

appearance bond. Commissioner Callahan set a \$500,000 secured appearance bond. Analysis of the Defendant's cell phone locations put his phone at the location where the victim's car was found and where the murder occurred on the night of January 30, 2017. Detectives used that same cell phone technology to trace the Defendant's phone to a remote location in the desert where the victim's body was recovered on February 4, 2017.

II. Law and Argument

Arizona Rule of Criminal Procedure 7.4 states "Any party may move for re-examination of the conditions of release whenever the case is transferred to a different court or the motion alleges the existence of material facts not previously presented to the court. The court may, on motion of any party, or on its own initiative, modify the conditions of release after giving the parties an opportunity to respond to the proposed modification."

In this case, the Defendant's release conditions were set by Commissioner Callahan before the victim's body was found. On February 4th, the victim's body was found and it was badly burned. After the release conditions had been set, Detectives traced the Defendant's cell phone from the scene of the murder to where the victim's burned body was found. These new facts warrant a modification of release conditions.

When the Court is setting release conditions, A.R.S. § 13-3967(B) provides twelve factors such as the view of the victims, the nature and circumstances of the offense, strength of the State's evidence, and other factors such as length of residence and ties to the community that should be considered. The nature and circumstances of this case warrant an increase in release conditions. The Defendant's actions in this case show he is a danger to the community. The Defendant lured the victim to the desert and shot him in the back of the head with a shotgun. The Defendant created this Facebook page in September of 2016 and planned this murder for at least several weeks. This offense was cold and calculated.

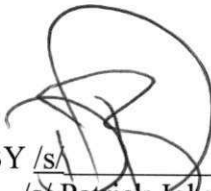
The strength of the State's case has increased significantly since the IA. The body has been recovered and the Defendant's cell phone links him to the crime. In addition, biological evidence was collected from the Defendant's property and will be analyzed.

III. Conclusion

The State requests this Court to set a hearing as soon as possible to comply with Rule 7.4 of the Arizona Rules of Criminal Procedure. The Defendant is a danger to society and based on the change in the facts of the case an increase to a \$1,000,000 cash bond is warranted.

Respectfully submitted this 9th Day of February, 2017.

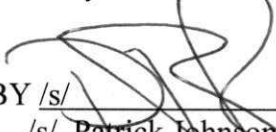
KENT VOLKMER
PINAL COUNTY ATTORNEY


BY /s/ _____
/s/ Patrick Johnson
Deputy County Attorney

Copy mailed\delivered
February 9, 2017,
to:

The Honorable LAWRENCE WHARTON
Judge of the Superior Court

Public Defender
Attorney for Defendant


BY /s/ _____
/s/ Patrick Johnson
Deputy County Attorney