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FILED
BY: CS
2017 SEP -5 AM 10:09
VIRGINIA TRIGELL
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-2014-1193
**MOTION TO RECONSIDER ORDER
TO EXTEND TIME TO CHALLENGE
THE GRAND JURY PROCEEDINGS**

14 COMES NOW, the State of Arizona, by the Mohave County Attorney and through
15 the undersigned Deputy County Attorney, Gregory A. McPhillips, requests this court
16 reconsider it's order granting an extension of time to challenge the grand jury
17 proceedings.

18 Defendant's motion was filed on August 28, 2017. The Court's order was filed on
19 August 28, 2017. As of today's date, the State still has time to respond to defendant's
20 motion.

21 The court should deny defendant's motion for remand. "A motion under Rule
22 12.9(a) may be filed only after an indictment is returned and no later than 25 days after
23 the transcript and minutes of the grand jury proceedings have been filed or 25 days
24 after the arraignment is held, whichever is later." Ariz. Rules of Crim.Proc. Rule 12.9(b).
25 "A defendant may not sit back during the 25-day period under subsection (b) and do
nothing without being subject to a claim that he waived his objections to the grand jury
proceedings by failing to comply with the timeliness requirement." *Maule v. Arizona*



1 *Superior Court ex rel. Maricopa County*, 142 Ariz. 512, 690 P.2d 813 (Ct. App. 1984).
2 "This rule is not jurisdictional, in that a trial court has no authority to grant a request for
3 extension; however, the rule is mandatory in that the trial court has no authority to grant
4 an extension that is not made on a timely basis." *Maule v. Arizona Superior Court ex rel.*
5 *Maricopa County*, 142 Ariz. 512, 690 P.2d 813 (Ct. App. 1984).

6 In the current matter, the grand jury minutes were filed on September 11, 2014,
7 and the transcript was filed on September 29, 2014, and defendant was arraigned on
8 September 19, 2014, and then defendant filed his motion on August 28, 2017.
9 Defendant filed his motion more than 25 days after filing of the transcript. In fact,
10 defendant waited 1,064 days to file this motion. Defendant's motion for remand is
11 untimely.

12 Therefore, the State requests the court reconsider granting defendant's request
13 for an extension of time to challenge the grand jury proceedings. Defendant's motion
14 for an extension of time to challenge the grand jury proceedings must be denied.

15 RESPECTFULLY SUBMITTED THIS 5TH DAY OF SEPTEMBER, 2017.

16 MOHAVE COUNTY ATTORNEY
17 MATTHEW J. SMITH

18 By 
19 DEPUTY COUNTY ATTORNEY
20 GREGORY A. MCPHILLIPS

21 A copy of the foregoing
22 sent this same day to:

23 HONORABLE LEE F. JANTZEN
24 SUPERIOR COURT JUDGE

25 QUINN T. JOLLY
ATTORNEY FOR DEFENDANT
Quinn Jolly Law
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By 