

STATE OF LOUISIANA * CITY COURT OF LAFAYETTE
 VERSUS * DOCKET NUMBER: DT2019425,
 CT201911193
 DEVIN BALTAZAR * LAFAYETTE PARISH, LOUISIANA

MOTION TO RECUSE TRIAL JUDGE

NOW INTO COURT, through undersigned counsel, comes Defendant/Mover, DEVIN BALTAZAR, who moves for the disqualification and recusal of JUDGE MICHELLE ODINET for the following reasons:

1.

Devin Baltazar, an African American man, pled no contest to an amended Reckless Operation from a OWI, 1st offense on July 29, 2020. He was placed on unsupervised probation for nine (9) months and ordered to complete certain special conditions.

2.

On November 2, 2021, Judge Odinet revised Mr. Baltazar's sentence taking away his 894 deferral, adding 32 hours of community service and extending his probation to July 2, 2022.

3.

The sentencing judge was JUDGE ODINET; thus she will make determinations as to compliance with conditions, adherence to rules, and, ultimately, potential and incarceration of up to six months in jail.

4.

On or about December 11, 2021, an alleged attempted burglary occurred at JUDGE ODINET'S home and was captured on a home security system. Law enforcement was called and the African American suspect was apprehended.

5.

On information and belief, JUDGE ODINET and other unidentified individuals later viewed

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7.

There are multiple references to “mom” throughout the video and her role during the burglary in progress.

“And mom’s yelling n*****, n*****,” says one male voice, to which another female voice responds: “We have a n*****, It’s a n*****, like a roach.”

“Lost his wallet,” says one voice. “That’s my phone where it fell out,” says another.

“Going get the gun,” can be heard. “The dude had a phone on him,” chimes in a female voice. “I should have taken his phone from him, that f***** ass****.”

8.

On information and belief, the female voice is that of JUDGE ODINET.

9.

After the incident, JUDGE ODINET was quoted as saying that she “was in a fragile mental state” and “was given a sedative” and concluded with “this is contrary to the way we live our lives”.

10.

Mover expresses concerns that given the aforementioned incident that any review of compliance with probationary conditions by JUDGE ODINET would likely result in adverse impact due to his race.

11.

In a criminal case a judge of any court, trial or appellate, shall be recused when he:

(1) Is biased, prejudiced, or personally interested in the cause to such an extent that he would be unable to conduct a fair and impartial trial; *****. LSA-C.Cr.P. art. 671.

12.

An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing, and shall personally observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved. The

13.

A. A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. As used in this Code, “impartiality” or “impartial” denotes absence of bias or prejudice in favor of, or against, particular parties or classes of parties, as well as maintaining an open mind in considering issues that may come before the judge. *****. LA ST CJC Canon 2.

14.

The judicial duties of a judge take precedence over all other activities. Judicial duties include all the duties of office prescribed by law. In the performance of these duties, the following standards apply:

A. Adjudicative Responsibilities.

(4) A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, and shall not permit staff, court officials or others subject to the judge's direction and control to do so. A judge may make reasonable efforts, consistent with the law and court rules, to facilitate the abilities of all litigants, including self-represented litigants, to be fairly heard, provided, however, that in so doing, a judge should not give self-represented litigants an unfair advantage or create an appearance of partiality to the reasonable person.

(5) A judge shall require lawyers in proceedings before the judge to refrain from manifesting, by words or conduct, bias or prejudice against parties, witnesses, counsel or others.


C. Recusation. A judge should disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned and shall disqualify himself or herself in a proceeding in which disqualification is required by law or applicable Supreme Court rule. In all other instances,

16.

While a judgment of conviction has already been rendered pursuant to plea, this case presents a particular circumstance where a biased and prejudiced judge will hold his future in her hands for the next two (2) years.

WHEREFORE, Defendant/Mover, DEVIN BALTAZAR, prays that JUDGE ODINET recuse and disqualify herself from his matter; or, alternatively, that a hearing be set to another judge or to a judge ad hoc, as provided in LSA-C.Cr.P. art. 675.

RESPECTFULLY SUBMITTED:



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STATE OF LOUISIANA

* CITY COURT OF LAFAYETTE

VERSUS

* DOCKET NUMBER: DT2019425,
CT201911193

DEVIN BALTAZAR

* LAFAYETTE PARISH, LOUISIANA

ORDER

Considering the foregoing *Motion to Recuse Trial Judge*;

IT IS ORDERED that JUDGE MICHELLE ODINET HEREBY recuses and disqualifies herself from presiding in this matter; or, alternatively, that a hearing be set to another judge or to a judge ad hoc, as provided in LSA-C.Cr.P. art. 675.

Lafayette, Louisiana, this _____ day of _____, 2021.

JUDGE, LAFAYETTE CITY COURT

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