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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF PIMA

THE STATE OF ARIZONA,	)	Case No.: CR20262247-001
	)	
Plaintiff,	)	MOTION TO RECONSIDER
	)	DEFENDANT'S MOTION TO
vs.	)	MODIFY CONDITIONS OF RELEASE
	)	
JAMES ALAN SPRINGER, JR,	)	
	)	
Defendant	)	Honorable Howard Fell
	)	Division SR

Defendant James Alan Springer, Jr., by and through undersigned counsel, respectfully moves this Court to reconsider the previous ruling on Defendant's Motion to Modify Conditions of Release made on June 3, 2026. This motion is brought pursuant to Ariz. R. Crim. P. 16.1(d). Good cause exists for this reconsideration because the Court previously failed to make an individualized determination regarding release conditions and failed to impose the least onerous release conditions, each required by law.

Samiuddin v. Nothwehr, 243 Ariz. 204, 404 P.3d 232 (Ariz. 2017). Additionally, the Court contemplated when making its previous ruling that the State and Mr. Springer may

be able to reach a stipulated agreement regarding permissible contact between Mr. Springer and his family, but the State has entirely refused to discuss those issues.

For these reasons, Mr. Springer respectfully requests that the Court modify his conditions of his release to 1) allow for all consented contact with listed victims Alicia Springer and E.S., and 2) remove all restrictions on contact between Mr. Springer and his four minor children who are not listed victims in this case.

I. FACTS

Mr. Springer is charged with two counts of Disorderly Conduct, two counts of Threatening or Intimidating, and one count of Criminal Damage, all of which are class 1 misdemeanor domestic violence offenses. Those offenses name either Mr. Springer's wife, Alicia Springer, or his 16-year-old daughter, E.S., as victims. Mr. Springer is additionally charged with one count of Unlawful Flight from Law Enforcement, a class 5 felony. Mr. Springer shares six children in common with his wife, five of whom are minors. The five minor children lived in a shared residence with Mr. and Mrs. Springer until the time of this alleged offense on May 3, 2026.

On May 4, 2026, Mr. Springer had his Initial Appearance before the Honorable Clayton Kamm. Mr. Springer was ordered to have no contact with the alleged victims at that time.

Mr. Springer filed his Motion to Modify Conditions of Release on May 26, 2026. The motion requested that Mr. Springer be allowed to have contact with his wife and children, and that his bond amount be reduced or fully exonerated. A hearing on the motion was held before the Honorable Christopher Browning, Division 27 of the Pima County

Superior Court, on June 3, 2026. The motion was granted in part, with Mr. Springer's bond being significantly reduced. See Minute Entry (June 3, 2026). The Court's ruling on the motion also included the *sua sponte* imposition of other release conditions. Included in those conditions imposed by the Court was the order that Mr. Springer only be allowed "consented contact" with his wife "regarding any matters involving the minor children in the home" and that "[t]he Defendant shall be allowed contact by phone with the 16-year-old victim in this case to the extent she desires." Amended Minute Entry (June 15, 2026). The Court also imposed what appears to be a complete restriction on Mr. Springer contacting his four minor children who are **not** listed victims in this case. Minute Entry (June 3, 2026); Exhibit A, Transcript of June 3, 2026, Hearing on Defendant's Motion to Modify Conditions of Release, 7:16-23.

The Court's ruling regarding contact between Mr. Springer, the listed victims, and the four other minor children, was based on the Court's assertion that it was "protocol" to prohibit such contact due to "the nature of the charges." Ex. A, 5:16-23.

II. LAW AND ARGUMENT

A. No Individualized Determination Was Made Regarding Certain Release Conditions.

The Arizona Rules of Criminal Procedure and the law require a trial court to impose the least onerous conditions of release that are reasonable and necessary to protect other persons or the community. Ariz. R. Crim. P. 7.2(a); *Samiuddin*, 404 P.3d at 239. Due process demands that "the trial court make an individualized determination in

setting discretionary pretrial release conditions that restrict parents' access to their minor non-victim children." *Samiuddin*, 404 P.3d at 240.

Here, the Court engaged in no such individualized determination, and accordingly the restriction placed on Mr. Springer that barred him from seeing his four minor children who are not victims in this case violated his due process rights. The transcript of the hearing held on Mr. Springer's Motion to Modify Conditions of Release is clear on this issue. The State initially offered no position on Mr. Springer's motion, deferring to the Court. Ex. A, 4:21-25. The Court then went on to describe that due to "protocol" the Court would not allow in-person contact between Mr. Springer and Mrs. Springer "because of the nature of the charges." *Id.* at 5:16-23. The Court gave this explanation, at least partially, for the benefit of Mrs. Springer, who had personally appeared to request that Mr. Springer be allowed to have contact with her, and to say that she did not wish to keep the children from him. *Id.* at 4:4-20. The Court went on to clarify that the no-contact restriction extended to the four minor children who are not victims in the case. *Id.* at 7:16-23. The Court's decision on this aspect of Mr. Springer's pretrial release conditions was based only on a blanket application of familial no-contact restrictions in cases involving allegations of domestic violence. Accordingly, the Court's decision was not based on an individualized determination based on the facts or circumstances of Mr. Springer's case, and the ruling must be reconsidered for that reason.

Mr. Springer poses no threat to his wife or any of his children. Mr. Springer is accused of making verbal threats towards his wife and 16-year-old daughter, damaging property in his own home, and "shoving" his 16-year-old daughter, an event that has been

consistently described as the two of them colliding as they walked in opposite directions through a doorway. While the alleged conduct here may be undesirable, it falls short of clearly demonstrating that Mr. Springer poses such a risk to his family that he should be restricted from all in-person contact with them, especially his four young children who are not alleged victims. The events underpinning the charges in this case occurred in the context of Mr. Springer suffering an acute mental health crisis that has since resolved. Mrs. Springer surely recognizes the transient nature of the mental instability that visited her husband and would not be seeking to have him present in her life, and the lives of their children, if she believed he posed a threat to their safety.

B. The Court Must Rule Because the Pima County Attorney's Office Refuses to Communicate with Defense Counsel About These Issues.

The Court previously expressed concerns about the logistics of Mr. Springer seeing his four minor children who are not victims because of the Court's restriction on in-person contact between Mr. Springer and Mrs. Springer. *Id.* at 7:16-8:2. Despite undersigned counsel's suggestion to the Court that a third party could facilitate Mr. Springer's contact with the children so that he would not be physically present at the same location with Mrs. Springer, the Court rejected this simple solution, instead suggesting that the defense and the State confer to potentially prepare a stipulation regarding conditions of contact between Mr. Springer and his family. *Id.* at 8:3-20.

Undersigned counsel contacted the assigned prosecutor at the Pima County Attorney's Office ("PCAO"), Matthew Caylor, by leaving him a voicemail on June 8, 2026, requesting to discuss the release conditions issues. After receiving no response,

undersigned counsel then emailed Mr. Caylor on June 10, 2026, requesting to discuss a potential stipulation. That email was never answered. Undersigned counsel then left Mr. Caylor voicemails on June 12 and June 16, 2026, requesting to discuss the issues in this case. Those messages resulted in no reply from Mr. Caylor. Undersigned counsel then contacted Mr. Caylor's first and second-line supervisors, Kendrick Wilson and Brad Roach, by email on June 17, 2026, requesting assistance due to Mr. Caylor's lack of communication in this matter. That email also went unanswered. Mr. Caylor has never responded to the numerous communications regarding Mr. Springer's release conditions.

Accordingly, due to the PCAO's refusal to discuss the issues here, Mr. Springer requests that the Court take action to set reasonable release conditions regarding contact with his family, rather than rely on the PCAO to participate in discussions with defense counsel to potentially arrive at a stipulated agreement. The failure of the PCAO to communicate regarding these issues further supports a finding of good cause to reconsider the Court's previous ruling on the Motion to Modify Conditions of Release, as the previous ruling seemingly contemplated that there would be, at least, a good faith attempt to resolve the issues between the parties. The PCAO has demonstrated that they are unwilling to participate in such discussions.

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III. CONCLUSION

For the foregoing reasons, Mr. Springer respectfully requests that this Court modify his conditions of pretrial release and allow him to have consented contact with Alicia Springer and E.S., in-person or by any other means, and to remove all existing contact restrictions between Mr. Springer and his four minor children who are not victims in this case.

Respectfully submitted this 14th day of August, 2026.

/s/ Ryan LaMaster
Ryan LaMaster
Attorney for Defendant

Electronically filed and distributed to the following parties:

Honorable Howard Fell
Division SR

Pima County Attorney's Office
Matthew Caylor
Efile.felony@pcao.pima.gov

Exhibit A

IN AND FOR THE COUNTY OF PIMA

VS .

Defendant.

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)
)
) No. CR2026-2247-001
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)
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)
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DIVISION 27

Tucson, Arizona

R. Chris King, RPR
Certified Reporter # 50142

1 APPEARANCES:

2 APPEARING ON BEHALF OF THE STATE:

3 Shelby Aguallo, Esquire
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6 APPEARING ON BEHALF OF THE DEFENDANT:

7 Ryan S. LaMaster, Esquire
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P R O C E E D I N G S

THE COURT: CR2026-2247, State versus Springer.

MS. AGUALLO: Shelby Aguallo for Matt Caylor for the State. And the victim is present in person. She's seated in the third row, just a little bit behind me, Your Honor. And I do believe she wants to be heard this morning regarding the motion to modify.

THE COURT: All right. And her name?

MS. AGUALLO: It is Alicia Springer.

MR. LAMASTER: Ryan LaMaster for Mr. Springer. He's present, out of custody.

THE COURT: Thank you, Mr. LaMaster. Good morning to you, sir.

MR. LAMASTER: Good morning, sir.

THE COURT: This is a motion to modify release conditions. I have read the motion. I received a brief email from pre trial indicating they don't have anything to say because he's not released under their supervision. He has posted bond, my understanding is, in the case. And, Ms. Aguallo, I didn't receive a written response from the State. Was one filed?

MS. AGUALLO: No, Judge.

THE COURT: Okay. Why don't I first hear

1 from Ms. Springer, and then Ms. Aguallo, I'll hear from
2 you about any recommendations the State might have.

3 MS. AGUALLO: Thank you, Judge.

4 THE COURT: Ms. Springer, go ahead and tell
5 me whatever you'd like me to hear.

6 MS. SPRINGER: I would like to have contact.
7 We do have six children together. Yes, there's a lot of
8 things that happened that should not have happened. And
9 I would like to be able to make everything move forward
10 and be able to live our lives, on both ends.

11 THE COURT: Okay. Is there anything else
12 you wanted to tell me?

13 MS. SPRINGER: I don't think --

14 THE COURT: You don't need to tell me
15 anything more. I just want to make sure you've had a
16 chance to say what you wanted to say.

17 MS. SPRINGER: No. I just feel like it all
18 should just not have happened. Lots of mistakes were
19 made. And I would never -- I don't want to keep my
20 children from him.

21 THE COURT: All right. Thank you.

22 Ms. Aguallo, does the State have a recommendation
23 on the motion to modify?

24 MS. AGUALLO: Your Honor, we will defer to
25 the Court.

1 THE COURT: All right. Mr. LaMaster, I read
2 your motion, and I'll at least tell you my initial
3 inclination. And that is to substantially reduce the
4 amount of the bond. I don't know why it is as high as it
5 was initially set. I didn't set it. But that doesn't
6 matter.

7 Based on what's before me, I don't think that
8 there's a need for a \$40,000 bond. So I'll reduce the
9 bond to \$2,500, cash or secured. Order that if the
10 defendant posts the bond, that he be released into the
11 third party custody of pre trial services. That he
12 attend all of his court hearings. He engage in any
13 programming that they might recommend or direct. And
14 that he report to pre trial on a schedule they deem
15 appropriate.

16 With regard, Ms. Springer, to your request for
17 contact. In these cases the rule, or the protocol that
18 we follow is there's not contact. We could consider
19 telephonic contact about if there are decisions in the
20 kids' lives that you want to make with Mr. Springer, that
21 you could communicate by email or by phone. But we don't
22 allow personal contact now, just because the nature of
23 the charges are such that that's something we don't do.

24 If Mr. Springer accepts a plea, or goes to trial
25 and is acquitted, obviously then there is no problem with

1 contact. If he were convicted at trial and got
2 probation, then probation would sort out -- they would
3 talk to you, they would talk to him, and they would set
4 whatever contact rules they wanted to, and thought were
5 appropriate. So you're not being treated any differently
6 than anybody else in this situation. Once the case is
7 resolved, likely contact will be restored.

8 But there's a process, and probation will want to
9 go through that and make sure that you're still of the
10 mind you are today, that it's going to be safe, that
11 there are not going to be any problems for you, or the
12 children, or Mr. Springer.

13 So I wanted to give you an explanation why I'm
14 not just saying you can have contact. I will allow
15 contact, either in writing or by phone, between the two
16 of you, with regard to matters involving the children
17 that you want input from their father. Okay?

18 MS. SPRINGER: Yes.

19 THE COURT: All right. Thank you.

20 And, Mr. LaMaster, did you want to say anything
21 further, sir?

22 MR. LAMASTER: Yes, Judge. I would like to
23 address a couple of points here. One of the minor
24 children is a listed victim in the case. Does the order
25 extend also to that minor victim, that there may be

1 consented contact, through writing or telephone?

2 THE COURT: I'll leave that up to
3 Ms. Springer about if she -- how old is that --

4 MR. LAMASTER: 16.

5 THE COURT: 16. I just didn't know the age.
6 So to the extent you want the 16 year old to be able to
7 have telephonic contact with her father during the
8 pendency of this --

9 MS. SPRINGER: If she's okay with that, I'm
10 fine with that.

11 THE COURT: You and she can talk about that.

12 MS. SPRINGER: I mean we have an 18 year
13 old, 16 year old, 9, 7, 5 and 2.

14 THE COURT: Well, the 18 year old can do
15 whatever he or she wants. All right.

16 MR. LAMASTER: So presently there is no
17 restriction, that's known to me, regarding his contact
18 with the other minor children, who are not listed
19 victims. I just want to clarify that there are no
20 restrictions in place with respect to that as well.

21 THE COURT: Well, yes, I'm going to restrict
22 the contact, because I assume they all live in the same
23 house with you?

24 MS. SPRINGER: They do.

25 THE COURT: Because necessarily he would be

1 in violation of the release conditions if he went to the
2 house to see the kids.

3 MR. LAMASTER: So, Judge, I'm contemplating
4 a situation where a third party could have the children,
5 where he doesn't have to see Ms. Springer or the named
6 victim directly.

7 THE COURT: If you want to set all that up
8 and present it to the Court and see if the State has an
9 objection. Ms. Aguallo, my understanding is the State
10 generally follows the protocol I articulated earlier, and
11 that is while these matters are pending, the State
12 generally takes the position that there shouldn't be
13 direct contact between the parties. Am I correct in that
14 regard?

15 MS. AGUALLO: Yes, you are accurate.

16 THE COURT: So if you want to try and work
17 that out, Mr. LaMaster, go ahead. Talk to the State. If
18 you can prepare some sort of stipulation that's agreeable
19 at all, I'll certainly look hard at it. If no one
20 objects, I'll likely sign off on it.

21 MR. LAMASTER: May I have just one moment to
22 talk to my client?

23 THE COURT: Of course.

24 MR. LAMASTER: With respect to the pre trial
25 services supervision conditions that you mentioned

1 earlier, Mr. Springer is not presently under supervision.
2 I would ask that you do not impose that as a condition of
3 this review.

4 THE COURT: I'm doing that because I'm
5 reducing the bond dramatically. So I think it's
6 appropriate that he, at least, check in. As you know,
7 pre trial supervision is not generally terribly time
8 consuming or terribly burdensome for the person that's
9 under pretrial supervision. So I'm not asking for any
10 kind of -- ordering any kind of monitoring or any of
11 that. So I think it's pretty minimal, and I think it's
12 appropriate under the circumstances.

13 MR. LAMASTER: Finally, Your Honor, the
14 conditions of release that were set at the initial
15 appearance omitted a statement about not leaving Arizona.
16 Understanding that that is a standard condition of
17 release, I wanted to clarify if that restriction remains
18 in place. And if so, ask for permission for Mr. Springer
19 to leave the state in advance of -- he does have some
20 tentative plans to travel to Texas to visit friends,
21 potentially seek for a residence to relocate to.

22 My understanding is the family is ultimately
23 looking to leave Arizona in the long term. So I would
24 ask for the Court's permission to either pre approve him
25 for short trips outside of the state, or provide some

1 direction about how you would like us to approach that.

2 THE COURT: Sure. He should just talk to
3 his pre trial release person that he's going to be
4 assigned to, and they can allow him to leave the state if
5 they think that's appropriate, as long as he provides
6 them with information as to how he can be contacted, et
7 cetera. All right?

8 MR. LAMASTER: Okay.

9 THE COURT: He will need to be here for all
10 of his court appearances, so he shouldn't leave the state
11 at any time that conflicts with his court appearances.
12 And it looks like the next hearing in this case is July
13 31st at 8:30, and that's the change of plea, Donald, pre
14 trial.

15 MR. LAMASTER: Yes, Judge. Just before we
16 go off the record, and I know I run the risk of beating a
17 dead horse here, but the four other minor children who
18 are not named victims are not party to this case. There
19 is presently no restriction in place regarding their
20 contact. For the Court to now impose that restriction at
21 this hearing --

22 THE COURT: I've told you, if you want to
23 try and find a work around. They live with their mother,
24 they're in that house. It's going to be difficult to
25 facilitate that kind of contact without the two parties

1 themselves coming into contact. And so that's the reason
2 for the Court's order.

3 MR. LAMASTER: Yes, Judge.

4 THE COURT: All right. So do you want to
5 affirm the change of plea, Donald, Pre trial on July 31st
6 at 8:30?

7 MR. LAMASTER: Yes, Judge.

8 THE COURT: And do you have a plea, and do
9 you have disclosure?

10 MR. LAMASTER: We have limited initial
11 disclosure. There is not a plea offer in this case yet.

12 THE COURT: All right. Ms. Aguallo, do your
13 notes have any information as to whether a plea is
14 forthcoming, or what the status is of that?

15 MS. AGUALLO: I don't have any notes about
16 the status, Your Honor, but I would anticipate a plea is
17 coming.

18 THE COURT: All right. And is it assigned
19 to a particular attorney yet?

20 MS. AGUALLO: Yes, it is assigned to
21 Mr. Caylor.

22 THE COURT: Okay. So if you want to reach
23 out to Mr. Caylor, I'm sure he can enlighten you more
24 than I can. All right?

25 MR. LAMASTER: Yes, Judge.

1 THE COURT: Mr. Springer, you need to be
2 back here, sir, on July 31st at 8:30. All right?

3 MS. SPRINGER: Yes, sir.

4 THE COURT: All right. Thank you.

5 (WHEREUPON OTHER CASES WERE HEARD)

6 THE COURT: So we're back on the record in
7 2026-2247, State versus Springer. Ms. Aguallo for the
8 State. Mr. LaMaster for Mr. Springer. He's still
9 present, out of custody. Go ahead.

10 MR. LAMASTER: Judge, I just wanted to
11 clarify what was going to happen regarding the bond
12 exoneration. Because I believe the language you used on
13 the record is slightly different than what I've heard in
14 the past. And I just want to clarify that -- we would
15 request that the Minute Entry read that \$37,500 of the
16 bond presently posted be exonerated, rather than there
17 being a new bond that needs to be posted.

18 THE COURT: That's fine. But ultimately
19 that decision is the bond poster's decision. So they
20 might not want to post a \$2,500 bond on his behalf. They
21 might want somebody else to do it. I don't know. So
22 he's entitled to have his entire \$40,000 returned. If
23 the bond poster wants to say we'll give you 37,500, and
24 we'll post the \$2,500, well, you've posted it, basically.
25 That's fine.

1 MR. LAMASTER: Judge, I'm confused about the
2 operation of what's going to happen here. If the \$40,000
3 is exonerated, and now there's an immediate need to
4 re-post the \$2,500 bond, does that person then need to
5 take the money out of the cash pile and hand it right
6 back through the window?

7 THE COURT: No, I don't think they have to
8 do that at that moment, but they certainly need to do it,
9 you know, I would think within 24 or 48 hours of the
10 \$40,000 being returned.

11 MR. LAMASTER: I'm imagining this scenario,
12 and I think it's going to create a period of time,
13 however brief, where Mr. Springer has not posted a bond,
14 and is out of custody.

15 THE COURT: I will let the Minute Entry
16 reflect that Mr. Springer may have three business days in
17 which to post the \$2,500 bond, from the date that the
18 \$40,000 bond is exonerated. All right?

19 MR. LAMASTER: Thank you, Your Honor.

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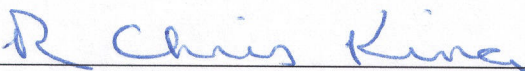
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C E R T I F I C A T E

STATE OF ARIZONA)
) ss
COUNTY OF PIMA)

I, R. Chris King, a Registered Professional Reporter, in and for the state of Arizona, do hereby certify that the foregoing transcript of the proceedings in Pima County Superior Court is full, true and accurate to the best of my knowledge, skill, and ability.

Signed and dated this 17th day of June, 2026.



R. Chris King, RPR
Certified Reporter #50142