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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 JEFFREY MYERS,

Defendant.

Case No. CR20251454-001

**RESPONSE TO DEFENDANT'S
MOTION TO REEXAMINE BAIL
ELIGIBILITY PURSUANT TO RULE
7.4(c)**

Honorable D. Douglas Metcalf
Division 16

The State of Arizona, by Laura Conover, the Pima County Attorney, through her deputy, Rachel Stiles, responds to Defendant Lane Jeffrey Myers's Motion to Reexamine Bail Eligibility Pursuant to Rule 7.4(c) and respectfully requests the Court to deny it. The Basis for this Response is contained in the attached Memorandum of Points and Authorities.

MEMORANDUM OF POINTS AND AUTHORITIES

FACTS:

While Defendant was on felony release, he was charged with new felony offenses.
In accordance with Article 2, Section 22(A)(2) of the Arizona Constitution and Rule

1 7.2(b)(1)(B) of the Arizona Rules of Criminal Procedure, a No Bond Hearing was
2 conducted. At the hearing, the State introduced evidence, including video recordings of
3 the alleged conduct and witness testimony. The Defense was afforded the opportunity to
4 cross-examine the witness and contest the State's evidence. Following the evidentiary
5 hearing, the Court determined that the proof was evident and the presumption great that
6 Defendant had committed new felony offenses while on felony release. As a result,
7 Defendant was ordered held without bond.

8 Defendant now files this Motion for Rehearing on Bail, asserting that, pursuant to
9 Rules 7.2 and 7.4 of the Arizona Rules of Criminal Procedure, the initial bail hearing
10 served solely to secure his appearance before the Court. He further contends the transfer
11 of his case from Tucson City Court to the Superior Court entitles him to a rehearing on
12 the issue of bail. However, Defendant misconstrues the scope and intended application
13 of Rules 7.2 and 7.4, and his argument reflects a fundamental misunderstanding of the
14 governing legal framework. Accordingly, the State respectfully requests this Court deny
15 Defendant's Motion for Rehearing on Bail.

16 **LAW AND ARGUMENT:**

17 **I. DEFENDANT IS NOT ENTITLED TO A REHEARING ON BAIL**

18 Defendant fails to cite any legal authority entitling him to release after being held
19 without bond following a full evidentiary hearing. To the contrary, the governing law
20 supports the conclusion he is not entitled to a review of the extant bond order. Article 2,
21 Section 22(A)(2) of the Arizona Constitution provides that a person is not bailable if,
22 while admitted to bail on a separate felony charge, they commit a new felony offense,

1 and the court finds the proof evident and the presumption great the person committed the
2 offense. The Arizona Supreme Court has upheld the constitutionality of this provision in
3 *Morreno v. Brickner*, 243 Ariz. 543, 553 (2018). Moreover, Arizona law does not require
4 the court to consider risk of flight or recidivism before denying bail under this provision.
5 *Simpson v. Owens*, 207 Ariz. 261, 277 (App. 2004).

6 Similarly, Rule 7.2(b)(1)(B), Ariz. R. Crim. P., mandates that a defendant must
7 not be released if the court finds that the proof is evident or the presumption great that
8 the defendant committed any felony offense while on pretrial release for a separate
9 felony. Here, the Court held a full evidentiary hearing and determined the State had met
10 its burden under both the constitutional and procedural standards.

11 **A. Rule 7.4(c) of the Arizona Rules of Criminal Procedure**

12 Rule 7.4 (c)(1), Ariz. R. Crim. P., provides that “a court *may* reexamine bail
13 eligibility or the conditions of release if the case is transferred to a different court, *if* a
14 motion alleges the existence of material facts not previously presented to the court or the
15 defendant is unable to post bond due to the defendant’s financial condition.” (emphasis
16 and bold added). Here, the relevant portion of the rule when a person is held no bond is
17 whether there is the existence of material facts not previously presented. In order for the
18 court to make the determination, the Defendant first has to allege the existence of material
19 facts not previously considered. This is made even more clear by Rule 7.4(c)(3), Ariz.
20 R. Crim. P. as it indicates that if the motion is by the State then no new material facts
21 have to be alleged which indicates a Defendant would have to allege new material facts.
22 In this case, the Defendant has not alleged any new material facts. As such, he has not

1 made the initial showing warranting any further action by the court.

2 Even if the Defendant alleged new facts, the rule still allows the court discretion
3 whether to grant either oral argument or another evidentiary hearing. The “may” in the
4 rule clearly indicates it is not mandatory. Here, as there was already a full evidentiary
5 hearing where there was testimony and exhibits presented and the Defendant was able to
6 cross-examine the witness and confront the evidence, the Defendant has not presented
7 any legal or factual reason why the prior determination from the court at the no bond
8 hearing should be revisited.

9 Accordingly, Defendant is not entitled to a rehearing on bail under the applicable
10 legal standards. As such, this Court should deny his Motion in its entirety.

11 **B. *Segura v. Cunanan***

12 Defendant improperly relies on *Segura v. Cunanan*, 219 Ariz. 228 (App. 2008),
13 to argue that due process requires a rehearing on the bail issue. In *Segura*, the Court of
14 Appeals held a defendant is entitled to an individualized determination of release
15 conditions under the due process clause and applicable rules. *Id.* at ¶ 44. However, *Segura*
16 does not support that a defendant automatically is entitled to a rehearing upon transfer of
17 a case from a limited jurisdiction court to Superior Court. *Id.* Rather, the decision
18 emphasized the necessity of a meaningful opportunity to be heard at the initial bail
19 determination—not that such a hearing must be repeated absent a material change in
20 circumstances. *Id.* at ¶ 45.

21 Here, Defendant was afforded an initial bail hearing, and nothing shows that the
22 procedures followed were constitutionally deficient or that any new information warrants

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1 reconsideration under Rule 7.4. Accordingly, *Segura* is inapposite in this case, and
2 Defendant's reliance on it is misplaced.

3 **CONCLUSION:**

4 There is nothing in the Constitution, the rules, or case law to support Defendant's
5 argument that this Court should review the other court's bail determination or that the
6 Court should release him to home detention. The Defendant has not alleged the existence
7 of material facts not previously considered. For the foregoing reasons, the State
8 respectfully requests that this Court deny Defendant's Motion.

9
10 RESPECTFULLY SUBMITTED this 15th day of May, 2025.

11
12 LAURA CONOVER
PIMA COUNTY ATTORNEY

13 /s/ Rachel Stiles

14 Rachel Stiles
Deputy County Attorney

15 ORIGINAL of the foregoing filed
16 with the Clerk of the Court
this 15th day of May, 2025.

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

19 Honorable D. Douglas Metcalf
Division 16
20 Pima County Superior Court

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1 COPY of the foregoing mailed/delivered
this 15th day of May, 2025, to:

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Pro Se Defendant

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Mark Resnick

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Advisory Counsel for Defendant

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