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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 PROCEED EX
)	PARTE REGARDING FUNDING
JUSTIN JAMES RECTOR,)	
)	
DEFENDANT.)	HONORABLE LEE JANTZEN

The Defendant, Justin Rector, through undersigned counsel, asks the Court to permit defense counsel to meet ex parte in regarding to defense funding issues.

As a threshold matter, the State lacks standing to either object to the defense's ability to gain funding or to object to the procedural mechanism by which the defense is authorized to obtain funding.

The Defendant does not lose his right to funding for counsel, experts, or investigation for either guilt or mitigation because the case is no longer capital.



1 The reasons for filing ex parte and under seal have not changed. To obtain
2 funding, the defense must explain what they are seeking funding for and why.
3
4 This requires identifying experts, what is being investigated, and which
5 documents are needed. Those items constitute work product in its purest form
6 under Arizona Rules of Criminal Procedure 15.4(b)(1) and is protected from
7
8 disclosure.

9 Making funding requests public tilts the playing field in favor of the State.
10
11 The State would have a roadmap of the defense's plan, but the defense does not
12 similarly have a roadmap of the State's plan, because the State is fully funded and
13 does not need to seek court authorization for funds. Allowing the State to see the
14 defense's strategy or to object to funding denies the defendant's rights under the
15 5th, 6th, 8th, and 14th Amendments to the U.S. Constitution and corresponding
16
17 provision of the Arizona Constitution.
18

19 Accordingly, counsel requests permission to meet with the Court ex parte
20
21 in advance of the next hearing in regarding to funding issues.

22 Respectfully submitted this 23rd day of August, 2018.

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25 _____
26 JULIA CASSELS
27 Counsel for Defendant
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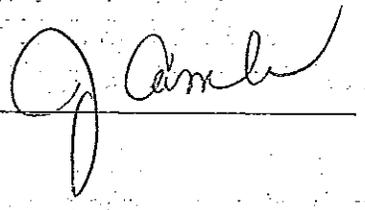
Original filed :
Clerk of the Court
Mohave County
401 E. Spring Street
Kingman, Arizona 86401

Honorable Lee Jantzen
Judge of the Superior Court

Mr. Greg McPhillips
Deputy County Attorney

Mr. Justin Rector
Mohave County Jail

Client File



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