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BY [Signature]  
2015 MAR -9 AM 11:16  
VIRLYNN TINNELL  
SUPERIOR COURT CLERK

11 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**  
12 **IN AND FOR THE COUNTY OF MOHAVE**

13 **STATE OF ARIZONA,** )  
14 ) NO: CR 2014-01193  
15 Plaintiff, )  
16 )  
17 vs. ) **DEFENSE MOTION FOR FULL**  
18 ) **RECORDATION OF ALL**  
19 ) **PROCEEDINGS**  
20 **JUSTIN JAMES RECTOR,** )  
21 Defendant. ) (ASSIGNED TO THE HON. LEE JANTZEN)

22 COMES NOW Defendant Justin James Rector, by and through undersigned  
23 counsel, who hereby moves this Court to direct the official court reporter to record and  
24 transcribe *all* proceedings, in *all* phases, of the above-entitled cause, for the reasons  
25 discussed in the Memorandum of Points and Authorities attached hereto and  
26 incorporated herein.

27 **RESPECTFULLY SUBMITTED** this 9th day of March, 2015.

28 By [Signature]  
GERALD T. GAVIN  
Defendant's Co-Counsel

[Signature]  
RON GILLO  
Defendant's Co-Counsel



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## MEMORANDUM OF POINTS AND AUTHORITIES

The State is seeking to kill Mr. Rector; it is essential that a complete record is made of all proceedings in the event Mr. Rector is convicted.

Mr. Rector requests *all* proceedings in this matter be recorded, including but not limited to: pretrial hearings, legal arguments, voir dire and jury selection, in-chambers conferences, bench conferences, conference calls, all discussions regarding jury instructions, and all matters during the trial. This request is made pursuant to the Sixth, Eighth, and Fourteenth Amendments to the United States Constitution, and the Constitution of Arizona, Article II, §§ 1, 3, 4, 9, 11, 24, 32, and 33. To have anything less than all of the record violates an accused's right to full review of case on appeal and in post-conviction, and his right to equal access to the Courts that would review any conviction on appeal or collateral attack, as guaranteed by the Sixth, Eighth, and Fourteenth Amendments to the United States Constitution. See, e.g. Draper v. Washington, 372 U.S. 487, 499 (1963); United States v. Selva, 559 F.2d 1303 (5<sup>th</sup> Cir. 1977).

Arizona Rules of Criminal Procedure 31.8(a) The record on appeal, states in relevant part:

(a) Composition of the Record on Appeal

(1) Composition. A certified copy of the transcript, all documents, papers, books, and photographs introduced into evidence, and all pleadings and documents in the file – other than subpoena's and precipice not specifically designated – shall constitute the record on appeal.

Additionally, Arizona Rules of Criminal Procedure 31.8(b)(2).

Transcript: Composition where the death penalty has been imposed:

Transcript of all proceedings at which a Court reporter was present, including Grand Jury

proceedings.

1  
2 The State has alleged it will seek the death penalty; the defendant believes due  
3 process and equal protection entitle him to a *complete* record for appeal. Additionally, a  
4 complete, accurate record of all proceedings all parties...the state, the defense, and the  
5 court from possible post-conviction interpretations, and eliminates reviewing authorities  
6 from guessing or speculating about trial court proceedings.  
7

8 The Arizona Court of Appeals has indicated it is the Defendant's duty to prepare  
9 the record in such a manner as to enable an appellate court to pass upon questions  
10 sought to be raised in appeal. State v. Riviera, 168 Ariz. 102, 811 P.2d 354 (1990)  
11 not in the appellate records. *Id.* See also Gosewich v. American Honda Co., 153 Ariz.  
12 400, 402, 737 P.2d 376, 378 (1987); State v. Fletcher, 149 Ariz. 187, 189, 717 P.2d  
13 866, 868 (1986). If the court chooses not to grant this motion, it exposes the Court and  
14 Counsel to Rule 32 Ineffective Assistance claims as well. This is easily prevented by a  
15 prophylactic order in the beginning of this case to make the record as complete as  
16 possible.  
17

18 Since Mr. Rector's life is...literally...at stake, he maintains a complete, accurate  
19 record of all court proceedings is a reasonable request in the interest of judicial  
20 economy, fiscal responsibility, and justice. There is no countervailing interest that  
21 outweighs the importance, for all parties in this cause, to strive for an complete and  
22 accurate record.

23 WHEREFORE the defendant prays this Court enter an ORDER to record all  
24 possible court proceedings in this matter.  
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**ORIGINAL** of the  
Forgoing filed this 9<sup>th</sup> day of March, 2015 with:

Clerk of the Court  
401 E Spring Street  
Kingman Arizona 86401

**COPY** of the forgoing delivered  
This 9<sup>th</sup> day of March, 2015 to:

Honorable Lee Jantzen  
Judge of the Superior Court  
Mohave County Courthouse  
401 E. Spring Street  
Kingman Arizona 86401

Greg McPhillips  
Assigned Deputy County Attorney  
PO Box 7000  
Kingman Arizona 86401

Ron Gilleo  
Mohave County Legal Defender  
Co-Counsel for Justin James Rector  
313 Pine Street  
PO Box 7000  
Kingman Arizona 86401

Client Justin James Rector  
Mohave County jail

File

By: 