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Attorney for the State

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF PIMA

THE STATE OF ARIZONA,

Plaintiff,

vs.

LANE JEFFERY MYERS,

Defendant.

CR20251454-001

RESPONSE TO DEFENDANT'S
MOTION FOR REHEARING ON
BAIL

Hon. 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 that this Court deny Defendant's Motion for Rehearing on Bail.

The Defendant was charged with new felony offenses while on felony release. Pursuant to Article 2, Section 22(A)(2) of the Arizona State Constitution and Rule 7.2(b)(1)(B) of the Arizona Rules of Criminal Procedure, a No Bond Hearing was held in this matter. The State presented evidence at the hearing to include videos of the conduct

at issue and witness testimony. The Defense had the opportunity to cross-examine the witness and challenge the evidence presented. After the evidentiary hearing, the Court found there was proof evident presumption great that the Defendant committed new felony offenses while on felony release. He was then held without bond.

The Defendant fails to cite any law that permits him to be released after he was held no bond following a full evidentiary hearing and the law supports that he is not entitled to a review. Article 2 Section 22(A)(2) of the Arizona State Constitution provides a person is not bailable when the person commits a new felony while already admitted to bail on a separate felony charge where there is proof evident presumption great as to the new felony charges. The constitutionality of this provision has been upheld by the Arizona Supreme Court in *Morreno v. Brickner*, 243 Ariz. 543, 553 (2018). Furthermore, “Arizona law does not require that a risk of flight or a risk of recidivism be considered before bail is denied.” *Simpson v. Owens*, 207 Ariz. 261, 277, (App. 2004).

Likewise, Rule 7.2(b)(1)(B) of the Arizona Rules of Criminal Procedure provides “a defendant must not be released if the court finds the proof is evident or the presumption great that the defendant committed” . . . “any felony offense while the defendant was on pretrial release for a separate felony charge.” In this case, a full evidentiary hearing was held and the court found that the State met its burden for the Defendant to be held without bond.

There is nothing in the Constitution or the rules to support Defendant’s argument that this Court should review the other court’s finding or that the Court should release him to home detention. Instead, the law provides that the Defendant must be held without bond.

For the foregoing reasons, the State respectfully requests that this Court deny Defendant's Motion for Rehearing on Bail.

Respectfully submitted this 9th day of April, 2025.

LAURA CONOVER
PIMA COUNTY ATTORNEY

/s/ Rachel L. Stiles
Rachel L. Stiles
Deputy County Attorney
Rachel.Stiles@pcao.pima.gov

Original of the foregoing filed with the
Clerk of the Court this 9th day
of April, 2025.

Copy of the foregoing delivered
this 9th day of April, 2025, to:

Honorable D. Douglas Metcalf
Division 16
Judge of the Superior Court

William Parven
Attorney for Defendant
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