

LAURA CONOVER
PIMA COUNTY ATTORNEY
Rachel Stiles
Deputy County Attorney
State Bar No. 24783/PAN 66478
Law Firm No. 69000
Rachel.Stiles@pcao.pima.gov
32 North Stone, Suite 1400
Tucson, AZ 85701
Phone: (520) 724-5600
Attorney for the State

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF PIMA

STATE OF ARIZONA,

Plaintiff,

vs.

LANE JEFFERY MYERS,

Defendant.

Case No. CR20251060-001
CR20251454-001

**RESPONSE TO MOTION TO
CHANGE JUDGE PURSUANT TO
RULE 10.1**

Hon. Danelle Liwski
Division 6

Defendant's Motion for Change of Judge for Cause should be denied because Defendant has failed to establish that it is more likely than not that the Court has an interest or prejudice that would prevent it from fairly and impartially handling this case.

MEMORANDUM OF POINTS AND AUTHORITIES

I. RELEVANT FACTS/PROCEDURAL HISTORY:

The Defendant, Lane Myers, had pending charges in Tucson City Court starting in June of 2024. The prosecutor assigned to his cases was Matthew Walker. On September 12, 2024, Mr. Myers called Matthew Walker's spouse, Shannon Walker, at

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PIMA COUNTY ATTORNEY
32 NORTH STONE, SUITE 800
TUCSON, ARIZONA 85701
(520) 724-5600

1 her place of work stating he wanted her assistance in helping her husband not be a
2 “crooked-ass prosecutor.” Ms. Walker did not know Mr. Myers.

3 Following that date, Mr. Myers began posting YouTube videos displaying Ms.
4 Walker’s name, picture, and public contact information for her work including her
5 physical office number. He put out information that suggested that Ms. Walker was
6 involved in corruption with the Tucson City Prosecutor’s Office.

7 In early October of 2024, Mr. Myers began putting on YouTube that Ms. Walker
8 had his wife fired. Ms. Walker did not know Mr. Myers’ partner and had never met her.
9 Mr. Myers continued posting Ms. Walker’s work contact information while spreading
10 misinformation about her on YouTube. He also encouraged his YouTube followers to
11 contact her. Ms. Walker was receiving voicemails from people calling her offensive
12 names and were threatening and harassing in tone. Mr. Myers also went to the law school
13 where Ms. Walker worked and was looking for her. He livestreamed this on YouTube
14 and showed her office number.

15 On October 10, 2024, Ms. Walker obtained an injunction against harassment
16 against Mr. Myers. The injunction ordered him to have no contact with Ms. Walker
17 through any form of social medial and he was prohibited from posting any messages or
18 content regarding her via any social media platform. The injunction was served on Mr.
19 Myers on October 17, 2024.

20 Following the service of the injunction, Mr. Myers continued going on YouTube
21 making multiple videos and posting about Ms. Walker on his account, spreading
22 misinformation, and posting her contact information. He also went on another
YouTuber’s account and discussed the injunction and Ms. Walker’s contact information

1 was posted leading to further phone calls and voicemails of a threatening and harassing
2 tone.

3 On November 14, 2024, a hearing was held where Mr. Myers contested the
4 injunction against harassment. At the hearing, Mr. Myers heard evidence that people
5 from his YouTube were leaving threatening and harassing voicemails for Ms. Walker.
6 The injunction was upheld but was modified to prohibit Mr. Myers from any direct or
7 indirect contact with Ms. Walker through any form of social media, to prohibit him from
8 posting her contact information including her work information on any social media
9 platform, and to prohibit him from directly or indirectly through social media or
10 otherwise encouraging third parties to contact her or go to a protected location. The court
11 found that he had engaged in a series of acts that constituted harassment and that he did
12 not have a legitimate purpose to contact her. The injunction was served on him in court.

13 Following that date, Mr. Myers kept on his YouTube page the videos with Ms.
14 Walker's contact information. In January of 2025, Mr. Myers posted a phone call with
15 Officer Valenzuela during which he references that if there had been no case with
16 Matthew Walker no calls would have been made to Shannon Walker. In that discussion,
17 he states that Ms. Walker should be fired for the actions of her husband like his wife was
18 fired because of him. He also continued posting videos regarding Ms. Walker on
19 YouTube, posting her contact information, and encouraging people to take action against
20 her throughout January and another one mid-February.

21 On March 13, 2025, Mr. Myers received a Summons for the charges in
22 CR20251060. On that date, he emailed the State and copied Ms. Walker.

On March 14, 2025, Lane Myers was arraigned on charges for Harassment, Aggravated Harassment, and Stalking. Release conditions were imposed that day. Following that hearing, Mr. Myers posted two more videos on March 16th and March 17th, 2025, with the victim's contact information causing further harassing contact with Ms. Walker by Mr. Myers' YouTube followers.

On March 20, 2025, Mr. Myers was arrested on new criminal charges for Aggravated Harassment. He was held without bond following a No Bond Hearing that was held on March 25 and 26, 2025, based on committing new felonies while on felony release. He indicted on March 28, 2025, for charges of Aggravated Harassment, Interfering with Judicial Proceedings, Intimidate/Threat/Harass with an Electronic Communication Device, and Stalking in CR20251454-001. On April 4, 2025, he was arraigned on the new charges.

The Defense has put forth this Motion to Change Judge. It is set for a hearing on May 27, 2025.

II. LAW AND ARGUMENT:

**THE COURT'S RULINGS AND STATEMENTS FROM THE BENCH
DO NOT SHOW THE JUDGE IS BIASED OR PREJUDICED**

Rule 10.1(a) of the Arizona Rules of Criminal Procedure provides "[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."

Judicial bias and prejudice generally "necessary to disqualify a judge must arise from an extra-judicial source and not from what the judge has done in his participation in the case." *State v. Thompson*, 150 Ariz. 554, 557 (App. 1986) (quoting *Smith v. Smith*, 115 Ariz. 299, 303 (App.1977)). "[J]udicial rulings alone almost never constitute

1 a valid basis for a bias or partiality motion.”” *State v. Granados*, 235 Ariz. 321, 326
2 (quoting *Liteky v. United States*, 510 U.S. 540, 555 (1994)). There is a presumption that
3 a trial judge is free of bias and prejudice. *Id.* at ¶ 14.

4 **1. Denial of Media Coverage and Rule 122(h)**

5 Defendant alleges that the Court’s denial of allowing people to record the court
6 proceedings shows that the Court is biased and prejudiced but does not present how that
7 ruling demonstrates either. This criminal case involves harassment of the victim through
8 social media. There have been repeated disruptions in court with people wanting to
9 record the hearings through audio or video or both. Furthermore, the Court has live
10 streamed every court hearing, so the hearings have been available to the public and the
11 court room has been open to the public for those who want to attend in person. There is
12 nothing in the Court’s rulings to indicate a bias or prejudice against the Defendant. The
13 Defendant’s disagreement with the Court’s rulings is not an adequate basis for the judge’s
14 removal from the cases.

15 **2. Denial of Speedy Trial**

16 The Defendant alleges he is being denied speedy trial as he is arguing his
17 sentencing also has to be within speedy trial. The Defendant was arraigned on April 4,
18 2025, in CR20251454-001. His matters have been consolidated for trial, so the speedy
19 trial time for the second case applies. Thus, pursuant to Rule 8 of the Arizona Rules of
20 Criminal Procedure, his speedy trial time does not run until September 1, 2025. The
21 Defendant’s current trial date is July 22, 2025, which is well within the 150 days after
22 arraignment.¹

1 In CR20251040, the Rule 8 time would be August 11, 2025, if not consolidated, but the current trial date is still

3. Denial of Bail Reexamination Hearing

The Defendant argues that Rule 7.4(c), Ariz. R. Crim. P., provides that he is required to get an another evidentiary hearing on the bail. The Rule does not require a reexamination of bail and is only permissive not mandatory. The Court set a hearing to hear argument on whether the Defendant should get another no bond hearing. This does not show bias, prejudice, or a lack of impartiality by the Court.

4. Denial of Jury Questionnaire

The Defendant argues that the Court's ruling is biased against him by not allowing a jury questionnaire. This again is an argument on the Court's ruling and not a showing of bias against the Defendant by the Court.

5. Threat of Retaliation

The Defendant argues the Court threatened to retaliate against him in Court on May 12, 2025, if he filed a complaint against the Court with the Judicial Conduct Commission. A review of the transcript from that proceeding shows that the Defendant misquotes what occurred in the hearing. The following is a portion of the exchange the Defendant had with the Court:

Mr. Myers: What are you going to do on Friday? We're going to argue whether I get a hearing or not?

The Court: Yes.

Mr. Myers: No, that's not the procedure.

The Court: Okay.

Mr. Myers: That's a violation of the Code of Judicial Conduct.

1 **The Court:** All right. You can file a complaint then.

2 **Mr. Myers:** You're going to get a lot of them.

3 **The Court:** All right.

4 **Mr. Myers:** So, you're saying that we're not going to have the bail eligibility
5 hearing within seven days?

6 **The Court:** We're going to argue about whether you're entitled to one.

7 ...

8 Transcript, *State v. Lane Myers*, CR20251060-001/CR20251454-001, Status Conference,
9 pg. 5 (May 12, 2025).

10 The Defendant indicates in his motion that the Court told him "don't threaten me,
11 it will not be good for you." This is not reflected in the transcript. The Defendant told
12 the Court: "No, you're going to follow the law or you're going to get off this case." *Id.*
13 at 7. The Court responded: "I don't like the threats. It's not helping your case." *Id.*

14 There is nothing in the hearing on May 12, 2025, that supports the Court was
15 threatening to retaliate against the Defendant. The Court was informing the Defendant
16 of the procedure that was going to be followed, and the Defendant disagreed with the
17 procedure. The record does not support the Defendant's allegations the Court made
18 threats against him.

19 **III. CONCLUSION:**

20 Defendant has not demonstrated that the Court has an interest or prejudice that
21 prevents it from fairly and impartially handling the case as required by the Rule.
22 Defendant does not allege bias based on the judge's direct, personal, substantial
 pecuniary interest or some other strong personal interest in the outcome of the case. *See*

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1 *Granados*, 235 Ariz. at ¶ 11. As *Granados* and *Liteky* make clear, disagreement with how
2 a Court ruled on a particular issue or issues is almost never an adequate basis to trigger
3 that judge's removal from a case. In this case, the Defendant's arguments all involve his
4 disagreement with the Court's rulings and not a showing of bias or prejudice by the Court.
5 In order to be entitled to a change of judge for cause, Defendant must establish that the
6 Court has an interest or prejudice that would prevent it from fairly and impartially
7 handling the case by a preponderance of the evidence. The Defendant has failed to meet
8 that burden, and this motion should be denied.

9
10 RESPECTFULLY SUBMITTED this 23rd day of May, 2025.

11 LAURA CONOVER
12 PIMA COUNTY ATTORNEY

13 /s/ Rachel Stiles
14 Rachel Stiles
15 Deputy County Attorney

16 ORIGINAL of the foregoing filed
17 with the Clerk of the Court
18 this 23rd day of May, 2025.

19 COPY of the foregoing delivered
20 this 23rd day of May, 2025, to:

21 Honorable Danelle Liwski
22 Pima County Superior Court

Lane Myers
Defendant, Pro Se
(Copy will be hand delivered in court on May 27th)

Mark Resnick
Advisory Counsel for Defendant