

IN THE SUPERIOR COURT
MOHAVE COUNTY, STATE OF ARIZONA

HONORABLE LEE F JANTZEN
DIVISION: IV COURTROOM: D
COURT REPORTER: THERESA SALSBERY

VIRLYNN TINNELL, CLERK OF SUPERIOR COURT
BY: C. OBERLIN, DEPUTY CLERK
HEARING DATE: 07/11/2019

STATE OF ARIZONA,	Plaintiff,	CASE NO: CR-2014-01193* CR-2017-01042
vs.		EVIDENTIARY HEARING ON MOTION TO WITHDRAW FROM PLEA AGREEMENT
JUSTIN JAMES RECTOR,	Defendant.	START: 9:17 A.M.

APPEARANCES: Gregory McPhillips, Deputy County Attorney; Daniel Kaiser, Attorney for the Defendant; Justin Rector, Defendant.

Prior to convening, Exhibits E000005 through E000011 are marked for identification (see Exhibit List).

This is the time set for an Evidentiary Hearing on the Defendant's motion to withdraw from the plea agreement.

The Court notes that Counsel have stipulated to the admission of Exhibit E000010 into evidence.

Defense Counsel reserves statements until after the conclusion of the presentation of evidence.

The State presents opening statements.

Based on the stipulation of Counsel,

IT IS ORDERED admitting Exhibit E000010 into evidence for the purposes of this hearing only.

Defense Counsel invokes the Rule of Exclusion of Witnesses.

The Court admonishes the potential witnesses and excuses them from the courtroom.

Defense Counsel calls Officer Riley Egelin as a witness who is duly sworn and begins to testify to the Court.

Defense Counsel moves to admit Exhibit E000011 into evidence; the State does not object.

IT IS ORDERED admitting Exhibit E000011 into evidence for the purposes of this hearing only.

Officer Egelin continues to testify to the Court and is excused.

Defense Counsel calls Quinn Jolly as a witness who is duly sworn and begins to testify to the Court.

The State notes that Mr. Jolly will need to be instructed by the Court that he may talk about the issues involving the representation of Mr. Rector and presents arguments; Defense Counsel objects and presents arguments.

The Court states its findings for the record.

IT IS ORDERED directing Mr. Jolly not to answer questions about specific conversations with the Defendant, but about his representation in this case.

Mr. Jolly continues to testify.

Defense Counsel requests a short recess.

The Court stands in recess at 10:06 a.m.

Prior to reconvening, Defense Counsel has Exhibit E000012 marked for identification (see Exhibit List).

The Court reconvenes at 10:38 a.m.; all parties mentioned heretofore are present.

Mr. Jolly continues to testify to the Court.

Defense Counsel moves to admit Exhibit E000012 into evidence; the State objects and presents arguments.

Defense Counsel withdraws his request.

Mr. Jolly continues to testify to the Court and is excused.

The State requests that Mr. Jolly be allowed to be excused from the remainder of this hearing; Defense Counsel does not object.

The Court excuses Mr. Jolly.

Defense Counsel rests his presentation of evidence.

The State requests that the Court take judicial notice of Exhibit E000005 and moves to admit Exhibit E000005 into evidence; Defense Counsel does not object.

IT IS ORDERED admitting Exhibit E000005 into evidence for the purposes of this hearing only.

The State requests that the Court take judicial notice of Exhibit E000007 and moves to admit Exhibit E000007 into evidence; Defense Counsel objects and presents arguments.

IT IS ORDERED admitting Exhibit E000007 into evidence for the purposes of this hearing only.

The State calls Ronald Gilleo as a witness who is duly sworn, testifies to the Court and is excused.

The Court stands in recess at 11:51 a.m.

Prior to reconvening, the State has Exhibit E000013 marked for identification (see Exhibit List).

The Court reconvenes at 1:41 p.m.; all parties mentioned heretofore are present.

The State calls Captain Don Bischoff as a witness who is duly sworn and begins to testify to the Court.

The State moves to admit Exhibit E000013 into evidence; Defense Counsel objects and presents arguments.

The State asks foundational questions of the witness in regard to the exhibit and again moves to admit Exhibit E000013 into evidence; Defense Counsel objects.

The State asks further foundational questions and again moves to admit Exhibit E000013 into evidence; Defense Counsel requests voir dire of the witness.

IT IS ORDERED admitting Exhibit E000013 into evidence for the purposes of this hearing only.

Captain Bischoff continues to testify to the Court.

The State moves to admit Exhibit E000009 into evidence; Defense Counsel does not object.

IT IS ORDERED admitting Exhibit E000009 into evidence.

Captain Bischoff continues to testify to the Court and is excused.

The State calls James Valdez as a witness who is duly sworn and begins to testify to the Court.

The Court stands in recess at 2:16 p.m.

The Court reconvenes at 2:19 p.m.; all parties mentioned heretofore are present.

Mr. Valdez resumes the witness stand, continues to testify to the Court and is excused.

The State rests its presentation of evidence.

Defense Counsel requests a brief recess; the State objects.

The State requests a digital recording of Mr. Valdez's testimony from today's hearing; the Court denies the request.

The Court stands in recess at 2:54 p.m.

The Court reconvenes at 3:16 p.m.; all parties mentioned heretofore are present.

The Court notes that there were objections to specific portions of Exhibit E000010.

The Court makes the following ruling in regard to the objections to the contents of Exhibit E000010:

- Page 17, lines 21 through 24 are sustained. The Court struck through these lines.
- Page 18, line 11 is overruled.

- Page 29, line 9 is overruled
- Page 36, line 21 is sustained. The Court struck page 36 line 21 through page 38, line 6.
- Page 41, line 8 is overruled.
- Page 41, line 16 is overruled.
- Page 45, line 3 is overruled.
- Page 45, line 13 is overruled.

The State and Defense Counsel present closing arguments.

The Court states its findings for the record.

IT IS ORDERED denying the Defendant's request to withdraw from the plea agreement.

The Court notes that the Defendant has indicated that he would like to be sentenced immediately.

Discussion ensues regarding scheduling of the Judgment and Sentencing Hearing.

IT IS ORDERED setting these matters for **Judgment and Sentencing on Friday, July 12, 2019 at 9:30 a.m.**

The Court recesses at 4:16 p.m.

cc:

MOHAVE COUNTY ATTORNEY *

THE KAISER LAW GROUP *
Attorney for the Defendant

MOHAVE COUNTY JAIL *

HONORABLE LEE F JANTZEN *
Division IV