

MICHAEL K. JEANES, CLERK
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BY *W. De La Cruz*

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08 MAY 12 PM 4:13

1 **JACKSON WHITE**
2 **ATTORNEYS AT LAW**
3 *A Professional Corporation*

4 40 North Center, Suite 200
5 Mesa, Arizona 85201
6 (480) 464-1111
7 Attorneys for Defendant
8 By: Jeremy S. Geigle, No. 021786

9
10 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
11 **IN AND FOR THE COUNTY OF MARICOPA**

12 THE STATE OF ARIZONA,

13 Plaintiff,

14 vs.

15 JOHN CHESTER STUART,

16 Defendant.

No. CR2008-006332-001

**MOTION FOR EVIDENTIARY
HEARING ON BAIL**

AND

MOTION TO EXPEDITE

Assigned to the Honorable:
Rosa Mroz

17
18 The Defendant, though counsel undersigned, requests this Court set an evidentiary hearing
19 on bail as soon as practicable to ensure the Defendant is afforded due process and to preserve the
20 presumption of innocence. U.S.C.A. Const. Amends. 5, 14; A.R.S. Const. Art. 2, § 15; *Simpson v.*
21 *Owens*, 207 Ariz. 261, 85 P.3d 478, 420 Ariz. Adv. Rep. 23 (Ariz.App. Div. 1 Feb 26, 2004) (NO.
22 1 CA-SA 03-0188) (holding State has burden of proving exception to presumption in favor of bail).

23 The State has had adequate time to prepare for this hearing as the indictment in this matter
24 was filed over one month ago on March 8, 2008. Counsel requests a hearing be set on an expedited
25 basis to insure the Defendant is afforded the rights, privileges and protections found in the State and
26 Federal Constitutions.

1 DATED this 12th day of May, 2008.

2 JACKSON WHITE

3 

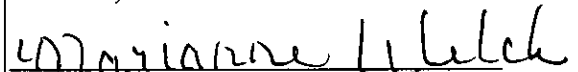
4 Attorneys for Defendant
5 Jeremy S. Geigle, No. 021786

6
7 ORIGINAL filed with the court on
8 this 12th day of May, 2008.

9 COPY of the foregoing
10 faxed/mailed this same date to:

11 The Honorable Rosa Mroz
12 Maricopa County Superior Court
13 101/201 W. Jefferson
14 Phoenix, Arizona 85003

15 Deputy County Attorney
16 301 W. Jefferson, 6th Floor
17 Phoenix, AZ 85007

18 
19 *F:\STU\Stuart, John\Pleadings\Motion for hearing on bail eligibility.wpd*