

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

VALERIE WYANT CLERK

IN AND FOR THE COUNTY OF COCONINO 17 NOV 20 PM 4: 17

Mark R. Moran, Presiding Judge
Division 3
Date: November 20, 2017

FILED

Carla D. Baber, Judicial Assistant

THE STATE OF ARIZONA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CR 2017-00838
)	
KAYSON JEFFREY RUSSELL,)	UNDER-ADVISEMENT RULING
)	
Defendant.)	
)	

Re: Motion to Review Conditions of Release

The Court held a hearing on the motion on November 15, 2017. The Court took the matter under advisement. The Court makes the following findings pursuant to A.R.S. §13-3967(B):

1. The family of the victim opposes release.
2. The Defendant is charged with one count of second degree murder, a class 1 felony and one count of underage consumption of alcohol, a class 2 misdemeanor. He is a co-defendant along with three other individuals who participated to varying degrees in assaulting the victim.
3. Not applicable.
4. The Public Safety Assessment (PSA) evaluated the Defendant as a low risk to reoffend if released. If properly supervised by the Court, the Defendant does not pose a danger to the community.
5. Not applicable.
6. The weight of the evidence against the accused is yet to be determined. He was present with three other co-defendants in the hotel room where the victim, Jaron James, was assaulted and died while incapacitated due to intoxication. The initial medical examiner's report concluded that the victim died of "blunt force trauma" to his brain. The final report has not been disclosed. The Court can make no conclusions at this early date regarding what effect the Defendant's participation had on the victim's death.

7. The Defendant has strong family ties and is a citizen and resident of Flagstaff. His mother lives in Flagstaff. He is 19 years of age. He is not employed or in school. There was no evidence presented as to his character or mental condition. He does not have the money to post a bond.
8. No drug tests were administered, but Defendant admitted he had been drinking alcohol on the evening in question.
9. Not applicable.
10. Not applicable.
11. Defendant has resided in Flagstaff his entire life.
12. The Court is not aware of any prior arrests or convictions of the accused.
13. The Defendant has no failures to appear or failures to comply charges. The Public Safety Assessment evaluated Defendant to be a low risk for failing to appear.

The Court concludes that the current bond is excessive and not necessary to secure the appearance of the Defendant. The Court grants the motion for release to the custody of Pre-Trial Services(PTS) at a level to be determined by PTS. The Defendant shall comply with the standard list of conditions of release contained in his contract with PTS. In addition, the Court orders the following conditions:

1. No direct or indirect contact with the family of the victim.
2. Defendant cannot consume any substance containing alcohol or ingest any illegal drug. Prescription drugs authorized by a doctor may be used pursuant to the doctor's orders, however, the Defendant must provide PTS with a copy of the prescription, and advise PTS if the prescription is refilled.
3. Defendant is subject to random urinalysis at his expense. A dirty U/A, missed or diluted U/A is a violation of his conditions of release.
4. Defendant shall be employed or seeking work, or in the alternative, attending an accredited school.
5. Defendant shall not possess or have access to any weapon or firearm.
6. Defendant shall live at an address approved by PTS, and shall not move without the permission of PTS.
7. Defendant shall comply with a curfew from 6:00 pm to 6:30 am every day of the week. Defendant shall not leave his approved residence after curfew, unless PTS gives him permission, or he is experiencing a medical emergency and must seek medical treatment.
8. Defendant cannot travel outside of Coconino County without the permission of PTS. Defendant cannot travel outside the State of Arizona without the permission of the Court.
9. Defendant must personally appear for all court hearings.
10. Defendant and his place of residence are subject to search without warrant.

By accepting the supervision of PTS and the terms and conditions of release referenced herein, the Defendant acknowledges that if he violates any conditions of release, his release may be revoked immediately and without hearing if in the Court's judgment, he presents a danger to public safety or there exists good cause to believe that he may commit a new offense.

A handwritten signature in black ink, appearing to read "Mark R. Moran", written over a horizontal line.

Hon. Mark R. Moran

cc: County Attorney
Joseph Carver
Sheriff's Dept
Judith Costello, Interpreter
Pretrial Services