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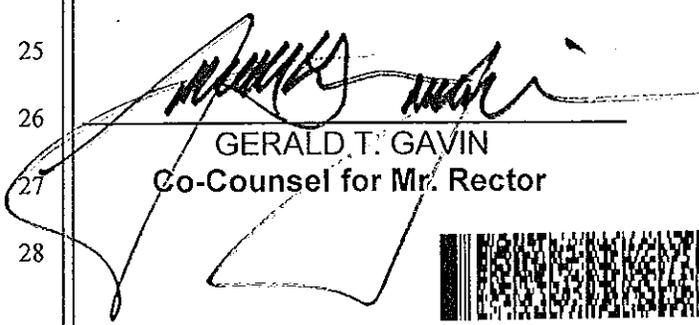
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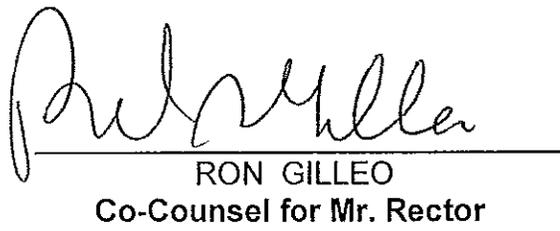
IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MOHAVE

STATE OF ARIZONA, )  
 ) NO: CR 2014-01193  
 )  
Plaintiff, )  
 )  
vs. )  
 ) DEFENDANT'S REPLY TO STATE'S  
 ) RESPONSE TO DEFENDANT'S MOTION  
 ) TO PRECLUDE OFFICERS FROM  
 ) WEARING UNIFORMS OR DISPLAYING  
 ) WEAPONS  
 )  
JUSTIN JAMES RECTOR )  
 )  
Defendant. )  
 )  
(ASSIGNED TO THE HON. LEE JANTZEN)

Defendant Justin James Rector, by and through undersigned counsel, replies to the States Response to Defendant's Motion to Preclude Officers from Wearing Uniforms or Displaying Weapons, for the reasons contained in the Memorandum attached hereto and incorporated herein.

RESPECTFULLY SUBMITTED This 22<sup>nd</sup> day of May, 2015.

  
GERALD T. GAVIN  
Co-Counsel for Mr. Rector

  
RON GILLES  
Co-Counsel for Mr. Rector



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## MEMORANDUM

The State makes a habit of being dismissive of the Defense concern's to ensure this trial be done once...in a manner ensuring the integrity of the process and not subjecting either side to improper influence, subliminal or otherwise, that will unduly influence the jury. The State...again...indicates "such a request is silly". Respectfully, defense counsel is not sure how many Capital Cases his colleague has taken to trial, but assures him the need to do this once...correctly...is not "silly" and is in all parties interests.

Appearance matters. The Court has already determined that a defendant should not be forced to endure a trial where he is presumed innocent, yet forced to sit in a striped or distinctive jail uniform, identifying him as an inmate...not a free man, but someone already determined by authorities too dangerous to be released. It creates an unfair initial impression, thus subliminally rebutting his presumption of innocence, instead reversing it to a presumption of guilt. That is unacceptable. For the exact same reasons, the corollary is true; while a uniformed guard is certainly acceptable and expected in a courtroom, a large contingent of uniformed officers, weapons in plain view, impermissibly imply and confer this defendant is dangerous, so dangerous one guard is not capable of providing adequate protection to the court. It visually displays the court shares the concern for everyone's safety to a point that a contingent of officers is necessary to protect the court and jury from this killer. Just like jail garb, it cloaks the defendant in a presumption of guilt unnecessarily so.

The Court may harbor legitimate concerns for safety. That is understood. There are simple, common-sense ways to provide additional security without making it a prison-like experience. The Defendant will already be restrained by nonvisible restraints. A uniformed sheriff's officer will be there at the ready, with no other inmate to

1 guard but the defendant. The defense attorneys, seated on either side of the  
2 defendant, are more than twice his size, and would intervene to protect the court and  
3 client if an outburst occurred. For the record, the defendant has a record of complete  
4 compliance, and has displayed no problem behavior or words in custody. He has been  
5 respectful of the court and all parties, and absolutely compliant.

6 Should the court still harbor legitimate concerns, the addition of one or two  
7 additional, plain-clothes officers...sitting in the public gallery and by any exit, would  
8 certainly provide adequate security in this case. The defense does not argue the need  
9 for them to have weapons; it only asked they be concealed so the jury not be exposed  
10 to the additional prejudicial effects of increased firepower in the courtroom.

11 To allow numerous uniformed and visibly-armed guards violates the defendant's  
12 Confrontation, Equal Protection, and Fundamental Fairness Rights under the  
13 Constitution of the United States, and its corresponding provisions in the Arizona  
14 Constitution. ***It will happen over his ongoing and strident objections to any such***  
15 ***procedure.*** There is nothing in the record to indicate such drastic measures are  
16 necessary in this case; had the defendant made threats, had escape attempts, was  
17 physically imposing, had a long history of violence...any of those factors might suffice to  
18 justify this show of force; NONE of them are present in this case. The defendant is  
19 small in stature, compliant, has not attempted to resist or escape, and has not  
20 threatened violence. Any attempt to place more uniformed, armed personnel in the  
21 jury's view is a blatant attempt to influence them and play to their fear and emotion. It is  
22 impermissible.  
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ORIGINAL of the foregoing filed  
this 22 day of May, 2015 with:

Clerk of Court  
401 E Spring Street  
Kingman Arizona 86401

COPY of the forgoing  
Delivered this 22 day  
Of May, 2015, to:

Honorable Lee Jantzen  
Judge of the Superior Court  
Mohave County Courthouse  
2<sup>nd</sup> floor  
Kingman Arizona 86401

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Client Justin James Rector  
Mohave County Jail

File

BY: 