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MIRYAM TRANELL
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 FOR PRESCREENING OF
THE DEFENDANT**

14 COMES NOW, the State of Arizona, by the Mohave County Attorney and through
15 the undersigned deputy, moves the Court to appoint experts to conduct prescreening
16 evaluations to determine the defendant's intelligence quotient, competency to stand trial,
17 and sanity at the time of the offense.

18 **The law**

19 The Court must appoint an expert to make a prescreening determination of the
20 defendant's intelligence quotient, unless the defendant objects:

21 If the state files a notice of intent to seek the death penalty, the court,
22 unless the defendant objects, shall appoint a prescreening psychological
23 expert in order to determine the defendant's intelligence quotient using
24 current community, nationally and culturally accepted intelligence testing
25 procedures. . . .

"Prescreening psychological expert" means a psychologist licensed
pursuant to title 32, chapter 19.1 with at least five years' experience in the
testing, evaluation and diagnosis of mental retardation.

A.R.S. § 13-753.



SS015CR201401193

1 Similarly, the Court must appoint an expert to make a prescreening determination
2 of the defendant's competency to stand trial and sanity at the time of the commission of
3 the offense, unless the defendant objects:

- 4 A. If the state files a notice of intent to seek the death penalty, unless
5 the defendant objects, the court shall appoint a psychologist or
6 psychiatrist licensed pursuant to title 32, chapter 13, 17 or 19.1 to
7 conduct a prescreening evaluation to determine if reasonable
8 grounds exist to conduct another examination to determine the
9 following:
10 1. The defendant's competency to stand trial.
11 2. Whether the defendant was sane at the time the
12 defendant allegedly committed the offense.
13 B. The court may appoint separate psychological experts to conduct
14 each of the evaluations ordered pursuant to subsection A.

15 A.R.S. § 13-754.

16 **Posture of this case**

17 An examination of defendant's competency to stand trial was ordered on
18 November 5, 2014. Undersigned prosecutor spoke with Dr. Harvancik, to inquire if he
19 needed any disclosure for the ordered Rule 11 pre-screen, and Dr. Harvancik indicated
20 that he conducted a prescreening to determine the defendant's intelligence quotient.
21 Therefore, we may only need to order an examination of defendant's sanity at the time the
22 defendant allegedly committed the offense.

23 These tests are only required if the defendant does not object to them. Said
24 another way, defendant may decide not to submit to an examination of defendant's sanity
25 at the time the defendant allegedly committed the offense.

Conclusion

26 The State requests the Court order the appointment of experts to conduct the
27 mandated prescreening evaluations. The State expects the only evaluation to be yet
28 ordered will be the examination of defendant's sanity at the time the defendant allegedly
29 committed the offense.

1
2 RESPECTFULLY SUBMITTED THIS 21ST DAY OF NOVEMBER, 2014.

3
4 MOHAVE COUNTY ATTORNEY
MATTHEW J. SMITH

5
6 By 
7 DEPUTY COUNTY ATTORNEY
GREGORY A. MCPHILLIPS

8 A copy of the foregoing
9 sent this same day to:

10 HONORABLE LEE F. JANTZEN
SUPERIOR COURT JUDGE

11 HARRY MOORE
12 PUBLIC DEFENDER
13 Mohave County Public Defender's Office
P O Box 7000
Kingman AZ 86402

14 By 