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**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

**IN AND FOR THE COUNTY OF PIMA**

STATE OF ARIZONA,

Plaintiff,

vs.

LANE JEFFERY MYERS

Defendant.

Case No. CR20251454-001

**RESPONSE TO DEFENDANT'S  
MOTION TO DISMISS COUNT SIX,  
STALKING, AS MULTIPLICITOUS  
TO ALREADY CHARGED  
OFFENSE IN CR20251060-001**

Honorable D. Douglas Metcalf  
Division 16

COMES NOW the State of Arizona, by and through the Pima County Attorney,  
LAURA CONOVER, and her Deputy, RACHEL STILES, and hereby requests this Court  
deny Defendant's Motion to Dismiss Count Six, Stalking, as Multiplicitous to Already  
Charged Offense in CR20251060-001, for the reasons set forth in the following  
Memorandum of Points and Authorities.

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**MEMORANDUM OF POINTS AND AUTHORITIES**

**FACTS:**

On September 12, 2024, Lane Jeffery Myers (“Defendant”) began contacting Shannon Walker (“Victim”) regarding her husband’s employment. Defendant called the victim’s work phone at 8:11 a.m., and asked for her assistance in helping her husband not be a “crooked ass prosecutor,” among other things. From September 12, 2024, to February 22, 2025, Defendant posted multiple videos about the victim to his YouTube channel, alleging she was to blame for his wife being fired from her job, and displaying her name, photo, place of employment, work email address, and office phone number. Defendant also asked viewers to call and email the victim with the contact information he provided. The victim has stated that she does not know Defendant’s wife or where she works, nor was she involved in the termination of his wife’s employment. As a result of Defendant’s videos, the victim received a multitude of threatening and harassing phone calls, voicemails, and emails from Defendant and his YouTube viewers between September 12, 2024 to February 22, 2025.

On October 17, 2024, Defendant was served with an injunction against harassment. The injunction prohibited Defendant from having any contact with the victim, prohibited Defendant from going to her place of employment, and prohibited Defendant from posting any messages or content regarding her on any social media platform. Despite the injunction, Defendant continued to post videos about the victim on his YouTube channel.

1 On February 22, 2025, Defendant posted a video to his YouTube channel showing  
2 the victim's work biography and her work phone number and email address. He did not  
3 post any further videos until March 16, 2025.

4 On March 7, 2025, the grand jury indicted Defendant on six counts of Aggravated  
5 Harassment; seven counts of misdemeanor Harassment; and one count of Stalking, in  
6 relation to the offenses committed between September 12, 2024 to February 22, 2025,  
7 cause number CR20251060. On March 13, 2025, Defendant was served with the  
8 summons for CR20251060, in which Ms. Walker is the named victim. That same day,  
9 Defendant sent an email with the victim copied on it.

10 On March 16, 2025, Defendant posted a video to his YouTube channel displaying  
11 the victim's work address and discussing documents relating to her. On March 17, 2025,  
12 Defendant posted a subsequent video showing her work biography, work phone number,  
13 and work email address. He also showed a photo of the victim with her husband and  
14 children.

15 Since March 17, 2025, the victim received at least 58 harassing emails and 17  
16 harassing voice messages to her work email and work phone number. The messages range  
17 from calling the victim derogatory names and calling for her termination, to wishing  
18 harm, rape, and death upon her and her husband. The messages also reference  
19 information Defendant discusses in his YouTube videos. Defendant was aware that his  
20 viewers previously contacted the victim and left her threatening messages before he  
21 posted her contact information in the videos on March 16 and 17. The victim expressed  
22 this has caused her significant emotional distress and she is concerned for her safety, as

1 well as that of her family, due to the ongoing threats and harassment from Defendant and  
2 his YouTube viewers.

3 On March 25, 2028, the grand jury indicted Defendant on two counts of  
4 Aggravated Harassment; one count of Interfering with Judicial Proceedings, two counts  
5 of Electronic Harassment; and one count of Stalking, in relation to the offenses  
6 committed between March 13, 2025 to March 28, 2025, cause number CR20251454.

7 **LAW AND ARGUMENT:**

8 **I. THE STALKING CHARGES ARE NOT MULTIPLICITOUS**  
9 **BECAUSE STALKING IS A VICTIM-DIRECTED CRIME, THUS,**  
10 **THERE CAN BE MULTIPLE CHARGES FOR MULTIPLE ACTS,**  
11 **EVEN WITHIN AN OTHERWISE DEFINABLE PERIOD OF TIME.**

12 A charge in an indictment is multiplicitous when it charges a single offense in  
13 multiple counts, thereby raising the potential for multiple punishments of a single act.  
14 *State v. Scott*, 243 Ariz. 183, ¶ 9 (App. 2017). For event-directed cases, cases with the  
15 primary purpose of protecting broad societal interests, a single charge arises from  
16 multiple incidents within a single course of conduct. *State v. Rios*, 252 Ariz. 316, ¶22  
17 (App. 2022) (citing *State v. Jurden*, 239 Ariz. 526, ¶7 (2016); *State v. Powers*, 200 Ariz.  
18 123, ¶3 (App. 2001)). However, “victim-directed” cases, cases meant to protect  
19 individual victims, can have multiple charges for multiple acts even within an otherwise  
20 “definable period of time.” *Rios*, 252 Ariz. at ¶22.

21 Stalking occurs when a person “intentionally or knowingly engages in a course of  
22 conduct that is directed toward another person,” and that conduct causes that the victim  
to suffer emotional distress or reasonably fear that themselves, their family member, or a

1 person with whom they have a romantic relationship with will be physically harmed.  
2 A.R.S. § 13-2923(A)(1)(b).

3 Here, stalking is a victim-directed crime, thus Defendant can be charged with  
4 multiple charges for multiple acts, even within an otherwise definable period of time.  
5 Stalking is a victim-directed crime because it necessarily requires the conduct to be  
6 directed at a specific person, resulting in the victim experiencing reasonable fear or  
7 emotional distress. The purpose of the Stalking statute is to protect victims from such  
8 conduct. Like the court in *Rios* explained, Defendant can be charged with multiple counts  
9 of Stalking because it is a victim-directed crime—even if the conduct occurred during an  
10 otherwise identifiable period of time.

11 Therefore, the Stalking charges are not multiplicitous because Stalking is a victim-  
12 directed crime, and multiple charges may arise from multiple acts for such crimes—even  
13 within an otherwise definable period of time.

14 **II. THE ADDITIONAL STALKING CHARGE IN CR20251454 IS NOT**  
15 **MULTIPLICITOUS BECAUSE IT DOES NOT INVOLVE THE SAME**  
**COURSE OF CONDUCT CHARGED IN CR20151060.**

16 The term “course of conduct” is defined in the stalking statute as directly or  
17 indirectly, in person or through one or more third persons, communicating on more than  
18 one occasion words, images, or language by electronic mail or an electronic  
19 communication, directed at a specific person without authorization and without  
20 legitimate purpose. A.R.S. § 13-2923(D)(1)(a)(iii).

21 Whether an act or course of conduct is a single offense depends on a statute's  
22 “allowable unit of prosecution.” *State v. Moninger*, 258 Ariz. 18, ¶ 1 (2024). If the

1 relevant unit of prosecution is a course of conduct, “a series of acts may only expose a  
2 defendant to multiple punishments if the acts, considered together, constitute multiple  
3 courses of conduct.” *Id.* To determine whether a series of acts can be divided into multiple  
4 courses of conduct, Arizona courts have adopted a totality of the circumstances approach.  
5 *Id.* at ¶ 24-25. Courts look to non-exhaustive factors such as time, location, and  
6 intervening events or occurrences to make this determination. *Id.* at ¶ 27.

7 Here, the Stalking charges are not multiplicitous because each charge is based on  
8 a separate and distinct course of conduct. Defendant’s first course of conduct occurred  
9 from September 12, 2024 to February 22, 2025. Defendant’s stalking behaviors during  
10 this time stemmed from his belief that the victim was responsible for the termination of  
11 his wife’s employment, and his request that she help her husband not to be a “crooked  
12 ass prosecutor.” This stalking behavior stopped on February 22, 2025, and Defendant did  
13 not post any videos about her or contact her for 19 days. Defendant’s second course of  
14 conduct began on March 13, 2025, when he copied the victim on an email—the same day  
15 he was served with the summons for CR20251060, in which Ms. Walker is a named  
16 victim. He then posted two YouTube videos about the victim which resulted in her  
17 receiving 58 threatening emails and 17 harassing voice messages. It is clear that this  
18 intervening event—receipt of the summons—triggered Defendant to restart his stalking  
19 behaviors. Given the totality of the circumstances, Defendant’s actions from March 13,  
20 2025 to March 28, 2025, constitute a separate course of conduct and can be charged as a  
21 separate count of Stalking.  
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1 Therefore, the additional count of Stalking in CR20251454 is not multiplicitous  
2 because it constitutes a different course of conduct from that charged in CR20251060.

3 **CONCLUSION:**

4 For the foregoing reasons, the State respectfully requests this Court deny  
5 Defendant's Motion to Dismiss Count Six, Stalking, as Multiplicitous to Already  
6 Charged Offense in CR2025-1060-001.

7 RESPECTFULLY SUBMITTED this 18th day of April, 2025.

8  
9 LAURA CONOVER  
PIMA COUNTY ATTORNEY

10 /s/ Rachel Stiles  
11 Rachel Stiles  
Deputy County Attorney

12  
13 ORIGINAL of the foregoing filed  
14 with the Clerk of the Court  
this 18th day of April, 2025.

15 COPY of the foregoing delivered  
this 18th day of April, 2025, to:

16 Honorable D. Douglas Metcalf  
17 Division 16  
Pima County Superior Court

18 William J. Parven, Esq.  
19 177 N. Church Ave. Ste. 200  
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20 Attorney for Defendant