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BY: KD, Deputy

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

STATE OF ARIZONA,  
Plaintiff,  
vs.  
JEFFERY KAY ROHOLT,  
Defendant.

Superior Court CR2020-00738

**STATE'S RESPONSE TO DEFENDANT'S  
MOTION TO MODIFY RELEASE  
CONDITIONS**

(Assigned to the Hon. Dan Slayton, Div. 2)

The State of Arizona hereby responds to Defendant's Motion to Modify  
Conditions of Release.

**1. Relevant Facts**

On September 3, 2020, Defendant entered Bashas on Woodland Village Blvd.  
Defendant did not enter the store with a shopping cart. While in the store, he never  
used a shopping cart. And when he approached the self-checkout section of the  
store, he was not pushing a shopping cart. The only shopping cart in the vicinity of  
Defendant when he was purchasing his groceries belonged to the victim.

1 The victim’s shopping cart contained groceries and her three-month old child,  
2 who was lying in a child carrier covered by a prominently striped blanket. The child  
3 carrier itself took up nearly the entire upper section of the shopping cart. Both the  
4 victim and Defendant were checking their groceries a several feet apart. The victim  
5 was still engaged in her transaction when Defendant finished paying for his  
6 groceries, and the baby inside the baby carrier was still sitting inside the grocery  
7 cart.  
8

9 As Defendant turned to leave, he picked up his grocery bag, and then he  
10 grabbed the victim’s grocery cart with the baby and the baby carrier inside and  
11 pushed it several steps toward the exit. It’s important to note—and the surveillance  
12 video confirms—that the victim’s shopping cart was not impeding Defendant’s exit,  
13 and the baby carrier inside the shopping cart was clearly visible. There was no  
14 reason for Defendant to touch or move the victim’s shopping cart.  
15

16 The victim noticed Defendant pushing her shopping cart away and quickly  
17 chased after him. After Defendant was stopped by the victim, Defendant was  
18 overheard stating that he thought it was *his* shopping cart. This statement is  
19 contradicted by several circumstances: Defendant never placed his bagged  
20 groceries in the victim’s shopping cart, never used a shopping cart prior to that  
21 moment, and was still holding his recently bagged groceries in his hand.  
22

23 Defendant was later charged with Kidnapping - DCAC, Custodial Interference,  
24 and Theft. The Kidnapping charge alone carries a mandatory prison term of 10 – 24  
25 years. Defendant has a criminal history, including a DV felony conviction from 2019  
26

1 for which he was serving a probation term. The State has not received a PSA report  
2 in this case.

3 **2. Law and Argument**

4 Pursuant to A.R.S. 13-3967 courts are required to consider the application of  
5 bail based on several statutory factors. Additionally, A.R.S. §13-3961(B) states:  
6 “(t)he purpose of bail and any conditions of release that are set by a judicial officer  
7 include:  
8

- 9 1. Assuring the appearance of the accused.
- 10 2. Protecting against the intimidation of witnesses.
- 11 3. Protecting the safety of the victim, any other person or the community.”

12 The State’s primary concern is the safety of others in the community.  
13 Defendant took a baby from his mother in the middle of a grocery store, and then  
14 lied about his reason for doing it. In addition, Defendant was already on supervised  
15 probation for a felony domestic violence offense when he committed the offense in  
16 this case. Yet, whatever supervision he was subject to did not prevent him from  
17 committing this offense. The State’s concern is that any release to pretrial services  
18 supervision (which is similar in scope to supervised probation) will not prevent him  
19 from engaging in this type of disturbing behavior and endangering the public.  
20

21 The State has contacted the victims in this case (mother and father). Like the  
22 State, they have concerns for the public safety, and oppose any form of release.  
23

24 For these reasons, the State opposes any modification to Defendant’s current  
25 release conditions.  
26

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RESPECTFULLY SUBMITTED this 25 day of September, 2020.

**WILLIAM P. RING**  
**COCONINO COUNTY ATTORNEY**

By /s/ Ammon Barker

Ammon D. Barker  
Deputy County Attorney

COPY of the foregoing  
mailed/delivered this  
25 day of September, 2020,  
to:

The Honorable Dan Slayton  
Superior Court, Division 2  
Coconino County Courthouse  
Flagstaff, AZ 86001

Christine Brown  
Attorney for Defendant

By: /s/M.K.