IN THE MARYVALE JUSTICE COURT COURT

STATE OF ARIZONA, COUNTY OF MARICOPA

****FINAL****

RELEASE QUESTIONNAIRE

Notice: Unless a specific Form IV is sealed or ordered redacted by the Court, all Form IVs are public records of the Court or Clerk at the time they are provided to the Court and will be released in their entirety upon request.

DEFENDANT'S NAME XAVIER EVINALDO MEJIA DOB [redacted] BOOKING NO. T379482

ALIAS(ES) XAVIER MEJIA-NAJERA ; CASE NO. PF2017131043001

A. GENERAL INFORMATION

Charges
1 Cts. 13-1204A1 AGG ASLT-SERIOUS PHY INJURY F4
1 Cts. 13-1201A ENDANGERMENT F6
1 Cts. 13-1103A1 MANSLAUGHTER-RECKLESS F2

Pursuant to A.R.S. §41-1750 ten-print fingerprints were taken of the arrested person? ☒ Yes ☐ No
If yes, PCN = _____

Pursuant to A.R.S. §13-610 one or more of the above charges requires the arresting agency to secure a DNA sample from the arrested person? ☒ Yes ☐ No

If yes, does the defendant have a valid DNA sample on file with AZDPS? ☐ Yes ☒ No

If no, Arresting Agency has taken required sample? ☐ Yes ☒ No

Offense Location:
Offense Date: 2017-06-24
Arrest Location: [redacted]
Date: 2017-07-05 Time: 10:45

B. PROBABLE CAUSE STATEMENT

1. Please summarize and include the facts which establish probable cause for the arrest:

ON SATURDAY, JUNE 24, 2017 AT 1018 HOURS A FATAL TWO VEHICLE COLLISION OCCURRED AT 3400 N. 75TH AVENUE. XAVIER MEJIA NAJERA WAS OPERATING A TAN 2004 NISSAN XTERRA NORTHBOUND ON 75TH AVENUE IN THE CURB LANE APPROACHING OSBORN RD. THE FRONT SEAT PASSENGER WAS . XAVIER WAS WITNESSED BY DRIVING POORLY. XAVIER CROSSED OVER THREE NORTHBOUND LANES OF TRAFFIC, THE MIDDLE LEFT TURN LANE AND INTO THE CURB LANE OF SOUTHBOUND TRAFFIC AND COLLIDED HEADON WITH A SOUTHBOUND VEHICLE.THE SOUTHBOUND VEHICLE WAS A WHITE 2006 FORD ESCAPE OPERATED BY AND PASSENGER . SUSTAINED FATAL INJURIES AND WAS PRONOUNCED DECEASED AT 1056 HOURS. SUSTAINED FRACTURED RIBS. HAD MINOR INJURIES. WITNESSES TRAVELING BEHIND THE FORD ESCAPE OBSERVED THE COLLISION AND THE SEATING POSITIONS OF AND AND POSITIVELY IDENTIFIED AS THE PASSENGER AND XAVIER AS THE DRIVER. DETECTIVE YOHO, A CERTIFIED DRUG RECOGNITION EXPERT, WENT THE TO HOSPITAL TO INTERVIEW XAVIER. DETECTIVE YOHO OBSERVED XAVIER TO HAVE RED WATERY EYES AND ADMITTED TO TAKING SLEEPING MEDICATION AND A MEDICAL DRAW WAS COMPLETED. AT THE TIME OF THE INTERVIEW XAVIER HAD RED WATERY EYES, 6 CLUES HGN, LACK OF CONVERGENCE IN HIS EYES, A FAST INTERNAL CLOCK, RAISED TASTE BUDS, AND A GREEN FILM ON TONGUE. XAVIER ADMITTED TO DRINKING BUDWEISER BEER AT 0800 HOURS. THESE SIGNS AND SYMPTOMS ARE CONSISTENT, BASED ON MY TRAINING, AS CONSISTENT WITH A CENTRAL NERVOUS SYSTEM DEPRESSANT AND CANNABIS IMPAIRMENT.ON JULY 5, 2017 I WAS NOTIFIED THAT AP1 XAVIER HAD CHECKED HIMSELF OUT OF THE HOSPITAL AGAINST MEDICAL ADVICE. IT WAS BELIEVED BY A THE REPORTING PERSON THAT XAVIER WAS PLANNING TO LEAVE TO MEXICO. DETECTIVE YOHO AND DETECTIVE TRAN RESPONDED TO XAVIERS

C. OTHER INFORMATION (Check if applicable)

1. ☐ Defendant is presently on probation, parole or any other form of release involving other charges or convictions:
Explain:

2. List any prior:
Arrests?

Convictions?

F.T.A.'s?

3. Is there any indication the defendant is:
☐ An Alcoholic? ☐ An Addict?
☐ Mentally disturbed? ☐ Physically Ill?

4. ☐ Defendant is currently employed
With whom

How long:
5. Where does the defendant currently reside? [redacted]
With whom
How long: _____years _____months _____days
6. What facts indicate the defendant will flee if released?
Explain:

7. What facts does the state have to oppose an unsecured release? Explain:

D. CIRCUMSTANCES OF THE OFFENSE(Check if applicable)

1. ☒ Firearm or other weapon was used
Type: VEHICLE

☒ Someone was injured by the defendant

☒ Medical attention was necessary
Nature of injuries: V1 DECEASED V2 HOSPITALIZED

2. ☐ Someone was threatened by the defendant
Nature and extent of threats:

3. Did the offense involve a child victim? ☐ Yes ☒ No
If yes, was DCS notified? ☐ Yes ☒ No

4. If property offense, value of property taken or damaged:

☐ Property was recovered
5. Name(s) of co-defendant(s):

RESIDENCE AT 3344 N 27TH AVENUE AND WHILE SPEAKING TO XAVIERS MOTHER , XAVIER ARRIVED AT THE RES-IDENCE. AFTER GIVING MIRANDA WARNINGS. HE ADMITTED TO BEING THE DRIVER AND SMOKING WEED. XAVIER STATED HE DID NOT REMEMBER TAKING ANY PILLS BUT IF HE HAD IT WOULD HAVE BEEN XANYBARSXANAX A CENTRAL NERVOUS SYSTEM DEPRESSANT.PRELIMINARY TOXICOLOGY REPORTS CONFIRMED THE PRESENCE OF BENZODIAZEPINE CNS DEPRESSANT FENTANYL NARCOTIC ANALGESIC AND CANNABIS. SPEED DOES NOT APPEAR TO BE A FACTOR IN THE INITIAL SCENE RECONSTRUCTION.

E. CRIMES OF VIOLENCE

1. Relationship of defendant to victim:

☐ Victim(s) and defendant reside together

2. How was the situation brought to the attention of the police?
☐ Victim ☒ Third Party ☐ Officer observed

3. ☐ There are previous incidents involving these same parties
Explain:

4. Is defendant currently the subject of:
☐ An order of protection ☐ Any other court order

☐ Injunction against harassment

Explain:

F. DOMESTIC VIOLENCE ISSUES (Check if applicable)

Defendant's actions

☐ Threats of homicide/suicide/bodily harm

☐ Control/ownership/jealousy issues ☐ Crime occurs in public

☐ Prior history of DV ☐ Kidnapping

☐ Frequency/intensity of DV increasing ☐ Depression

☐ Access to or use of weapons ☐ Stalking behavior

☐ Violence against children/animals

☐ Multiple violations of court orders

G. CIRCUMSTANCES OF THE ARREST (Check if applicable)

1. Did the defendant attempt to:

☐ Avoid arrest ☐ Resist arrest ☐ Self Surrender

Explain:

2. ☐ Defendant was armed when arrested
Type:

3. ☒ Evidence of the offense was found in the defendant's possession
Explain: SIGNS AND SYMTOMS OF DEPRESS VARIFIED BY LAB REP

4. Was the defendant under the influence of alcohol or drugs at the time of the offense?
☐ Yes ☒ No ☐ Unk

H. DRUG OFFENSES

1. If the defendant is considered to be a drug dealer, please state the supporting facts:

2. What quantities and types of illegal drugs are directly involved in the offense?

☐ Drug field test completed

☐ Defendant admission of drug type
Approximate monetary value: $

3. Was any money seized?

☐ Yes ☒ No
Amount: $

I. ADDITIONAL INFORMATION

1. Military Service:

Has the defendant served in the military services of the United States? ☐ Yes ☒ No ☐ Unknown

If yes, currenlty on active duty? ☐ Yes ☐ No

Branches Served In: ____ ____ ____
(**AF** - Air Force **AR** - Army **CG** - Coast Guard **MC** - Marine Corp **MM** - Merchant Marines **NG** - National Guard **NV** - Navy **RS** - Reserves)

2. Is the defendant homeless?
☐ Yes ☒ No ☐ Unknown

3. Do you need the court to provide an interpreter to help communicate and to understand what is being said?
☐ Yes ☒ No

If so, what language:

If a fugitive arrest, a Form IVA must also be completed

I certify that the information presented is true to the best of my knowledge.

YOHO,MICHAEL J/08650	AZ0072300/602-262-6657	2017-07-05
ARRESTING OFFICER/SERIAL NUMBER	ARREST AGENCY/DUTY PHONE NUMBER	DATE

201700001096943/AZ0072300	/	/
DEPARTMENTAL REPORT NO.	DEPARTMENTAL REPORT NO.	DEPARTMENTAL REPORT NO.

SUPERIOR COURT OF ARIZONA FOR

Maricopa County

Final Release Order and Order Regarding Counsel

State of Arizona
vs.
Xavier Evinaldo Mejia

1 Cnt MANSLAUGHTER-RE F2
1 Cnt AGG ASLT-SERIOU F3
1 Cnt ENDANGERMENT F6

CaseNumber: **PF2017131043001**
Booking#: **T379482**

It is hereby ordered that **Xavier Evinaldo Mejia shall be released** as indicated and must comply with ALL release conditions.

NEXT HEARINGS

Status Conference July 13, 2017 at 08:30 AM at South Court Tower, 175 W. Madison Street, 3rd Floor, Phoenix, AZ, 85003-2243 Courtroom: 3D **Docket: RCCT2**

Preliminary Hearing July 17, 2017 at 08:45 AM at South Court Tower, 175 W. Madison Street, 3rd Floor, Phoenix, AZ, 85003-2243 Courtroom: 3D **Docket: RCCT2**

WARNING: If the defendant appears at the next hearing without a lawyer, the hearing may still proceed as scheduled.

RELEASE TYPE

Bailable As a Matter of Right

The defendant has been found to be bailable as a matter of right. IT IS HEREBY ORDERED that the defendant must comply with all release conditions and shall be released from custody in this Cause Number as follows:

Secured Appearance Bond

The defendant will deposit with the Clerk of the above Court the total sum of **$75,000.00**, which includes all applicable surcharges.

ICE detainer

If the bond is posted the defendant is subject to the supervision restrictions and conditions of the Pretrial Services Agency set forth below.

PSA Supervision
Electronic Monitoring

Before Release: Mandatory Install

Defendant shall NOT BE released from Jail until Electronic Monitoring Equipment has been Installed.Curfew Times to be determined by PSA

With Curfew Restrictions -

You May Not Leave Your Home Except During The Hours Set or Approved by Your Pretrial Officer.

RELEASE CONDITIONS

1. You are not to initiate contact with the alleged victim or victims.
2. You are not to have any physical contact with any alleged victim.
3. You are not to initiate contact with the alleged complainant or witness.
4. You are not to initiate contact with the arresting officers.
5. You are not to possess any weapons.
6. You are not to possess any drugs without a valid prescription.
7. You are not to possess or consume any alcohol.
8. You are not to drive a motor vehicle without a valid driver's license.
9. You must continue to provide the court with proof of your local address.

10. You must submit to DNA testing at the police department that arrested you within five (5) days of release from custody. You must bring proof of your DNA Testing to your next hearing. If you do not submit to testing your release will be revoked.
11. Defendant may not operate prior permission of the court.

You must appear at all court proceedings in this case or your release conditions can be revoked, a warrant will be issued and proceedings may go forward in your absence. You must maintain contact with your attorney. If convicted, you will be required to appear for Sentencing. If you fail to appear, you may lose your right to a direct appeal. In addition, failure to appear at a future court proceeding may result in a waiver of any claim that you were not informed of a plea offer made in your case by the State. **a**.You will appear to answer and submit to all further orders and processes of the court having jurisdiction of the case. **b**.You will refrain from committing any criminal offenses. **c**.You will diligently prosecute any appeal. **d**.You will not leave the state without permission of the court. If you violate any conditions of this release order, the court may order the bond and any security deposited in connection therewith forfeited to the State of Arizona. In addition, the court may issue a warrant for your arrest upon learning of your violation of any conditions of your release. After a hearing, if the court finds that you have not complied with the conditions of release, it may modify the conditions or revoke your release altogether.

If you are released on a felony charge, and the court finds the proof evident or the presumption great that you committed a felony during the period of release, the court must revoke your release. You may also be subject to an additional criminal charge, and upon conviction you could be punished by imprisonment in addition to the punishment which would otherwise be imposable for the crime committed during the period of release. Upon finding that you violated conditions of release, the court may also find you in contempt of court and sentence you to a term of imprisonment, a fine, or both.

ATTORNEY APPOINTMENT

The Court finds you to be indigent and orders an attorney to provide you representation.
You must contact the Office of the Maricopa County Public Defender at **620 W. Jackson Street, Suite 4015, Phoenix, AZ 85003. 602-506-7711**

ACKNOWLEDGEMENT BY DEFENDANT

I have received a copy of this form. I understand the standard conditions, all other conditions, and the consequences of violating this release order. I agree to comply fully with each of the conditions imposed on my release and to notify the court promptly in the event I change my place of residence.

Date 7/6/2017 2:00:00 AM

Sigmund Popko
Judge / Commissioner

Address: 3344 NORTH 27TH AVENUE

City, State, Zip: PHOENIX, AZ, 85017

Signature:

Xavier Evinaldo Mejia
Defendant