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VIRLYNN TINNELL  
SUPERIOR COURT CLERK

1 Gerald T. Gavin  
 2 State Bar No. 013842  
 3 Julia Cassels  
 4 State Bar No. 021578  
 5 3880 Stockton Hill Road, Suite 103-450  
 6 Kingman, Arizona 86409  
 7 Email: geraldgavinlaw@gmail.com  
 8 Telephone: (480) 233-6038  
 9 Attorneys for Justin Rector

10 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
 11 IN AND FOR COUNTY OF MOHAVE

11 STATE OF ARIZONA,	)	CR2014-01193
	)	
12 PLAINTIFF,	)	
	)	
13 v.	)	DEFENDANT JUSTIN RECTOR'S
	)	RENEWED MOTION FOR
14 JUSTIN JAMES RECTOR,	)	DISCLOSURE OF NOTES AND
	)	OTHER RECORDS BY THE
15 DEFENDANT.	)	MEDICAL EXAMINER
	)	
	)	HONORABLE LEE JANTZEN

16 The Defendant, Justin Rector, through undersigned counsel, respectfully  
 17 requests the Court issue an Order directing the the Mohave County Prosecutor's  
 18 Office to disclose any and all additional discoverable material, including but not  
 19 limited to the following, pursuant to Rule 15.1 of the Arizona Rules of Criminal  
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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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### 15 ARGUMENT

16 These records are essential to preparation of Mr. Rector's case as they are  
17 critical to the fact investigation. Due process embodies the fundamental notions  
18 of fairness and incorporates "safeguards which are fundamental rights and  
19 essential to a fair trial." *Specht v. Patterson*, 386 U.S. 605, 609-610 (1967). In  
20 capital cases, the Eighth Amendment requires heightened reliability because  
21 death is a qualitatively different punishment. *E.g., Lockett v. Ohio*, 438 U.S.  
22 586 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  
28

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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16  
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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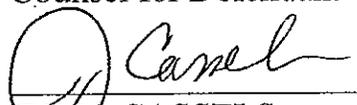
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CONCLUSION

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 24<sup>th</sup> day of March, 2017.

  
\_\_\_\_\_  
GERALD GAVIN  
Counsel for Defendant

  
\_\_\_\_\_  
JULIA CASSELS  
Counsel for Defendant

1 Original filed this 21<sup>st</sup> day of  
2 March, 2017 and  
hand-delivered to:

3  
4 Clerk of the Court  
Mohave County  
5 401 E. Spring Street  
6 Kingman, Arizona 86401

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

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

14 Mr. Justin Rector  
15 Mohave County Jail

16 Client File

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