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VIRLYNN TINNELL
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

Defendant.

No. CR-2014-1193

**MOTION TO WITHDRAW NOTICE
OF INTENT TO SEEK THE
DEATH PENALTY**

13 The State of Arizona, by the Mohave County Attorney and through the
14 undersigned Deputy County Attorney, Gregory A. McPhillips, hereby moves to
15 withdraw the State's Notice of Intent to Seek the Death Penalty filed on
16 November 5, 2014, as the State is no longer pursuing the death penalty in this
case.

17 This decision is made with respect for the victims and the community and
18 an acknowledgement of the practical reality of the process. The Mohave County
19 Attorney's Office recently re-paneled this case for a variety of reasons, which
20 include: the time that has passed since charging and notice of intent to seek the
21 death penalty, the practicability of actually seeing the death penalty imposed in a
22 realistic timeframe, and other changes in the circumstances of the case. The
23 reasons for this decision include, but are not limited to, the following:

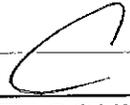


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- No realistic speedy resolution for the families of the victims,
2 community and/or the State – the anticipated soonest trial date in
3 this case will be ten years after the events charged.
 - Multiple changes in defense counsel and delayed progress in the
4 case as a result of said changes.
 - Even if the State is successful in the death penalty phase, there is
5 no reasonable likelihood of the death penalty actually being imposed
6 in a realistic and efficient timeframe given the current state of affairs
7 surrounding persons sentenced to death.
8

9 For all these reasons, the State respectfully requests to withdraw the
10 Death Penalty allegation as part of it's prosecution of the Defendant. The State
11 still intends to seek a First Degree Murder conviction at the trial of this Defendant
12 in this matter.

13 RESPECTFULLY SUBMITTED THIS 15TH DAY OF FEBRUARY, 2018.

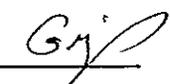
14 MOHAVE COUNTY ATTORNEY
15 MATTHEW J. SMITH

16 By  _____
17 DEPUTY COUNTY ATTORNEY
GREGORY A. MCPHILLIPS

18 A copy of the foregoing
19 sent this same day to:

20 HONORABLE LEE F. JANTZEN
21 SUPERIOR COURT JUDGE

22 QUINN T. JOLLY
23 ATTORNEY FOR DEFENDANT
Quinn Jolly Law
2642 East Thomas Road
Phoenix, AZ 85016

24 By  _____