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SEP 15 2026

FILED

9/15/20

JAMES W. GIACOMINO

K. J. [Signature]

Deputy

ARIZONA SUPERIOR COURT, PIMA COUNTY

HON. D. DOUGLAS METCALF

CASE NO. CR20251060-001  
CR20251454-001

COURT REPORTER: Chris King  
Courtroom - 386

DATE: September 14, 2026

STATE OF ARIZONA

Rachel L Stiles, Esq. counsel for State

V.

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LANE JEFFERY MYERS  
Defendant

Mark R. Resnick, Esq. counsel for Defendant

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**MINUTE ENTRY**

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**VIOLATION HEARING (CONTINUED)**

Hearing begins at 11:06 AM.

Defendant present, in custody.

Victim is present.

Probation officer is present via Teams.

Defendant's Exhibit A, being a copy of Second Amended State's Petition to Revoke Defendant's Probation, is identified.

As to Defendant's Motion to Dismiss Probation Revocation Petition Pursuant to A.R.S. §12-751:

Mr. Resnick states that the motion was intended to be filed under both cause numbers; however, for an unknown reason it failed to be filed in CR20251454-001 and that will be remedied later today.

Counsel argue to the Court.

THE COURT FINDS the statute covers a criminal prosecution; however, this petition to revoke is not a regulatory administrative action by a state, those are civil actions to enforce regulations by state agencies and the probation department is part of the Court, that is not a civil regulatory administrative action.

As a consequence of violating probation can be incarceration, which is obviously a criminal matter,

THE COURT FINDS that Defendant has waived these arguments by pleading guilty in both cases and that the Petition to Revoke Probation does not invoke a new right to exercise the strategic action against public participation statute under A.R.S. §12-751.

As to the Motion to Clarify Probation Conditions:

The Court will defer ruling on the Motion to Clarify Probation Conditions as proceeding with the hearing prior to ruling on the motion will be the most efficient use of time.

K. H.  
Deputy Clerk

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The Court and counsel confer regarding the schedule for the hearing.

The Court admonishes all parties that there shall be no recordings, either personal recorders or any other recording, and all cellular phones apart from those belonging to attorneys shall be turned off completely during the proceedings. Anyone found in violation of this policy may be held in contempt of Court and/or prosecuted for interference with judicial proceedings.

Mr. Resnick requests that the Court order transcripts of the priors be prepared as they were unable to record them.

IT IS ORDERED that transcripts of the prior proceedings be prepared at the Office of Court-Appointed Counsel expense and be made available to the parties.

As to the continued Violation Hearing:

FOR THE STATE:

Matthew Walker, previously sworn, resumes the stand and further testifies.

12:00 PM: Court stands at recess.

1:38 PM: Court resumes. Defendant present, in custody. Same counsel are present.

All parties are again admonished not to record the proceedings by any method.

FOR THE STATE:

Matthew Walker, previously sworn, resumes the stand and further testifies.

State rests.

FOR DEFENDANT:

Kevin Wheeler, appearing via Microsoft Teams, is sworn and testifies.

Mr. Resnick informs the Court that the Defendant declines to testify on his own behalf; the Court verifies that the Defendant will not testify through a brief colloquy with the Defendant.

Defendant rests. Both sides rest.

Upon briefly conferring with counsel,

IT IS ORDERED that the Violation Hearing set this date is continued to September 16, 2026, at 10:30 AM, in Division 16. Estimated length of hearing is ninety (90) minutes. The purpose of this hearing is for counsel to present closing arguments.

Hearing ends at 3:32 PM.

*[Clerk's Note: Exhibits from August 11, 2026, required for the continued hearing date.]*

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K. H.  
Deputy Clerk

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cc: Hon. D. Douglas Metcalf  
Mark R. Resnick, Esq.  
Rachel L Stiles, Esq.  
Adult Probation

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K. H.  
Deputy Clerk