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**IN THE PIMA COUNTY SUPERIOR COURT,  
FOR THE STATE OF ARIZONA**

STATE OF ARIZONA;  
Plaintiff,

v.

LANE JEFFERY MYERS  
Defendant

No. CR20251060-001

**Reply to Response**

Hon. Brendan Griffin

**REPLY TO STATES RESPONSE**

Mr. Myers files this Reply to the States Response to his Motion to Modify/Clarify Conditions of Probation.

The State didn't provide an E-Filing compliant Response to Myers until June 25<sup>th</sup>, 24hrs after filing it with the Clerk on the 24th. Allowing Myers until the 28<sup>th</sup> to Reply.

This Reply follows. Any contentions by the State to portray Myers as wanting to harass the victim are not supported by the fact that Myers reached out to the State several weeks

prior to filing his Motion to modify. This was an attempt to work together with the State to create conditions that protected the victim, and gave Myers his rights back. The State declined to participate in any substantive discussions with Myers.

The bare facts agreed to at the plea hearing are all the facts that matter when it comes to protecting the victim and balancing that with Myers rights.

Count 1 –

THE COURT: Okay. So, Ms. Stiles, let's start with CR20251060. And before you do that, let me get the statute, just a minute, so I have it available in case we need to reference it. Okay. Go ahead, Ms. Stiles.

MS. STILES: So on or about September 12, 2024 through February 22, 2025, here in Pima County, Lane Myers knowingly engaged in a course of conduct. The course of conduct was by phone calls and then through posting videos on social media that were directed towards Shannon Walker, which caused the people that were following Mr. Myers then to reach out to Shannon Walker in manners that were threatening and harassing in nature, and that caused Shannon Walker to reasonably fear for her safety or the safety of her family.

Count 2 –

THE COURT: Okay. And then, Ms. Stiles, as to CR20251454, Amended Count One.

MS. STILES: On or about March 16, 2025, here in Pima County, Lane Myers committed Aggravated Harassment of Shannon Walker. At the time, he did have an Injunction Against Harassment in place, and at the time, he put up a video again on social media. On social media,

he was displaying her contact information. And then by displaying her contact information, then again followers were reaching out to Shannon Walker.

### **LEGAL ARGUMENT**

At the time of sentencing the court cited 2 cases it believed gave it the power to set the current special conditions of probation, the State is now citing one of those cases again. Neither of these cases have anything to do with the facts of Myers case, and in fact support Myers positions to the fullest as addressed below.

In *State v. Kessler*, 199 Ariz. 83 (App. 2000), the Court of Appeals found that “Courts have consistently upheld imposition of conditions of probation that restrict a defendant’s freedom of speech and association when those conditions bear a reasonable relationship to the goals of probation.” *Kessler*, 199 Ariz. at ¶ 21 (citations omitted).

Both the sentencing court and the State in its Response cited another case that does nothing but support the position of Myers that these conditions of probation have been unlawful since day 1 of his probation term. This citation is simply cherry picked to serve an agenda not follow established law. This case is extremely unique, and has absolutely nothing to with the facts of the instant case. Myers is not a child molester, arguing that he should be allowed to speak to and associate with children under the guise of 1<sup>st</sup> amendment protected free speech and association. Myers is not asking to contact the victim, or encourage others to contact the victim. Beyond that there is no narrowly defined government interest to restrict Myers from any “mention”, or speaking “about” the victim. Is Myers just supposed to pretend the entire criminal prosecution, and his

unlawful imprisonment did not happen? Is the State really trying to argue that because the court restricted a child molester from speaking and associating with children under a narrowly defined restriction, that means there is a valid basis to restrict Myers speech and association. That's absurd. It was absurd the day of sentencing, and its absurd to re argue that. Speaking about Myers own court cases, public records, courtroom experiences, and about government employees is not in the same galaxy as a child molester not speaking to children. The reality is there is not a single case law, statute, or piece of fabricated prejudicial evidence to support the argument that a probationer can be restricted from speaking to third parties to distribute constitutionally protected materials. Its never happened, and it can not be allowed to continue to happen in the instant case.

### **Conditions argument**

Myers has no restrictions on posting “regarding” his case. Or providing public records to 3<sup>rd</sup> parties. The fact that Rachel Stiles attempt to prejudice the court by complaining about emails she also received, shows her true intentions of trying prevent Myers from speaking about her actions prosecuting him. A prosecutor for the State should not be complaining about be contacted by the public on her public email. Its also important to note that Myers has not posted anyone's email information, or encouraged anyone to contact the victim, her husband, or Rachel Stiles. Yet she still wants the court to punish Myers. For things he has no control over.

Myers has already made it clear the court may restrict Myers ability to post the victims or her kids personal or work contact information or encourage others to contact

the victim. That's a valid narrowly defined exception to protect the victim. Beyond that is overbroad. Her husband is a government employee. As long as Myers doesn't post his personal information which is the same as the victims the court is not able to further restrict Myers communications about Matt Walkers' actions in his governmental capacities.

Gray has been posting the entire last year that Myers has been on probation and it was not an issue in any way until Myers filed his motion to modify so now the state is scrambling to fabricate a reason to restrict Myers association with Gray. The restriction on Myers communicating with Gray was never legal and will never be legal. You can not restrict someone from speaking to their own friend.

If Myers did not name the victim, did not post her contact information, and did not encourage anyone to contact the victim, there's nothing this court can do beyond that. A more pertinent question is how did they get victims contact information to even contact her. Its because its published right on the U of A Law School website with both her work phone and email shown. If the victim doesn't want members of the general public to contact her, she can remove that information from the U of A website. Myers clearly established constitutional rights greatly exceed any claims to "privacy" by the victim. There is no expectation of privacy in public. A government website is a public forum, therefore the onus is on the government to decide which information it wants to make publicly available on its own public forum. The government doesn't get to silence its critics to stop the public from receiving publicly available public information.

Furthermore, Myers has also stated multiple times he is not asking to post the victims personal or work contact information or encourage others to contact the victim. Which is an acceptable narrowly defined restriction. For the State that insinuate Myers is “violating” his probation even when hasn’t even used the victims name, shows the states true intentions, which are not supported by a single case citation. The State made no attempt at defining how being punished for both not speaking, and speaking about the victim is narrowly defined. It leaves Myers damned if he does, and damned if he doesn’t. The only way Myers would be able to abide by that is to not speak at all. That’s an invalid prior restraint and unconstitutionally overbroad.

Myers plans to present substantial evidence at the hearing that there is a significant interest in Myers case even without his contribution to public discourse. Myers must be allowed to participate in the free expression of his opinions, and distribution of public information to 3<sup>rd</sup> parties. This Court must Modify Myers conditions of Probation to protect his clearly established rights.

6-27-26

/s/Lane Myers