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VIRLYNN TINNEL
SUPERIOR COURT CLERK

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7 Attorney for Justin Rector

8 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
9 IN AND FOR COUNTY OF MOHAVE

10	STATE OF ARIZONA,)	CR2014-01193
11)	
12	PLAINTIFF,)	
13)	
14	v.)	REPLY TO STATE'S
15	JUSTIN JAMES RECTOR,)	RESPONSE TO MOTION TO
16)	COMPEL
17	DEFENDANT.)	HONORABLE LEE JANTZEN

18 On March 19, 2018; the Defendant, Justin Rector, through undersigned
19 counsel, respectfully requested the Court to issue an Order pursuant to Rule 15 of
20 the Arizona Rules of Criminal Procedure compelling the State to disclose the
21 following items which have previously been requested via Motions and Ordered
22 by the Court and impose sanctions. As of that date, the following items had not
23 been received by the Defense and are critical to the defense investigation and
24 preparation of this case for trial. Counsel has personally and repeatedly inquired
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28

1 of the State both in person and in writing as to the status of the following items in
2 a good faith effort to resolve the issue. Counsel had asked the Court to find at
3 this juncture that the State has violated its disclosure obligations, order disclosure,
4 and impose an appropriate sanction. ARCP, Rule 15.7(b).
5

6 1. Notes and Other Records by the Medical Examiner: Counsel first
7 moved for these items on March 24, 2017. The Court issued Orders in March of
8 2017 which were then reaffirmed early in 2018. At a meeting on May 14, 2018,
9 counsel learned that the photos were in fact disclosed to prior counsel in April of
10 2017, but never provided to the remainder of the team. However, counsel is still
11 specifically requesting the following:
12

- 13 a. the entirety of the coroner/ME's file;
- 14
- 15 b. the notes/drawings/diagrams made by the pathologist associated with
16 the autopsy or preparation of the report;
- 17
- 18 c. the notes/drawings/photographs made taken by the pathologist while at
19 the scene of the death, including observations of the scene environment, any
20 examination of the deceased made at the scene, investigative information
21 provided there and by whom, as well as the specifics of arrival and departure,
22 including times and route;
- 23
- 24 d. any other notes;
- 25
- 26 e. the medical examiner's investigator's report;
- 27
- 28

- 1 f. descriptions of the microscopic findings submitted for histology,
2 g. a complete set of recut hematoxylin and eosin-stained microscopic
3 slides of all tissue samples and
4
5 h. the laboratory reports from samples as referenced in the "Summary of
6 Cassettes" in ME-14-1275 taken during the autopsy.
7

8 2. Cellular/Electronic Forensic Information: Counsel first moved for these
9 items on March 24, 2017. The Court issued Orders in March of 2017 which were
10 reaffirmed early in 2018. The items have not been received. Additionally,
11
12 counsel requested of the State's Attorney in the Fall of 2017 to determine whether
13 other electronics (i.e. computers, cell phones, tablet devices and the like) located
14
15 in various crime scenes had been submitted for any forensic testing. Counsel
16 requests the Court Order the State to provide information as to same and
17 incorporates that request into the original motion. These items have still not been
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19 obtained by the Defense.

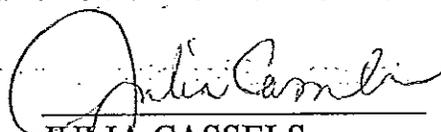
20 3. Passwords for FBI Disclosure: Counsel was provided initial disclosure
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22 of FBI materials in the Fall of 2017. In October, counsel alerted the State that
23 some of the files are password protected. Counsel has repeatedly asked the State
24
25 to provide those passwords and the State has failed to do so. To be clear, those
26 passwords are required to be able to print the files, not to view them. However,
27
28 counsel would prefer those items be printable.

1 Counsel is unable to proceed in this matter without these listed items of
2 information. Counsel is completely unaware as to what this disclosure may
3 prompt in terms of needs for experts or further investigation.
4

5 Typically, counsel would request the information be disclosed or be subject
6 to preclusion. However, in this case, the information is believed to be
7 exculpatory in nature and counsel is loathe to make such a request without
8 foreknowledge of the contents of this discovery. Accordingly, counsel requests
9 the Court issue an Order that the State deliver the information within ten business
10 days and that the Court impose an appropriate sanction as outlined by ARCP
11 15.7(c) once the disclosure has been obtained by counsel.
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15 Counsel further notes that had this information which was first requested
16 one year ago as to items #1 and #2 and six months ago as to item #3 been
17 provided, counsel would be in a more suitable position to set a trial date. Due to
18 the delay occasioned by the State, counsel remains unable to set a trial date at this
19 time.
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22 Respectfully submitted this 21st day of May, 2018.
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26 JULIA CASSELS
27 Counsel for Defendant
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Original filed
and
hand-delivered to:

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

