

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

STATE OF ARIZONA,)
)
)
 Plaintiff,)
)
 v.) CR 2007-145254-001 DT
)
 JOSE SEGURA,)
)
 Defendant.)
-----)

BEFORE: THE HONORABLE DAVID O. CUNANAN
COMMISSIONER OF THE SUPERIOR COURT

JULY 26, 2007
Phoenix, Arizona

REPORTER'S TRANSCRIPT OF PROCEEDINGS
(HEARING ON MOTION TO MODIFY RELEASE CONDITIONS AND A
PRIOR ARGUMENT IS ATTACHED)

PATRICIA A. CONNOLLY, R.P.R.
Certified Reporter
Certificate No. 50675

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A P P E A R A N C E S

FOR THE STATE:

DAVINA BRESSLER, ESQ., for
FRANKIE JONES, ESQ.,
Deputy County Attorneys

FOR THE DEFENDANT:

DANIEL MESTAZ, ESQ.,
JASON ROSELLE, ESQ.,
Office of the Public Defender

FOR THE OFFICE OF THE COURT INTERPRETER:

EVAN GRIFFIN

1 THURSDAY, JULY 26, 2007

2 HEARING ON MOTION TO MODIFY RELEASE CONDITIONS

3

4 THE COURT: Number 1 on the Motion to
5 Modify calendar, CR 2007-145254, State of Arizona versus
6 Jose Segura.

7 MS. BRESSLER: Davina Bressler on behalf of
8 Frankie Jones for the State.

9 MR. MESTAZ: Daniel Mestaz for Jose Segura
10 Hernandez, who is present and in custody.

11 THE COURT INTERPRETER: Evan Griffin, Court
12 Interpreter.

13 THE COURT: Sir, please state your name.

14 JOSE SEGURA HERNANDEZ: Jose Segura
15 Hernandez.

16 THE COURT: Your date of birth, sir?

17 JOSE SEGURA HERNANDEZ: February 2, '76.

18 THE COURT: All right, sir. You are here
19 today for a hearing regarding a Motion to Modify Release
20 Conditions. I've had a chance to review your attorney's
21 Motion. I don't believe I've seen a Response from the
22 State.

23 MS. BRESSLER: Your Honor, I never received
24 the Motion.

25 THE COURT: Okay.

1 All right. Counsel, I believe this was
2 also filed on the 23rd which was just a couple of days
3 ago.

4 So, Counsel, I don't think, technically, your
5 response time has technically perked but given the nature
6 of the rules, I set it as quickly as I could for a
7 hearing; so based upon that, Counsel, if you would like
8 today, I will be happy to let you respond orally on that;
9 okay?

10 MS. BRESSLER: Okay.

11 THE COURT: Counsel, do you want to be
12 heard any further on your Motion?

13 MR. MESTAZ: Yes, Your Honor.

14 We would like to first off, address the issues
15 raised in the last hearing; and if the Court's willing, we
16 would like to incorporate Mr. Steinfeld's and
17 Mr. Roselle's arguments in Case CR 2007-143752 with
18 respect to the burden-shifting Constitutional issues
19 discussed on the record. Would that be okay?

20 THE COURT: Counsel, I think that would be
21 fine. The record was made previously. I don't think you
22 need to repeat what they said before so I will avowal that
23 I was here just a few minutes ago so they're pretty fresh
24 in my mind.

25 MR. MESTAZ: Okay. So we, obviously, our

1 objections are the same in that respect.

2 I would like to add that it's, I believe, well
3 settled that when any rule is modified or passed, that
4 it's done in light of what the Constitutional law already
5 is and I think it's plain under the 4th Amendment as
6 interpreted by both Simpson and United States V Selerno
7 that the burden of proving an exception to bail lies with
8 the State and not with the Defense.

9 Therefore, it's the State's burden today to
10 show that proof is evident and presumption great that my
11 client committed the crime he's charged with and that
12 there is probable cause that he's in the country
13 illegally, either entered or remained in illegally.

14 Beyond that, I do not have anything else to add
15 on the record with respect to argument.

16 THE COURT: All right. Counsel for the
17 State, do you want to be heard?

18 MS. BRESSLER: Yes, Your Honor. I'd ask
19 you to incorporate my argument from the previous case as
20 well.

21 Additionally, it is the State's position that
22 we met that burden at IA Court.

23 Because I have not seen the Motion, I don't
24 know if Defense Counsel has presented new evidence or if
25 he intends to present new evidence. In that case, the

1 Defense would be entitled to this hearing.

2 THE COURT: Counsel, I believe the majority
3 of the Motion is simply arguments regarding 7.4 and the
4 changes thereof and due process rights as well as
5 basically testing the sufficiency of the evidence which
6 was presented at the IA proceeding and requesting a
7 hearing based upon that.

8 MR. MESTAZ: Correct, Your Honor. There
9 is -- the Judge who granted this, the right to have this
10 hearing, already found that the hearing should go forward
11 and that it's the State's burden to prove that my client
12 should be held nonbondable for the reasons stated in our
13 Motion.

14 THE COURT: All right. Thank you, Counsel.
15 Counsel, the Court does find that based
16 upon the Court's interpretation of Rule 7.4 as the changes
17 made by the Supreme Court as well as the facts and
18 circumstances in this case, I'm going to note your Motion
19 to Modify for the record and I'm going to deny it at this
20 time.

21 The Court doesn't feel that any new evidence
22 has been presented which warrants a change in release
23 conditions as of this time.

24 MR. MESTAZ: Your Honor, may I proceed?

25 THE COURT: Yes.

1 MR. MESTAZ: Thank you.

2 THE COURT: Well, Counsel, let me finish my
3 ruling, then you can make any record you want.

4 MR. MESTAZ: Well, yeah; but we haven't
5 given -- we haven't been given an opportunity to present
6 evidence.

7 THE COURT: Oh, if you want to, go ahead.
8 Call your witnesses. I'm ready.

9 MR. MESTAZ: Okay. Thank you, Your Honor.

10 The Defense calls Officer Matthew Nelson to the
11 stand. I believe he's in the Jury Box. No.

12 The Defense calls Herbert Jacobs. No.

13 I thought I would give it a go. I guess we
14 don't have anyone, Your Honor.

15 THE COURT: Okay. Again, Counsel, if you
16 believe that, in essence, if you want to subpoena the
17 people you believe that would provide the Court with
18 something in addition, you can do that. I don't have a
19 problem with you doing that but it has to be a good faith
20 basis there is some type of change in what they said.

21 For example, if before the Officer said he did
22 it, then he comes around and says he didn't do it, that's
23 a change in circumstances and I'd like to hear from him.

24 MR. MESTAZ: Your Honor, actually, we can
25 call Sergeant Goodman to the stand.

1 THE COURT: All right. Counsel, do you
2 believe or you have a good faith basis to believe Sergeant
3 Goodman is somehow going to change what he -- what the
4 position -- well, is he the one that provided information
5 at the IA Court?

6 MR. MESTAZ: I can't say that that's the
7 case or not. I do know that it's typical of the State's
8 process that they call MCSO 287 G Officers who have spoken
9 to the arresting officer. There is no reason to
10 believe -- there is no reason to believe that's not the
11 case now.

12 THE COURT: I guess my question is have you
13 talked to that officer? Do you have a good faith belief
14 that somehow his testimony is going to be different than
15 what was presented at the IA Court?

16 MR. MESTAZ: Can I have a minute to speak
17 with him, please?

18 THE COURT: You may.

19 (Whereupon, a brief recess was held; and the
20 following occurred back on the record.)

21 THE COURT: All right. Counsel, this is
22 recalling Number 1 on the calendar, CR 2007-145254, State
23 of Arizona versus Jose Segura. Present are Counsel for
24 the State, Counsel for the Defense and the Defendant and
25 the Court Interpreter is here.

1 MR. MESTAZ: Your Honor, we do have a
2 good-faith basis that through the testimony of Officer
3 Goodman we will show evidence that was not presented to
4 the IA Court showing that my client's voter ID card is the
5 subject of the forgery charge was not forged and that
6 there is no basis, more specifically, for concluding that
7 it was forged.

8 In sum, Mr. Goodman, he told me that he spoke
9 to the arresting officer in this case, who is the one who
10 concluded in his police report and the Form 4 that the
11 document at issue was forged which is what the IA Court
12 Commissioner relied upon in holding my client
13 nonbondable.

14 It had come to our attention in talking to
15 Mr. Goodman that the arresting officer, in fact, is not
16 qualified to render an opinion on whether or not that
17 voter registration card was forged because his training is
18 in opposite. It is based on his Arizona Motor Vehicle
19 Division training and driver's license kind of training
20 not Mexican voter registration card forgeries or
21 validly-issued ones.

22 There is no basis to conclude that my client's
23 voter registration card was forged and that is evidence
24 that was not presented to the IA Court.

25 THE COURT: All right. Counsel, if you

1 believe that you have a good-faith basis to proceed, you
2 can call your witness.

3 MR. MESTAZ: Thank you, Your Honor. The
4 Defense calls Sergeant Goodman.

5 THE COURT: Sir, come forward to my left,
6 be sworn by the Clerk.

7

8 ALAN GOODMAN,

9

10 having been duly sworn according
11 to law, testified as follows:

12

13 THE COURT: Sir, if you come around to my
14 right, have a seat in the witness chair. After you have a
15 seat, please pull the microphone as close to you as
16 possible.

17 Counsel, as soon as your witness is settled,
18 you may proceed.

19 MR. MESTAZ: Thank you, Your Honor.

20

21 DIRECT EXAMINATION

22

23 BY MR. MESTAZ:

24 Q. Would you please state your name for the
25 record, please.

1 A. Alan Goodman.

2 Q. Okay; and you work for the Maricopa County
3 Sheriff's Office; correct?

4 A. I do.

5 Q. Okay; and in connection with your duties, you
6 were notified by the County Attorney to show up to Court
7 today; right?

8 A. I believe she told me there was going to be a
9 hearing today, that's correct.

10 Q. And you were told that it was a hearing on
11 whether my client would be entitled to bond; is that
12 right?

13 A. We didn't have that part of the conversation
14 but I'm familiar with these hearings.

15 Q. Okay. Now, in preparing for the hearing, you
16 spoke to the arresting officer in this case by the name of
17 Matthew Nelson?

18 A. I did.

19 Q. Okay; and Matthew Nelson is with the Phoenix
20 Police Department; right?

21 A. He is.

22 Q. And you spoke to him today?

23 A. I did.

24 Q. How long did you speak to him?

25 A. Just a few moments.

1 Q. And he, based on your conversation, you learned
2 that he seized what purported to be a Mexican voter
3 registration card from the Defendant.

4 A. That's correct.

5 Q. And Mr. Nelson told you that he concluded that
6 that card was forged.

7 A. That's correct.

8 Q. And based on -- well, strike that. He's the
9 one that wrote the police report in this matter; right?

10 A. I don't know if he wrote the report or not.

11 Q. But his conclusion that the voter registration
12 card was forged formed the basis of the charges against my
13 client; right?

14 A. It was he and another detective that were
15 there; that's correct.

16 Q. Now, Officer Nelson has never been trained in
17 Mexico with respect to determining whether Mexican voter
18 registration cards are forged; correct?

19 A. Okay. That was the question you asked me a few
20 moments ago. Are you asking me if he's ever been to
21 Mexico or if he's ever been able to determine that a
22 Mexico driver's or ID card is forged?

23 Q. Has he ever received training from any Mexican
24 entity as to whether voter registration cards are forged?

25 A. I do not know.

1 Q. In fact, the training on forgery that Officer
2 Nelson received occurred in Arizona; right?

3 A. He told me it was from the Motor Vehicle
4 Division. I'm assuming it was from Arizona.

5 Q. And the Motor Vehicle Division in Arizona does
6 not issue voter registration cards from Mexico; right?

7 A. I would assume they do not.

8 Q. In speaking to Mr. Nelson, did you determine
9 how many valid voter registration cards are issued by the
10 Mexican Government on an annual basis?

11 MS. BRESSLER: Objection, relevance.

12 THE COURT: I'll allow him to answer the
13 question.

14 ALAN GOODMAN: We had a very brief
15 conversation about this particular ID. I did not inquire
16 about any of that.

17 BY MR. MESTAZ:

18 Q. So Officer Nelson doesn't know how many voter
19 registration cards of Mexico are issued in a given year;
20 correct?

21 A. Are you asking me to guess whether he knows
22 that answer or not? I don't know.

23 Q. Did Officer Nelson tell you how many Government
24 offices there are in Mexico that issue voter registration
25 cards?

1 MS. BRESSLER: Objection, relevance.

2 THE COURT: Going to sustain the
3 objection. Asked and answered and because he stated he
4 didn't have that conversation with him.

5 BY MR. MESTAZ:

6 Q. Did Officer Nelson ever read any books
7 regarding whether a Mexican voter registration card --
8 well, strike that. Let me ask it another way.

9 Has Officer Nelson ever read any books
10 regarding forgeries with respect to Mexican voter
11 registration cards?

12 A. He told me he has some documents and some books
13 that help him determine that this document was forged.

14 Q. And what documents and books are those?

15 A. I don't know. But this particular document
16 was, according to the Officer, was an obvious photocopy of
17 a voter registration card which was laminated.

18 Q. A photocopy of a voter registration card.

19 A. That was laminated; that's correct.

20 Q. So he, Officer Nelson, says that it was a copy
21 of an actual voter registration card?

22 A. He said it was a photocopy of a voter
23 registration card that was laminated.

24 Q. Okay. So, in other words, it's a photocopy of
25 something; correct?

1 A. That was laminated; correct.

2 Q. Okay; and the something could be a
3 validly-issued voter registration card?

4 A. I took some notes on the document that I gave
5 to the County Attorney. May I refer to them for just a
6 moment?

7 MR. MESTAZ: May I approach, Your Honor?

8 THE COURT: You may.

9 (Whereupon, Mr. Mestaz handed a document to
10 the witness.)

11 ALAN GOODMAN: I specifically asked the
12 officer if he had any doubt that this document was
13 forged. He said he had no doubt that this document was
14 forged. That's the best answer I can give you.

15 BY MR. MESTAZ:

16 Q. Okay. Well, my question is -- and let me just
17 back up a second so we don't lose each other.

18 He said that the voter registration card
19 taken from my client is a photocopy of some other
20 document.

21 A. That's correct.

22 Q. Okay. That some other document could be a
23 validly-issued voter registration card.

24 A. I followed up the question that I had just
25 asked him with Do you have any doubt that that document

1 was forged? And he said he had no doubt that that
2 document was forged.

3 How he arrived at that answer, I don't
4 know.

5 MR. MESTAZ: Move to strike as
6 nonresponsive.

7 THE COURT: Overruled.

8 BY MR. MESTAZ:

9 Q. Let me -- I'll ask it again; and I think we're
10 missing each other --

11 A. Okay.

12 Q. -- so if you could just listen to my questions,
13 we can probably move on.

14 You already said that the card taken from
15 my client was a copy of some other document; correct?

16 A. I didn't say that. I told you that it was a
17 photocopy of what, I don't know. He said it was obviously
18 a photocopy that was laminated.

19 Q. So a photocopy is a photocopy of some other
20 document; right?

21 A. Correct.

22 Q. Okay; and in this case, that other document
23 could be a validly-issued voter registration card?

24 MS. BRESSLER: Objection, Your Honor.

25 THE COURT: Overruled.

1 ALAN GOODMAN: I couldn't tell you that.

2 BY MR. MESTAZ:

3 Q. You don't know?

4 A. I don't know.

5 Q. Now, Officer Nelson said that he has read some
6 books that has given him some kind of expertise regarding
7 forged documents; is that right?

8 A. He did not tell me that. He told me he had
9 access to some books to check some of the identifications.

10 Q. What books did he access exactly?

11 A. There was an International ID Checking Guide
12 and there is some kind of Code Enforcement Guide. He
13 attended the MVD class. He and Detective Jacobs both
14 determined that the ID was forged.

15 Um, that's the information I obtained from
16 him.

17 In addition, I read him the Form 4 and he
18 verified that information on there was accurate.

19 Q. Now, the International Edition of the ID
20 Checking Guide, does that contain any exemplars of
21 validly-issued voter registration cards?

22 A. I don't know.

23 Q. Do any of the materials that Officer Nelson has
24 read in acquiring whatever expertise he has with respect
25 to forged documents contain any exemplars of

1 validly-issued voter registration cards from Mexico?

2 A. I do not know.

3 Q. What year were those books that Officer Nelson
4 referred to, what year were those published?

5 A. I do not know.

6 Q. Now, would a photocopy of a passport, a
7 validly-issued passport, be a forged document?

8 A. It could be.

9 Q. What if I photocopied my passport and took it
10 to Mexico with me as an extra copy. Would that be a
11 forgery?

12 A. I don't believe you are allowed to photocopy
13 your passport but I'm not sure. Well, a forged portion of
14 it. I don't know the answer to that.

15 Q. Now, Officer Nelson also received some kind of
16 police training in determining whether identifications are
17 forged?

18 A. If you are meaning through the Motor Vehicle
19 Division, that's correct.

20 Q. And who were the instructors at the Motor
21 Vehicle Division?

22 A. I do not know.

23 Q. And their expertise at the Motor Vehicle
24 Division, it involves validly issued and forged Arizona
25 drivers' licenses and identifications; correct?

1 A. I do not know. I have not attended that class.

2 Q. And you don't know the qualifications of the
3 instructors at the Motor Vehicle Division who taught
4 Officer Nelson; correct?

5 A. I do not.

6 Q. Is my client registered to vote in Mexico, do
7 you know?

8 A. I don't know.

9 Q. Do you know if my client has a valid voter
10 registration card?

11 A. I do not.

12 Q. And do you know if the photocopy seized by
13 Officer Nelson is a photocopy of a validly-issued Mexican
14 voter registration card?

15 A. I guess if you showed me a copy of the original
16 voter ID card, then I can compare it with the photocopy
17 that he has in evidence. I could tell you that.

18 Q. But the answer is you don't know?

19 A. I do not know.

20 Q. Now, in order to determine if an
21 identification, a Government identification, is forged,
22 one has to understand what a validly issued one looks like
23 in the first place; correct?

24 A. I would assume so.

25 Q. And you don't know if Officer Nelson has ever

1 seen a validly-issued Mexican voter registration card?

2 A. I do not know.

3 Q. Did Officer Nelson contact anyone at all from
4 the Mexican Government and ask whether my client had a
5 valid voter registration card?

6 A. I do not know.

7 MR. MESTAZ: May I have one moment, Your
8 Honor?

9 THE COURT: You may.

10 MR. MESTAZ: I have nothing further, Your
11 Honor.

12 THE COURT: Counsel, Cross-examination.
13

14 CROSS-EXAMINATION
15

16 BY MS. BRESSLER:

17 Q. Sergeant Goodman, Officer Nelson told you he
18 had received training at MVD for determining whether a
19 document is forged; is that correct?

20 A. That's correct.

21 Q. Did he receive any other additional training?

22 A. I do not know.

23 MS. BRESSLER: May I approach for that Form
24 4, please?

25 THE COURT: You may.

1 (Whereupon, Ms. Bressler obtained the
2 document from the witness.)

3 BY MS. BRESSLER:

4 Q. Did you read the Form 4 to Officer Nelson?

5 A. Verbatim.

6 Q. Did he want to make any changes to what was
7 listed on the Form 4?

8 A. He did not. I just asked him those additional
9 questions.

10 Q. The voter card was made with unofficial
11 materials not used by Mexico; is that what he told you?

12 MR. MESTAZ: Objection, foundation.

13 THE COURT: Overruled.

14 ALAN GOODMAN: If I may see the Form 4.

15 MS. BRESSLER: May I approach?

16 THE COURT: You may.

17 (Whereupon, Ms. Bressler handed the
18 document to the witness.)

19 MR. MESTAZ: Your Honor, if I may add to my
20 objection, we would object under Rule 5.4 because I
21 believe the hearing still proceeds in the format at least
22 of a Preliminary Hearing and unless the witnesses against
23 my client have represented they're going to appear for
24 trial, then there is no foundation for that kind of
25 hearsay.

1 THE COURT: Didn't you just ask him that a
2 little while ago?

3 MR. MESTAZ: I may have missed it.

4 THE COURT: When you laid the foundation, I
5 think you asked him. He said he talked to him this
6 morning and he is still a Phoenix Police Officer.

7 ALAN GOODMAN: That's correct.

8 MR. MESTAZ: But there has been no
9 testimony that he would appear.

10 THE COURT: Counsel, if you want Miss
11 Bressler to do that but what's good for the goose is good
12 for the gander. Miss Bressler, if you want to ask him
13 that question, ask him that question.

14 MR. MESTAZ: That's fine, Your Honor. I'll
15 withdraw it.

16 MS. BRESSLER: I can ask it.

17 BY MS. BRESSLER:

18 Q. Isn't it a policy of the Phoenix Police
19 Department --

20 THE COURT: He withdrew it. Let him review
21 the form.

22 ALAN GOODMAN: Would you like me to read
23 the paragraph and the information I have verified with the
24 Detective?

25 THE COURT: No. I just want you to answer

1 her question.

2 ALAN GOODMAN: It was made with unofficial
3 materials not used by Mexico.

4 MS. BRESSLER: May I approach again?

5 THE COURT: You may.

6 MS. BRESSLER: Thank you.

7 Let me look at that Form 4. Thank you.

8 (Retrieved from the witness.)

9 BY MS. BRESSLER:

10 Q. Is it also true that the safety features of the
11 overlapping is not present on the picture?

12 A. That is correct.

13 Q. The face of the card was blurry, difficult to
14 read?

15 A. That is what he told me.

16 Q. The front side and backside of the paper had
17 holes on them that did not match.

18 A. That is correct.

19 Q. The print on the card was blurry and not bold
20 as required by this card.

21 A. That is what the Detective told me, that's
22 correct.

23 MS. BRESSLER: No further questions.

24 THE COURT: Counsel, Redirect?

25 MR. MESTAZ: Nothing, Your Honor.

1 THE COURT: Thank you, sir. You may step
2 down.

3 ALAN GOODMAN: Thanks, Judge.

4 THE COURT: Counsel for the Defense, any
5 other witnesses you have to present?

6 MR. MESTAZ: No, Your Honor.

7 THE COURT: Counsel for the State, do you
8 have any witnesses?

9 MS. BRESSLER: No, Your Honor.

10 THE COURT: Counsel, final argument.

11 MR. MESTAZ: Thank you.

12 I think there is three main points I'd like to
13 make. Obviously, as the Court must know is they revolve
14 around foundation for the arresting officers' conclusion
15 that the voter registration card was forged.

16 Sergeant Goodman admitted that Officer Nelson
17 received training in Arizona from MVD. There is no
18 indication whatsoever that he knows what a validly-issued
19 voter registration card looks like in the first place,
20 doesn't know whether this card is a copy of a
21 validly-issued voter registration card.

22 I make copies of my passport when I travel
23 abroad. I think most people do. It's really --

24 MS. BRESSLER: Objection. Defense Attorney
25 is testifying.

1 THE COURT: Overruled.

2 MR. MESTAZ: It's the same kind of thing.
3 A photocopy of a validly-issued card is not forgery. So
4 there is the two main things. It could be a
5 validly-issued voter registration card. They can't say
6 one way or the other because there is no foundation for
7 the testimony that it's forged as opposed to a valid one.

8 They can't say that it's not merely a copy of a
9 validly-issued voter registration card.

10 And finally, there is no intent to defraud here
11 because there is absolutely no evidence that my client is
12 not registered to vote in Mexico, that he doesn't have a
13 validly-issued voter registration card.

14 There is no instance here of my client
15 defrauding anyone into believing something that wasn't the
16 case or trying to defraud someone giving him property.
17 All they have is a voter registration card that says I'm
18 registered to vote in Mexico. That card may be
19 legitimate. There is no foundation to say it's not and it
20 may just be a photocopy of a validly-issued one. There is
21 no foundation for any testimony that it is not.

22 So for those reasons, there is no proof
23 evident, presumption great that my client committed the
24 crime of forgery and therefore, he should be entitled to
25 bond. Thank you.

1 THE COURT: Thank you.

2 Counsel.

3 MS. BRESSLER: Your Honor, the Defense has
4 not presented any new information that wasn't already
5 presented at the IA Court. All the difference it's done
6 is established what Sergeant Goodman does not know about
7 Officer Nelson's training.

8 What the Defense asked to present at this
9 hearing is new evidence not presented at IA Court and what
10 it could do is subpoena Officer Nelson --

11 THE COURT: Counsel, give me just a second.

12 (Whereupon, a brief pause was held due to the
13 Court Reporter.)

14 THE COURT: Counsel, proceed.

15 MS. BRESSLER: The Defense could do several
16 things. It could subpoena Officer Nelson and show that
17 his training is not complete, subpoena a different witness
18 that he showed that information, present evidence that the
19 card was, in fact, valid. The Defense has not presented
20 any new information that wasn't already before the IA
21 Court; therefore, the Court should affirm the nonbondable
22 status.

23 THE COURT: Counsel, final argument on your
24 Motion?

25 MR. MESTAZ: Yes, Your Honor. I think the

1 Court, we ask the Court to take judicial notice that there
2 is no testimony the arresting officer was at the IA Court,
3 so that's Number 1. So that is new.

4 The testimony is hearsay testimony from,
5 through Mr. Goodman who's transmitting statements made by
6 the arresting officer. I think everyone knows that that
7 certainly was not presented to the IA Court. So that is
8 new.

9 We'll rest on that.

10 THE COURT: Counsel, at this time, based
11 upon the facts and information presented, as well as the
12 arguments, the Court is going to affirm prior custody
13 orders and deny the Motion to Modify Release Conditions at
14 this time.

15 For your part, sir, I am, Mr. Segura, I'm going
16 to affirm your next Court date.

17 Miss Hilstrom, what do we have as the next
18 court date for Mr. Segura?

19 MR. ROSELLE: Your Honor, Jason Roselle,
20 again, just one brief point, if you would allow.

21 THE COURT: I'm sorry, Counsel, what?

22 MR. ROSELLE: Just one brief point, if you
23 would allow.

24 THE COURT: You may.

25 MR. ROSELLE: Just for record purposes, if

1 we can have what your ruling is based on. Is it based on
2 we have not met the burden to get the hearing or that the
3 hearing took place and that the State's proven their
4 case? Just so the record is clear.

5 THE COURT: Counsel, I believe you did have
6 a hearing on your Motion to Modify Release Conditions. I
7 did not find that as a preliminary matter; however, I
8 think what you are really trying to get in is where the
9 burden is laying to re-examine the release condition and I
10 don't find that any other information has been presented
11 to the Court which makes me believe that the determination
12 made by the IA Commissioner is incorrect.

13 MR. ROSELLE: Thank you.

14 THE BAILIFF: Preliminary Hearing is
15 scheduled after this hearing today.

16 THE COURT: All right. Mr. Segura, right
17 now you have a Preliminary Hearing. I would assume the
18 Deputy is probably going to take you over to RCC after you
19 leave here today. You may have another attorney at that
20 particular proceeding.

21 Whether that proceeding goes may be a different
22 story but you will head to RCC at this particular time.

23 Thank you, sir. Good luck with your case.

24 All right. Counsel, I believe that does
25 conclude the Motion to Modify calendar for this morning.

1 (Whereupon, the Motion to Modify Release
2 Conditions Hearing is concluded.)

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1 STATE OF ARIZONA)
2) SS:
3 MARICOPA COUNTY)

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5 CERTIFICATE OF REPORTER
6

7 I, Patricia A. Connolly, do hereby certify that
8 the foregoing pages constitute a full, accurate
9 typewritten record of my stenographic notes taken at said
10 time and place, all done to the best of my skill and
11 ability.
12

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14 DATED this 27th day of July, 2007.
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19 PATRICIA A. CONNOLLY,

20 Certified Reporter

21 Certificate No. 50675
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