dire continues by Court and the State (Ammon Barker).

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

Karen Applequist, Prospective Juror #19, is excused for cause and is replaced by Robert Brainard. Voir dire continues by the Court and the State (Ammon Barker).

The Court advises It will now take the luncheon recess, advises the Prospective Jurors that they are to return to the Jury Assembly Room by 1:25 p.m., and again, they are not to discuss this case with anyone.

Andrew Sloan, Prospective Juror No. 7, remains in the courtroom for individual voir dire.

11:48 a.m. Court is in recess.

11:50 a.m. On the record. Counsel are present in Chambers. The Defendant is not present.

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The Court presents statements regarding Andrew Sloan, Prospective Juror No. 7, the impact on his salary or position and that they have had employees from Gore, who have served on a Jury Panel.

The State (Ammon Barker) is fine with keeping Prospective Juror No. 7.

Defense Counsel (Joshua Davidson) presents statements regarding bias against Defendant Jones and the Victim and asks that this Prospective Juror be excused.

IT IS ORDERED excusing Andrew Sloan, Prospective Juror No. 7, for hardship.

Court and Counsel now confer regarding the Defense wanting to do individual voir dire in Chambers.

Defense Counsel (Joshua Davidson) would like to do individual voir dire to ascertain if the Prospective Jurors have heard sensitive information pertaining to this case. Said Counsel advises he will make a list of those individuals.

The State (Bryan Shea) addresses a Prospective Juror who has difficulty hearing.

Defense Counsel (Burgess McCowan) shares that concern.

The Court advises It cannot release that Prospective Juror unless he asks to be released.

The Court will encourage this Prospective Juror to use the assisted hearing device.

The Court advises It will now leave Chambers and advise Andrew Sloan that he has been excused.

11:57 a.m. Off the record in Chambers.

1:21 p.m. Court reconvenes. The Defendant, Counsel and the investigating officer are present in the courtroom.

The Court advises It has spoken to Dan Edwards for Yao Ntifafa, Prospective Juror No. 11. Mr. Edwards explained what the Prospective Juror's position is and, if the Prospective Juror is selected to serve on the Jury, this would not necessarily impact the employer; it would not adversely impact SCA in any way. In other words, the Prospective Juror could continue with his presence on the Jury Panel.

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Upon Court inquiry, neither Counsel has a motion to make regarding this Prospective Juror.

Secondly, the Court has been advised that a reporter from KNAZ who, according to several jurors that complained to Court Staff, were chasing down Prospective Jurors to get them to talk about what was happening. One was Mr. Calacci, who was dismissed. Obviously, the Court cannot prohibit the media from talking to dismissed Prospective Jurors. The Court's Order only applies to those who are currently seated on the Panel. Apparently, there was an attempt to contact two of the Prospective Jurors currently seated to discuss the case. The Court advises how It will proceed with the reporter and, if there is any further attempt, the Court will refer the matter to the County Attorney's Office for a charging decision. The Court will also Order this reporter not to attempt to speak with the Prospective Jurors on this Panel and to do so, the Court would consider this to be a direct violation of the Court's Order and bring him/her under criminal contempt statutes.

Corey Ringenberg, the Chief Bailiff, provides a description of the two Prospective Jurors, whom he believes were contacted by the Reporter.

The Court advises It would like to talk to Yao Ntifafa, when he arrives, to find out what happened to him on the record and the other gentlemen as well.

Defense Counsel (Burgess McCowan) would like to have taken into consideration the other individuals, who did not advise they were approached by the media.

The Court notes that is a real concern. The Prospective Jurors can be brought up and the Court can ask them if any of them had been approached by the media to talk about this process and then individual voir dire could proceed.

Upon Court inquiry, Defense Counsel (Joshua Davidson) has the names of the individuals that he would like to individually voir dire as to their knowledge of this case.

Court and Counsel confer as to how to proceed.

1:29 p.m. Court is in recess.

1:35 p.m. The Defendant, Counsel, the investigating officer, and the Prospective Jurors are present.

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The Court advises the Prospective Jurors that over the lunch hour, the Court was given information that one or more of the Prospective Jurors on the Panel and in the Pool may have been contacted by someone claiming to be from the media in an attempt to ask questions and/or gain statements. If any of you were approached, please advise.

The following Prospective Jurors were contacted by the media as follows: [REDACTED]
[REDACTED] Yao Ntifafa, Dana Price, [REDACTED], Matthew Southwell, Jay Sutcliffe, [REDACTED] and Karen Sheehan.

Andrew Sloan, Prospective Juror No. 7, who was previously excused is now replaced by Diana Elder. The Court continues with voir dire.

The Court advises It will now take a recess as the Court will call all the Prospective Jurors individually, who were contacted by the Reporter..

1:42 p.m. On the record. Counsel are present in Chambers. The Defendant is not present.

The Court advises that It has been given information that the individual from KNAZ, who has been contacting the Prospective Jurors, is Jessica DeNovo. The Court presents statements as to the first amendment, the rights of the Free Press and the Parties right to have a fair and impartial Jury.

[REDACTED], Prospective Juror No. 4, is now present for individual voir dire by the Court, as to her contact by the Media. There is no follow-up by Counsel. Prior to being excused, she is advised not to discuss what occurred in Chambers with other Prospective Jurors.

[REDACTED], Prospective Juror No. 9, is now present for individual voir dire by the Court, as to his contact by the Media. There is no follow-up by Counsel. Prior to being excused, he is advised not to discuss what occurred in Chambers with other Prospective Jurors.

Yao Ntifafa, Prospective Juror No. 11, is now present for individual voir dire by the Court, as to his contact by the Media. There is no follow-up by Counsel. Prior to being excused, the Prospective Juror is advised of the Court's conversation with Mr. Edwards, a representative of his employer, and he is advised not to discuss what occurred in Chambers with other Prospective Jurors.

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██████████, prospective Juror No. 13, is now present for individual voir dire by the Court, as to his contact by the Media. There is no follow-up by Counsel. Prior to being excused, he is advised not to discuss what occurred in Chambers with other Prospective Jurors.

Dana Price, Prospective Juror No. 18, is now present for individual voir dire by Court and Counsel, as to her contact by the Media. There is follow-up by the State (Bryan Shea and Ammon Barker) and Defense Counsel (Joshua Davidson) Prior to being excused, she is advised not to discuss what occurred in Chambers with other Prospective Jurors.

Matthew Southwell, Prospective Juror No. 23, is now present for individual voir dire by the Court, as to his contact by the Media. There is no follow-up by Counsel. Prior to being excused, he is advised not to discuss what occurred in Chambers with other Prospective Jurors.

Jay Sutcliffe, Prospective Juror No. 25, is now present for individual voir dire by the Court. There is no follow-up by Counsel, as to his contact by the Media. Prior to being excused, he is advised not to discuss what occurred in Chambers with other Prospective Jurors.

██████████, from the Jury Pool, is now present for individual voir dire by the Court, as to his contact by the Media. There is no follow-up by Counsel. Prior to being excused, he is advised not to discuss what occurred in Chambers with other Prospective Jurors.

██████████, from the Jury Pool, is now present for individual voir dire by the Court, as to her contact by the Media. There is no follow-up by Counsel. Prior to being excused, she is advised not to discuss what occurred in Chambers with other Prospective Jurors.

Karen Sheehan, from the Jury Pool, is now present for individual voir dire by the Court, as to her contact by the Media. There is follow-up by Defense Counsel (Burgess McCowan). Prior to being excused, she is advised not to discuss what occurred in Chambers with other Prospective Jurors.

Court and Counsel confer regarding the Media and possible violation of the Court's previous Order.

2:15 p.m. The Defendant is now present.

Jessica DeNovo, Reporter, and Chris Wilmer, camera operator, are present in Chambers. Ivan Hernandez, News Director of KPNX, is appearing telephonically.

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The Court notes that some of the pending Jurors had indicated that they were contacted by an individual, who did not identify herself as being with the Media. It appears that the individual from the Media was attempting to locate dismissed or exempt jurors.

Jessica De Novo advises she did identify herself and advises what occurred. The camera was not out and she is aware of the Court's Orders.

The Court advises that the Parties are trying to select a Jury that will be fair and impartial. When a reporter tries to talk to those individuals, who have not been excused, it introduces an element of concern for everyone.

Ms. De Novo inquires if there is a way to know which individuals are exempt and no longer part of the Trial to which the Court replies that It does not know a way to differentiate.

Mr. Hernandez presents statements and, in essence, they will adjust so the Court can move forward.

The Court advises that Jury Selection is "open," the Media can be in the courtroom; however, there are no cameras allowed.

The Court again makes it clear that, if a Prospective Juror is excused, the Press can talk to them. The Jurors cannot be photographed, as well as the Victims. Again, the Parties must have a fair and impartial Jury.

Mr. Hernandez again presents statements and that moving forward the Press will be in the courtroom for Jury Selection. They will report the process and not the names nor anything specific about a juror.

Jessica De Novo advises she will no longer be approaching potential Jurors.

Upon Court inquiry, nothing from Counsel.

Ms. De Novo, Mr. Wilmer and Mr. Hernandez are no longer present.

The Court presents statements regarding Dana Elder, Prospective Juror No. 7.

The State (Ammon Barker) moves to strike the Prospective Juror for hardship. There being no objection, she will be excused when Court reconvenes.

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2:34 p.m. Off the record in Chambers.

2:48 p.m. The Defendant, Counsel and the investigating officer are present, outside the presence of the Prospective Jurors.

The Court advises that by agreement of the Parties, the following individuals from Group 2, which is the afternoon group, will be excused as follows:

Darren Standard, hardship; Mary McClure, hardship; Todd Schultz, hardship; Monica Benally, cause; Wendy Tajc, hardship; James Schlittenhart, cause; Alexander Bunar, hardship; Jordyn Ball, hardship; Kathleen Webster, hardship; Eiko Garcia, hardship; Ivan Gonzales, hardship; Jamie Sterling, hardship; Andrew Frost, hardship; Gwendolyn Ali, cause; Andreana Secody, hardship; Arian Coffman, hardship; Lynn Flagg, cause; Gwendolyn Lomayestewa, hardship; Robert Tullis, hardship; Delores Brown, hardship; Jacquelyn Hortsman, hardship; Jeanne Sullivan, hardship; Darby McNutt, hardship; Luther Poseyesva, hardship; Matthew Cox, hardship and James O'Neal, hardship.

The Court advises It will now proceed downstairs to excuse the preceding Prospective Jurors. The remainder will remain in the Jury Pool.

2:58 p.m. The Defendant, Counsel and the investigating officer are present, outside the presence of the Prospective Jurors.

Court and Counsel confer regarding Adriana Haubert, Prospective Juror in the Jury Pool.

The State (Ammon Barker) presents statements that Warren Jones, the Defendant's father who may be a potential witness, should be excluded from the courtroom.

Court and Counsel confer regarding the exclusion of Warren Jones. After Jury Selection, Warren Jones will not be present in the courtroom.

By stipulation of the Parties, Adriana Haubert, Jury Pool: Group 2, will be excused for hardship.

3:02 p.m. Court is in recess.

3:07 p.m. The Defendant, Counsel, the investigating officer, and the Prospective Jurors are present.

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Diana Elder, Prospective Juror No. 7, is excused for hardship and is replaced by Alberto Sain. Voir dire continues with the Court and the Prospective Juror advises he would like to speak in private.

3:09 p.m. Court is in recess.

3:10 p.m. On the record. Defendant and Counsel are present in Chambers.

Alberto Sain, Prospective Juror No. 7, is now present for individual voir dire and follow-up by the State (Ammon Barker). The State (Ammon Barker) moves to excuse the Prospective Juror for both hardship and cause. There being no objection, **IT IS SO ORDERED.**

3:12 p.m. Off the record in Chambers.

3:14 p.m. Back in the courtroom. All Parties are present.

Alberto Sain, Prospective Juror No. 7, is excused for hardship and cause and is replaced by Marvelle Redsteer. The Court continues with voir dire.

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

Marvelle Redsteer is excused for hardship and is replaced by [REDACTED]. Voir dire continues by the Court and the State (Ammon Barker)

At the request of Defense Counsel (Joshua Davidson), Court and Counsel hold a bench conference off the record.

Defense Counsel (Joshua Davidson) proceeds with voir dire.

At the request of Defense Counsel (Joshua Davidson), Court and Counsel hold a bench conference off the record.

Voir dire continues with the State (Ammon Barker) and follow-up by Defense Counsel (Joshua Davidson).

At the request of Defense Counsel (Joshua Davidson), Court and Counsel hold a bench conference off the record.

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Robert Brainard, Prospective Juror No. 19, is excused for hardship and is replaced by [REDACTED]. Voir dire continues by the Court and Defense Counsel (Joshua Davidson).

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

Voir dire continues by the State (Ammon Barker) and Defense Counsel (Joshua Davidson).

At the request of Defense Counsel (Joshua Davidson), Court and Counsel hold a bench conference off the record.

Matthew Southwell, Prospective Juror No. 23, is excused for cause and is replaced by Anna Whorton. The Court continues with voir dire.

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

Anna Whorton, Prospective Juror No. 23, is excused for hardship and is replaced by Karen Sheehan. The Court continues with voir dire.

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

The State (Ammon Barker) and Defense Counsel (Joshua Davidson) continue with voir dire.

At the request of Defense Counsel (Joshua Davidson), Court and Counsel hold a bench conference off the record.

Jennifer Stack, Prospective Juror No. 26, is excused for cause and is replaced by [REDACTED]. The Court continues with voir dire.

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

The Court advises that It will now take the evening recess and advises that they are very close to getting a Jury. The Court reminds the Prospective Jurors not to discuss this case with anyone.

The Court asks Rita Hoover, Prospective Juror No. 2, to remain.

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

4:45 p.m. On the record. Counsel are present in Chambers.

The Court's Judicial Assistant presents statements.

The following individuals are excused for hardship from Group 2: Carol Stewart, Maria Harris and Gary Miller.

At the request of the Court, the Court's Judicial Assistant, relays an email that was received from the Media.

The Defendant is now present.

The Court reads the email into the record that was received from Nancy, KPNX.

The Court presents statements regarding the Media's involvement, the Jury, and the Court's concerns.

The State (Bryan Shea) presents statements.

The Court advises it has no problem with the Media pulling back and being present for the proceedings.

Defense Counsel (Joshua Davidson) gives his recommendation.

Rita Hoover, Prospective Juror No. 2, is now present for individual voir dire and advises that she doesn't think she can be fair and impartial.

The Prospective Juror is excused.

The State (Ammon Barker) moves to strike the Prospective Juror for cause. There being no objection, **IT IS ORDERED** striking Rita Hoover for cause.

Defense Counsel (Burgess McCowan) inquires regarding Court tomorrow and the Group that will be coming up.

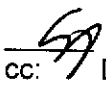
Defense Counsel (Joshua Davidson) moves to strike Jay Sutcliffe for cause.

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The State (Ammon Barker) presents statements regarding the Prospective Juror's questionnaire and the fact that he stated he could be fair and impartial.

The Court presents statements. **IT IS ORDERED** denying Defense Counsel's motion to strike Jay Sutcliffe.

5:05 p.m. Court is adjourned.


cc: Deputy County Attorney (Barker/Shea)
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