

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_

Daytime Phone Number: \_\_\_\_\_

Representing Self, without a Lawyer

\_\_\_\_\_ COURT, \_\_\_\_\_ COUNTY, ARIZONA

\_\_\_\_\_  
Plaintiff

Case No. \_\_\_\_\_

vs.

**MOTION FOR CHANGE OF  
JUDGE FOR CAUSE IN A CRIMINAL  
CASE**

\_\_\_\_\_  
Defendant

Division/Judge \_\_\_\_\_  
 Oral Argument Requested

I, (my name) \_\_\_\_\_, move for a change of judge for cause in a criminal case. The judge to be changed is Judge (Judge's name) \_\_\_\_\_ . This motion is made on the grounds alleged in the attached affidavit(s). This motion is made pursuant to Rule 10.1 Arizona Rules of Criminal Procedure, which states:

**(a) Grounds.** A party is entitled to a change of judge if the party shows that the assigned judge's interest or prejudice would prevent a fair and impartial hearing or trial.

**(b) Procedure.**

(1) *Motion, Timing, and Form.* A party seeking a change of judge for cause must file a motion no later than 10 days after discovering that grounds exist, but may not file a motion after a hearing or trial begins. The motion must state specific grounds for the change of judge and be supported by an affidavit. Allegations of interest or prejudice that prevent a fair and impartial hearing or trial that arise after commencement of the hearing or trial may be preserved for appeal by making an appropriate motion.

(2) *Further Action by Judge.* If a party files a timely motion for change of judge, the judge should not proceed, except to enter necessary temporary orders before the action can be transferred to the presiding judge or the

presiding judge's designee. If the named judge is the presiding judge that judge must assign the motion to another judge.

**(c) Hearing, Disposition, and Effect on Other Defendants.**

(1) *Hearing and Ruling.* Promptly after a party files a timely motion under this rule, the presiding judge must provide for a hearing on the motion before a judge other than the challenged judge. After holding the hearing, the hearing judge must decide the issues by a preponderance of the evidence and enter an order stating findings and ruling on the motion. The hearing judge will then return the matter to the presiding judge.

(2) *Assignment or Reassignment.* The presiding judge will promptly assign the action back to the original judge if the motion is denied, or will make a new assignment if the motion is granted.

(3) *Effect on Other Defendants.* If there are multiple defendants, the grant of a motion for change of judge filed by one or more defendants does not require a change of judge as to the other defendants, even though the change of judge may result in severance for trial purposes.

If this is a Justice Court case, this motion is also made pursuant to A.R.S. §22-24 which states:

A. If either party in an action pending in a justice court, after the answer has been filed, files an affidavit in the action alleging any of the grounds specified in subsection B of this section and gives five days' notice to the opposite party, the venue may be changed as provided by law.

B. Grounds that may be alleged for change of venue are:

1. There exists in the precinct where the action is pending so great a prejudice against the party requesting a change of venue that the party cannot obtain a fair and impartial trial.
2. The convenience of witnesses and the ends of justice would be promoted by the change.
3. The court determines that there is other good and sufficient cause.

C. The court shall determine the truth and sufficiency of the grounds, but a decision refusing the change of venue is appealable as part of an appeal from a final judgment.

D. A justice of the peace may transfer the action for trial to another justice court precinct on written consent of the parties and the justice of the peace receiving the action.

Date \_\_\_\_\_ Signature X \_\_\_\_\_

Print/type name \_\_\_\_\_

**CERTIFICATE OF MAILING OR DELIVERY** on (date) \_\_\_\_\_ a  
copy of this document with attached affidavit(s) was/will be:

mailed postage prepaid,

hand-delivered,

emailed if use of email was agreed to in writing.

To the following person(s) at the following address(es):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name of person mailing or delivering: \_\_\_\_\_

Signature of person mailing or delivering: X \_\_\_\_\_

**AFFIDAVIT FOR CHANGE OF JUDGE FOR CAUSE IN A CRIMINAL CASE**

State of Arizona )  
County of \_\_\_\_\_ )ss

I, (name of affiant) \_\_\_\_\_, under  
penalty of perjury, swear or affirm that the following is truthful:

Affiant Signature X \_\_\_\_\_ Date: \_\_\_\_\_

SUBSCRIBED AND AFFIRMED OR SWORN TO before me this \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_

X \_\_\_\_\_ Notary Public Signature

My commission expires: \_\_\_\_\_