

1 Procedure (“ARCP”) related to the autopsy completed by Dr. Roxene Worrell in
2 this matter.
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5 RELEVANT BACKGROUND

6 The State made its initial disclosure in this matter in 2014. As a part of
7 that disclosure, the autopsy performed by Dr. Roxene Worrell was disclosed.
8 However, additional documentation outside of her report were not disclosed.
9 Typically, an autopsy report is accompanied by the examiner’s notes,
10 photographs, and other documentation created during the autopsy.
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14 ARGUMENT

15 These records are essential to preparation of Mr. Rector’s case as they are
16 critical to the fact investigation. Due process embodies the fundamental notions
17 of fairness and incorporates “safeguards which are fundamental rights and
18 essential to a fair trial.” *Specht v. Patterson*, 386 U.S. 605, 609-610 (1967). In
19 capital cases, the Eighth Amendment requires heightened reliability because
20 death is a qualitatively different punishment. *E.g., Lockett v. Ohio*, 438 U.S.
21 586 at 604 (plurality opinion) (1978).
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26 Capital cases differ from other criminal cases in numerous ways. The
27 possibility of death affects every phase of the litigation proceedings. It is
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1 beyond question that under the Sixth and Fourteenth Amendments trial counsel
2 is obligated to conduct a reasonable investigation. *E.g.*, *Strickland v.*
3 *Washington*, 466 U.S. 688, 673 (1984); *Wiggins v. Smith*, 539 U.S. 510, 521-22
4 (2003). One of the “well defined norms” of capital representation requires
5 attorneys in a capital case to immediately put in place plans for a punishment
6 phase defense. The duty to investigate includes the essential tasks of looking
7 into known leads and possible avenues of mitigation, and gathering records.
8 *E.g.*, *Rompilla v. Beard*, 545 U.S. 374, 382-83 (2005). As the United States
9 Supreme Court has explained, “the American Bar Association Standards for
10 Criminal Justice . . . describe[] the obligation in terms no one could
11 misunderstand”:
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17 “It is the duty of the lawyer to conduct a prompt
18 investigation of the circumstances of the case and to
19 explore all avenues leading to facts relevant to the
20 merits of the case and the penalty in the event of
21 conviction. The investigation should always include
efforts to secure information in the possession of the
prosecution and law enforcement authorities.”

22 *Rompilla*, 545 U.S. at 387 (quoting ABA Standards for Criminal Justice 4-4.1
23 (2d ed. 1982 Supp.)).
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CONCLUSION

Mr. Rector asks the Court to Order the State to disclose the entirety of the documentation, including but not limited to the examiner's notes, generated during the autopsy in this matter.

Respectfully submitted this 24th day of February, 2017.

GERALD GAVIN
Counsel for Defendant



JULIA CASSELS
Counsel for Defendant

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2 _____, 2017 and

3 hand-delivered to:

4 Clerk of the Court
5 Mohave County
6 401 E. Spring Street
7 Kingman, Arizona 86401

8 Honorable Lee Jantzen
9 401 E. Spring Street, 2d Floor
10 Kingman, Arizona 86401

11 Mr. Greg McPhillips
12 Assigned Deputy County Attorney
13 Mohave County Attorney's Office
14 PO Box 7000
15 Kingman, Arizona 86401

16 Mr. Justin Rector
17 Mohave County Jail

18 Client File
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