

SUPREME COURT OF ARIZONA

NEKO ANTHONY WILSON,) Arizona Supreme Court
) No. CR-20-0254-PR
 Petitioner,)
) Court of Appeals
 v.) Division One
) No. 1 CA-SA 20-0095
 HON. ROBERT HIGGINS, JUDGE OF)
 THE SUPERIOR COURT OF THE STATE) Navajo County
 OF ARIZONA, in and for the) Superior Court
 County of Navajo,) No. S0900CR20050518
)
 Respondent Judge,)
)
 STATE OF ARIZONA ex rel. BRAD)
 CARLYON, Navajo County Attorney,)
)
 Real Party in Interest.)
 _____) **FILED 10/15/2020**

O R D E R

A Petition for Review was filed in this Court on July 27, 2020 and Oral Argument was held on October 13, 2020. The Court voted to vacate the Court of Appeals' opinion and the trial court's decision. Therefore,

IT IS ORDERED vacating the Court of Appeals' opinion issued on June 30, 2020.

IT IS ORDERED vacating the trial court's release order and remanding this case to the trial court to conduct a conditions of release hearing in compliance with Arizona Rule of Criminal Procedure Rule 7.2(c)(1)(A). Specifically, Rule 7.2(c)(1)(A), by its terms, provides the trial court may not release defendant on bail or his own recognizance if it determines that he "is convicted of an offense for

which [he] will, in all reasonable probability, receive a sentence of imprisonment...." However, absent such a finding, the trial court has discretion to release defendant on bail or other pretrial release conditions.

IT IS FURTHER ORDERED directing the trial court to promptly commence Petitioner's violation of probation hearing in compliance with the timelines set forth in Arizona Rule of Criminal Procedure Rule 27.8(b)(1).

A written opinion shall follow.

DATED this 15th day of October, 2020.

_____/s/_____
ROBERT BRUTINEL
Chief Justice

TO:

Michael O'Toole
Lee B Phillips
Bradley W Carlyon
Michael R Shumway
Hon. Robert J Higgins
Joel H Ruechel
Elizabeth B Ortiz
Rhonda Elaine Neff
Lise R Witt
Hon. Deanne Romo
Amy M Wood