

MARICOPA COUNTY ATTORNEY

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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

THE STATE OF ARIZONA,

Plaintiff,

vs.

ARLENA M WILLES,

Defendant.

CR2019-005397-001

MOTION FOR RECONSIDERATION OF THE
DEFENDANT'S SELF-REPRESENTATION

(Assigned to the Honorable Geoffrey
Fish)

The State of Arizona, by and through undersigned counsel, hereby moves for a reconsideration of the defendant's status as representing herself in this criminal matter. This motion is supported by the attached Memorandum of Points and Authorities.

Respectfully submitted September 17, 2019.

MARICOPA COUNTY ATTORNEY

BY: Tracey L Gleason
/s/ Tracey L Gleason
Deputy County Attorney

MEMORANDUM OF POINTS AND AUTHORITIES

I. FACTS

The defendant is charged with two counts of Child Abuse, class 2 felonies. At her Initial Pre-Trial Conference Hearing before Commissioner Garfinkel on August 30, 2019, the defendant requested to represent herself during these criminal proceedings. Her motion was granted after she agreed not to disclose the personally identifiable information of the victim and abide by the rules of the Court. Her Motion arguing that the Court lacked jurisdiction in her case and moving for dismissal “with extreme prejudice” was denied. The Court found that there was proper jurisdiction in this case, and advised the defendant against filing frivolous motions.

II. LAW AND ARGUMENT

On September 13, 2019, the defendant again filed a Motion to Dismiss with Extreme Prejudice for Cause. She raises the same issues addressed and overruled by Commissioner Garfinkel on August 30, 2019, although she was specifically admonished against it. Additionally, she has filed the motion without redacting the name of the minor victim, although the defendant agreed not to disclose the minor victim’s information.

A defendant in a state criminal case has a constitutional right to proceed without counsel when the defendant knowingly, intelligently and voluntarily elects to do so, but only so long as the defendant is “able and willing to abide by the rules of procedure and courtroom protocol.” *McKasie v. Wiggins*, 465 168, 173, 104 S.Ct. 944, 948 (1984). The defendant has already shown that she is unwilling to abide by these Rules. She has ignored Commissioner Garfinkel’s order to protect the information of the minor victim and not to file frivolous motions that have already been ruled upon.

Further, Commissioner Garfinkel admonished the defendant that she would be held to the same standard as an attorney, and the defendant stated she was willing to abide by that rule. However, in her latest Motion to Dismiss with Extreme Prejudice, the defendant states, “I am not pro se or pro per...therefore, I am not to be held to the same standards of an attorney representing myself as a proper person...”. The defendant instead labels herself as “sui-juris” and provides a definition of “having full legal rights or capacity.” She offers no authority on how this status absolves her of the responsibility to be held to the same standard of an attorney in the proceeding.

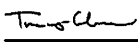
In the caption of her Motion, the defendant also appears to state that her signature on the documents for self-representation was “under duress obtained by

Court coercion” and “null and void”, and that Commissioner Garfinkel “violated her sixth amendment right.”

The State respectfully requests that the Court reconsider the defendant’s pro per status based on the following factors; she refuses to be held to the legal standard mandated by the Court; she is ignoring prior Court orders not to file frivolous motions and to keep the minor victim’s identifying information redacted or under seal; and she appears to be conveying in her Motion that her signature on the Court documents was procured by coercion and duress from Commissioner Garfinkel.

Submitted September 17, 2019.

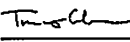
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BY: 
/s/ Tracey L Gleason
Deputy County Attorney

Copy mailed\delivered September 17, 2019, to:

The Honorable Master Calendar
Judge of the Superior Court

Laura Anderson
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Advisory Counsel for Defendant

BY: 
/s/ Tracey L Gleason
Deputy County Attorney

TG