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IN THE JUSTICE COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF PIMA

STATE OF ARIZONA,)	Case No. CR17-706020-MI
)	
Plaintiff,)	
)	MOTION TO CONTINUE AND
vs.)	CASE STATUS UPDATE
)	
TERRENCE HARRY BRESSI,)	
)	
Defendant.)	
_____		Hon. Maria Felix

TERRENCE HARRY BRESSI, through Counsel, Adam N. Bleier and Steven P. Sherick, SHERICK & BLEIER, PLLC, hereby submits this Status Update regarding this case. The purpose of the update is to inform the Court of the case status and the issues involved from the defense perspective and to move to continue the currently scheduled Case Management Conference.

From the face of the citation, which charges obstruction of a highway, the case may appear simple. In fact, it is a case involving a number of complex legal issues. Mr. Bressi is being charged by the State of Arizona for obstructing a highway, pursuant to A.R.S. Section 13-1906(A)(1), at a federal border patrol checkpoint on State Route 86, Mr. Bressi was cited by Deputy Roher who was stationed at a federal border patrol checkpoint. Deputy Roher was called

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1 over by federal agents after Mr. Bressi declined to answer immigration related questions and
2 declined a request by agents to pull into secondary.

3 At issue in this case, in addition to the central factual question as to whether Mr. Bressi
4 obstructed a highway where he was the person being stopped by federal agents and was
5 exercising his right to remain silent, are a number of legal issues including but not limited to: the
6 legality of the checkpoint as it is currently being used under the Fourth Amendment, the
7 constitutional right to refuse to answer law enforcement questions under the Fifth
8 Amendment, the jurisdiction of this Court over a federal border patrol checkpoint, and the
9 authority of Deputy Roher and the State of Arizona to *de facto* become an enforcer of federal
10 immigration law.

11 In light of these issues, Counsel for Mr. Bressi has made a number of disclosure requests,
12 much of which involve information pertaining to the Pima County Sheriff's Department
13 involvement in Operation Stonegarden which provides state support to federal law enforcement.
14 As of this date, Counsel has not received the requested disclosure. Counsel has notified Mr.
15 Stanley, who is new to this case, of the disclosure issues and will work with him to resolve them
16 before filing a motion to compel.

17 Therefore, given the outstanding disclosure issues in this case, Counsel is requesting a 45
18 day continuance of the Case Management Conference in this case.

19 Mr. Stanley has indicated that he does not object to a continuance.

20 **RESPECTFULLY SUBMITTED** this 11th day of September, 2017.

21 SHERICK & BLEIER, PLLC.

22 

23 Adam N. Bleier
24 Counsel for Defendant

SHERICK & BLEIER, PLLC.

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Original of the foregoing
filed this date with the Clerk
of the Pima County Justice Court.

Copies of the foregoing
Mailed/delivered this date to:

Mr. Parker Stanley
Deputy County Attorney
Pima County Attorney's Office
32 N. Stone Ave., #1400
Tucson, Arizona 85701