



**IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA
CRIMINAL DIVISION**

STATE OF ALABAMA

*

vs.

CASE NO.: CC-2021-2477

*

JONATHAN NAKHLA

*

**RESPONSE TO STATE'S MOTION TO REVOKE ELECTRONIC
MONITORING**

COMES NOW the Defendant, Jonathan Nakhla, by and through his attorneys, Dennis J. Knizley and Richard S. Jaffe, and in response to the State's motion to revoke electronic monitoring states as follows:

1. The defendant was placed on conditions of release on September 23, 2021.
2. Those conditions, in part, was that the defendant shall be placed on electronic ankle monitoring with Pegaus and restricted to his home and church.
3. A further condition was the defendant shall not drive a motor vehicle of any sort.
4. On July 21, 2022, a hearing was held before this Honorable Court on the defendant's motion to modify conditions of release.
5. The Court granted that motion, in part, stating as follows:
 1. The Defendant can not drive a motor vehicle to or from the father's residence.
 2. The Defendant can only be transported to and from the father's residence in a vehicle that is not titled in the name of the Defendant or his wife.
 3. The vehicle in which the Defendant is transported to and from the father's residence shall be equipped with a reverse dash camera and a vehicle GPS device (or equivalent electronic devices) to allow real-time monitoring of the identity of the person operating the vehicle, the identity of the passenger, and the location of the monitored vehicle.

4. The identity, or identities, of the title owner(s) of the vehicle in which the Defendant would be transported shall be disclosed before travel to the electronic monitoring company and only those specific persons shall be allowed to operate the vehicle in which the Defendant is a passenger.

6. In the State's motion to revoke electronic monitoring it alleges that on Friday, August 12, 2022, the defendant went to his father's residence in Daphne, as provided for in the Order granting the motion to modify conditions of release, and did not return to his home until Saturday, August 13, 2022.

7. The State further contends that the conditions were "to be allowed to work and did not include spending the night at a location of work equipment."

8. Nowhere in the Order is there any restriction as to the time frame which the defendant would be able to work at his father's home. At no time it is alleged that the defendant operate any motor vehicle, did not abide strictly by the conditions related to the motor vehicle travel set forth in the Court's Order of September 23, 2021, or its Order of July 28, 2022.

9. Consistent with the Court's July 28, 2022 Order, the defendant requested and was given permission to travel from Greg Wood with Pegasus from his home in Mobile to his father's home with his father transporting him with an electronic surveillance device within the automobile clearly reflecting that the father was operating the motor vehicle.

10. Previous to having to travel, Mr. Wood requested of the defendant the schedule he would be traveling to his father's for work. The schedule was transmitted and received by text message indicating he would travel to his father's home Friday at 8:00 a.m. and return Saturday at 8:00 p.m.

11. The defendant abided strictly by the schedule and worked at his father's during the day on Friday, and during the day on Saturday.

12. As the defendant cannot drive, the father is responsible to come from Daphne to go to Mobile on a daily basis to pickup the defendant's children from school.

13. Consequently, the weekend work schedule for Friday and Saturday was much more practical than attempting to have the father transport the defendant back and forth to Daphne and Mobile during the week.

14. There has been no violation whatsoever of the September 23, 2021 Order or the July 28, 2022 Order.

15. The State's motion is due to be denied as it alleges no violation of any conditions of release.

16. The State's request that the matter be set for a hearing is also due to be denied as it fails to make any allegation indicating a violation of conditions of release.

WHEREFORE, premises considered, the Defendant respectfully moves this Honorable Court to deny the State's motion to revoke electronic monitoring without the necessity of a hearing on this matter and for such other, further, and different relief, premises considered.

/s/ Dennis J. Knizley
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CERTIFICATE OF SERVICE

I hereby certify that I have on this 16th day of August, 2022 served a true and correct copy of the foregoing pleading upon the Mobile County District Attorney's Office via the AlaFile system.

/s/ Dennis J. Knizley