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2015 MAY 22 AM 10:09

VIRLYNN TINNELL
SUPERIOR COURT CLERK

7 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

8 **IN AND FOR THE COUNTY OF MOHAVE**

9 **STATE OF ARIZONA,**

10 Plaintiff,

11 vs.

12 **JUSTIN JAMES RECTOR**

13 Defendant.

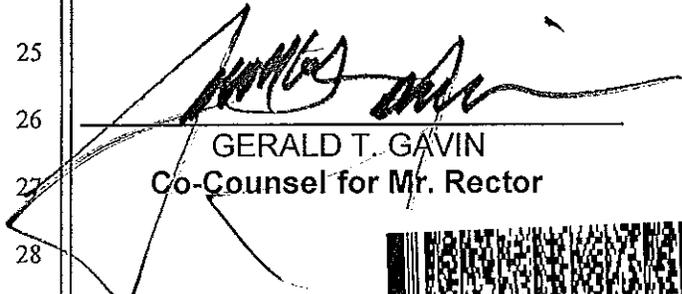
NO: CR 2014-01193

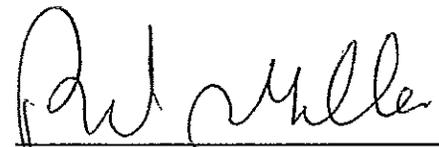
**DEFENDANT'S REPLY TO STATE'S
RESPONSE TO DEFENDANT'S MOTION
TO PRECLUDE POST-VERDICT
CONTACT BETWEEN THE TRIAL
JUDGE AND JURY**

(ASSIGNED TO THE HON. LEE JANTZEN)

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17 Defendant Justin James Rector, by and through undersigned counsel, replies to
18 the States Response to Defendant's Motion to Preclude Post-Verdict Contact Between
19 the Trial Judge and Jury, for the reasons contained in the Memorandum attached
20 hereto and incorporated herein.

21
22 RESPECTFULLY SUBMITTED This 22nd day of May, 2015.

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26 
GERALD T. GAVIN
Co-Counsel for Mr. Rector

27 
RON GILLES
Co-Counsel for Mr. Rector



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M E M O R A N D U M

Like many of the defendant's previous motions, the intent of this motion is to ensure the integrity of these proceedings, and guard against errors that may force a retrial of these matters at a later date, subjecting everyone to the nightmare of reliving this trial experience.

Counsel for the defense has been practicing, as of October of this year, for 25 years in Arizona. While counsel spent the first 6 years of his career in Mohave County, and has recently returned for limited case assignments, counsel has practice in Courts all over this State...including many in the very busy Maricopa County Court system. Again...counsel for the defense is not certain if his colleague from the State has been exposed to the small number of courts and judges in Mohave County, and local practice. No disrespect is intended...only information that in Maricopa County, at least, it is not uncommon for judges and counsel to join juries post-verdict, in the jury room, to allow the jury to ask questions, offer critiques of the counsel and court, and otherwise ask questions completely inappropriate during jury deliberations or in deciding the case. It is not uncommon....for instance...to have prosecutors tell jurors, especially if a "not guilty" verdict has been reached, that the State was prevented from telling them about all the other crimes and bad things the defendant did that the rules prevented them from learning. Such sessions are usually allowed over defense objections.

As can be imagined, jurors often feel lied to, lose faith that the system is fair, and often conclude the defendant "got off on a technicality". Frankly...it undermines the entire legal process. Not all judges permit these discussions, but a sizeable portion do...in interest's of catering to the public and furthering the education of the general public about the legal system. What it does is undermine the system, and forever taint

1 that juror to believe they are not hearing all the evidence, should they ever be called to
2 serve in the future.

3 Counsel for the defense is....frankly....relieved there is no such process normally
4 done in Mohave County, as indicated by counsel for the State. If that is the case, this
5 motion is moot. If it is not...Counsel for the defense urges this court not engage in such
6 activity.

7 As mentioned in another motion, no accusation is made against Judge Jantzen
8 or any particular judge in this matter. Given counsel's experience in this State, such
9 behavior is not uncommon. If the Court planned on allowing such a post-verdict
10 meeting, it would be over the defense objection.

11 Regarding meeting jurors in the future by accident in some local establishment,
12 counsel for the defense was not addressing that concern, and acknowledges all
13 counsel, and the judge, are sometimes surprised in public by past jurors. The defense
14 harbors no concern either counsel or the judge would do anything improper. Counsel's
15 concern was specifically a post verdict meeting, in which an off the record discussion
16 was had telling jurors about evidence they didn't hear, and calling into question their
17 actual deliberations. Again...if that is not done locally, this motion is moot.

18
19 To allow such a process, the defense maintains it would violate the integrity of
20 the process. If the Court considered allowing such a post verdict hearing...again...the
21 defendant's rights of Confrontation, Equal Protection and Fundamental Fairness, under
22 the Federal and State Constitutions, is in jeopardy. No such rights are waived by the
23 defense, *any any permission to allow potential witnesses to remain in the courtroom is*
24 *over the strident and ongoing objections of the defense.*

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26 Again....if no such meeting is planned, this motion is rendered moot.

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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
2nd floor
Kingman Arizona 86401

Greg McPhillips
Assigned Deputy County Attorney
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Client Justin James Rector
Mohave County Jail

File

BY: 