

FILED *PSL*

*40*

2018 MAR 22 AM 10:41

WOLFGANG TRINELL  
SUPERIOR COURT CLERK

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Julia Cassels  
State Bar No. 021578  
2642 E Thomas Rd  
Phoenix, Arizona 85016  
Email: julia@juliacasselslaw.com  
Telephone: (480) 442-0740

Attorney for Justin Rector

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

STATE OF ARIZONA,	)	CR2014-01193
	)	
PLAINTIFF,	)	
	)	
v.	)	MOTION TO COMPEL
	)	
JUSTIN JAMES RECTOR,	)	
	)	
DEFENDANT.	)	HONORABLE LEE JANTZEN

The Defendant, Justin Rector, through undersigned counsel, respectfully requests the Court to issue an Order pursuant to Rule 15 of the Arizona Rules of Criminal Procedure compelling the State to disclose the following items which have previously been requested via Motions and Ordered by the Court and impose sanctions. To date, the following items have not been received by the Defense and are critical to the defense investigation and preparation of this case for trial. Counsel has personally and repeatedly inquired of the State both in



1 person and in writing as to the status of the following items in a good faith effort  
2 to resolve the issue. The Court must find at this juncture that the State has  
3 violated its disclosure obligations, order disclosure, and impose an appropriate  
4 sanction. ARCP, Rule 15.7(b).  
5

6 1. Notes and Other Records by the Medical Examiner: Counsel first  
7 moved for these items on March 24, 2017. The Court issued Orders in March of  
8 2017 which were then reaffirmed early in 2018. The items have not been  
9 received.  
10

11  
12 2. Cellular Forensic Information: Counsel first moved for these items on  
13 March 24, 2017. The Court issued Orders in March of 2017 which were  
14 reaffirmed early in 2018. The items have not been received. Additionally,  
15 counsel requested of the State's Attorney in the Fall of 2017 to determine whether  
16 other electronics located in various crime scene had been submitted for any  
17 forensic testing. Counsel requests the Court Order the State to provide  
18 information as to same and incorporates that request into the original motion.  
19  
20  
21

22 3. Passwords for FBI Disclosure: Counsel was provided initial disclosure  
23 of FBI materials in the Fall of 2017. In October, counsel alerted the State that  
24 some of the files are password protected. Counsel has repeatedly asked the State  
25 to provide those passwords and the State has failed to do so.  
26  
27  
28

1 Counsel is unable to proceed in this matter without these three listed items  
2 of information. Counsel is completely unaware as to what this disclosure may  
3 prompt in terms of needs for experts or further investigation.  
4

5 Typically, counsel would request the information be disclosed or be subject  
6 to preclusion. However, in this case, the information is believed to be  
7 exculpatory in nature and counsel is loathe to make such a request without  
8 foreknowledge of the contents of this discovery. Accordingly, counsel requests  
9 the Court issue an Order that the State deliver the information within ten business  
10 days and that the Court impose an appropriate sanction as outlined by ARCP  
11 15.7(c) once the disclosure has been obtained by counsel.  
12

13  
14  
15 Counsel further notes that had this information which was first requested  
16 one year ago as to items #1 and #2 and six months ago as to item #3 been  
17 provided, counsel would be in a more suitable position to set a trial date. Due to  
18 the delay occasioned by the State, counsel is not able to set a trial date at this  
19 time.  
20

21  
22 Respectfully submitted this 23rd day of March, 2018.  
23

24  
25  
26   
27 JULIA CASSELS  
28 Counsel for Defendant

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

Original filed this 23rd day of  
March, 2018 and  
hand-delivered to:

Clerk of the Court  
Mohave County  
401 E. Spring Street  
Kingman, Arizona 86401

Honorable Lee Jantzen  
Judge of the Superior Court

Mr. Greg McPhillips  
Deputy County Attorney

Mr. Justin Rector  
Mohave County Jail

Client File

