



# Blackwell Law Office

## Dedicated to Helping Others

By Haley Freeman

**J**ocquese L. Blackwell began his career by serving in the U.S. Army's Military Intelligence Corps. He is a decorated veteran and distinguished himself as a morse code interceptor, cryptographic analyst and paratrooper.

As a young 19-year-old man, and during the term of his military service, Blackwell was pulled over by a Texas police officer for a minor traffic violation. When he was detained for a lengthy period of time without being issued a citation, he requested the officer find out why. He was then brutalized by three officers at the scene, handcuffed and arrested on trumped-up charges.

Blackwell decided to fight for his rights, rather than plead guilty and pay fines he could not afford for a crime he did not commit. He requested a jury trial and represented himself. After voir dire, over four hours in trial, two sustained objections and a lengthy oral argument, the jury acquitted Blackwell of the charges.

"All of my legal experience at that time came from watching "Perry Mason" when I was a kid. I never forgot that experience with the police officers and representing myself in court," Blackwell said. He learned firsthand the importance of zealous advocacy and how easily justice may be withheld from citizens who appear weak or unable to defend their rights.

Following his honorable discharge from military service, Blackwell attended North Carolina Agricultural & Technical State University where he earned a B.S. in chemical engineering. He later accepted a job offer with Motorola in Phoenix, Ariz. After some time working in Motorola's physical science research laboratory, an ambitious Blackwell decided that he would like to become a patent attorney.

Blackwell was accepted into the Sandra Day O'Connor College of Law at Arizona State University and graduated in 2004. "While I was in law school, I fell in love with trial advocacy. My love for trial advocacy took me down another path, and I'm so glad it did. This is what I was born to do."

Following his graduation, he accepted a two-year federal clerkship with the Honorable Raner C. Collins, federal District Court judge in Tucson, Ariz. "I learned a lot from Judge Collins," Blackwell explained. "Working for Judge Collins was inspirational. He taught me that excellence should be the norm."

Following his clerkship, Blackwell went on to work with the law firm of Goldberg & Osborne, where he practiced in the area of products liability. "Mr. Osborne gave me the opportunity to argue the motions I wrote while preparing for trial. I never



thought I'd be arguing my own motions in trial within months of being at the firm. That was a great experience," Blackwell said.

Blackwell went to work with the Maricopa County Public Defender's Office in 2008. Soon, he found himself working on many gang-related trials. "This gave me more time to hone my skills as a trial attorney," Blackwell said. "They used to call me the 'Motion Man' at the public defender's office because I was always writing motions...I was always trying to figure out a way to properly advocate for our clients...I found a niche for myself representing our clients in gang trials, and I started writing a lot of motions for people who were accused of gang-related crimes."

Since 2009, Blackwell has been a presenter on gang trials and gang expert testimony at the Arizona Public Defender Association's annual conference. "I believe you need an experienced and passionate attorney to defend clients charged with gang-related offenses. To this day, other attorneys call me from all over the state and ask if I could help them develop new ways to defend their clients in gang-related trials," Blackwell explained. Blackwell receives most of his cases by referral from other attorneys and past clients.

Blackwell is passionate about his observation that many

people who are charged with gang-related crimes are deeply misunderstood by the system and by society at large. He is quick to acknowledge that true gangsters are the worst kind of criminals and should be prosecuted accordingly. He cautions, however, that application of Arizona Revised Statutes A.R.S. §§13-105(8) and (9), and A.R.S. § 13-714 makes it all too easy to enhance the penalties to as much as five years mandatory prison when a person is charged with a gang-related crime. Blackwell explained, "If a person is charged with A.R.S. § 13-1202(A)(1), the normal penalty is a Class 1 misdemeanor. However, when this same person is alleged to be a gang member, the charge becomes A.R.S. § 13-1202(A)(3). Here, a person who has committed a misdemeanor crime, which carries a maximum penalty of up to only six months in jail, is now slapped with a Class 3 felony, which carries a minimum penalty of no less than seven years in prison if convicted for assisting a criminal street gang."

One of the two definitional statutes A.R.S. § 13-105(9) for gang-related cases provides seven criteria for identifying a gang member and requires that only two of the seven criteria be satisfied to prove a person is a gang member in Arizona. According to Blackwell, "Certain things that are perceived as being associated

with gangs may be a part of popular culture. However, the way a person dresses or talks does not make them a gang member. This issue affects all Arizonans, not just a small subculture. A young person living in Paradise Valley could be seen by the police while wearing baby blue (a color known for a gang called the Crips) and displaying a tattoo. The blue-colored clothes and tattoo meet the two indicia needed for gang documentation and now this individual has unknowingly become a documented gang member,” Blackwell explained.

Another area of Blackwell’s practice is personal injury. Because of Blackwell’s trial experience, he has received numerous referrals for personal injury cases. The cases he is currently working on involve motor vehicle accidents, assaults and wrongful death suits. “I am really excited about how well the personal injury side of my practice has expanded. I see this as another opportunity to fight for the rights of others. When someone has been injured by another person, their lives can be forever changed. They need an attorney who will fight aggressively to ensure they are compensated for their damages.” Blackwell is dedicated to ensuring that clients receive what they deserve.

Blackwell has been successful defending individuals charged with driving under the influence (DUI). He points out that many people who are prosecuted for DUI have a blood alcohol content (BAC) *under* the legal limit of 0.08. Police officers may pull a citizen over for a myriad reasons. Often, the arresting officers will report that the client demonstrated one or more of the 24 National Highway Traffic and Safety Administration (NHTSA) nighttime driving cues. Many of these cues are subjective.

Zealous officers may insist that a driver is under the influence and impaired, even when his or her BAC is within legal limits. Blackwell conceded that a driver may well be impaired, even when his BAC is technically “legal” and stressed that drivers who are impaired should certainly not be on the road. However, he cautioned that in some instances cookie cutter standards are applied and citizens are prosecuted who may not be impaired. Rather, their behavior was misreported or mistakenly interpreted by authorities. Due to the stigma surrounding drunk drivers, according to Blackwell, the system does not always differentiate between people who drink and drive responsibly and those who drink and drive while impaired.

A current hot legal topic is driving under the influence of marijuana or its metabolite. Arizona state crime labs test for tetrahydrocannabinol (THC) in addition to two metabolites of THC, Hydroxy-THC and Carboxy-THC. THC is the parent drug of marijuana that affects the brain. There are several studies that reveal traces of THC in a person’s blood up to seven days after the initial use. Hydroxy-THC affects the brain as well; however,

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Carboxy-THC is non-impairing, has no psycho-active effect and can be detected for up to 77 days in a person’s urine and up to two weeks in a person blood after marijuana use or consumption.

Even if marijuana was used legally, if traces of marijuana are found in someone’s system a person can still be convicted of DUI in Arizona. Blackwell explained “that someone may have legally used or consumed marijuana in a state or country that allows it. Even though Carboxy-THC is non-impairing, if you are charged with DUI and have this metabolite in your system, you may receive a conviction even if there were no other drugs or alcohol in your blood. Arizona is among a number of states that permit medical marijuana act card holders (MMAs) to use and consume marijuana legally. However, despite legal use of the drug, you still may be charged and convicted under our current DUI statutes. I believe the intent of the law is to protect citizens from drivers who are impaired and could put themselves and others at risk. Currently, those using marijuana legally with traces of the drug’s non-impairing metabolite in their system weeks after the fact can still be convicted. The law



and current drug testing method need to change.”

The presence of legal, prescription drugs in a person’s system can also be a source of confusion when charged with DUI in Arizona. Blackwell recently represented a client who had been using the prescription drug Keppra for several years to control seizures. This client’s BAC tested below the legal limit. However, the presence of Keppra, the client’s alleged driving deficiencies and failed field sobriety tests, prompted the prosecutor to charge Blackwell’s client with DUI. After a person is stabilized on Keppra, which tends to take up to six weeks, it does not impair its users and there is no known interaction between Keppra and alcohol. Blackwell was able to demonstrate these facts for the jury, and his client was granted a total acquittal.

“I get emotional about my clients,” Blackwell admitted. “I try not to take on too much stress.” Blackwell credits his wife and three young children with helping him to remain grounded in a challenging profession.

Blackwell explained his practice philosophy this way, “Every client is important and deserves personal and professional service. With each new client we have an opportunity to help them fight for their rights.”

Justice is like the moon – “You can see it, but it is difficult to reach. I am dedicated to fighting for the rights of others.”

## At A Glance

### **Blackwell Law Office**

#### **Jocquese L. Blackwell**

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### **Bar Admissions**

- Arizona, 2006
- U.S. District of Arizona, 2007
- 9th Circuit, 2010

### **Education**

- Sandra Day O’Connor College of Law, 2004 J.D.
- North Carolina A&T State University, 1998 B.S. Chemical Engineering

### **Professional Associations**

- State Bar of Arizona
- National Bar Association
- Maricopa Bar Association
- Arizona Black Bar Association

### **Honors**

- Martindale-Hubbell, AV Preeminent Rating
- Super Lawyers, Arizona Rising Star
- AVVO, Highest Rating 10 out of 10

### **Teaching/Speaking Engagements**

- Phoenix School of Law, Adjunct Professor, Ethics and Pretrial Practice
- Arizona Public Defender Association, Presenter, Gang Trials and Gang Expert Testimony

### **Family**

Wife: Lesley

Children: Cameron, Leyla and Carter