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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,**

13 Defendant.

No. CR-2014-1193

**RESPONSE TO DEFENDANT'S
MOTION FOR FULL RECORDING
OF ALL PROCEEDINGS**

14 COMES NOW, the State of Arizona, by the Mohave County Attorney and through
15 the undersigned deputy, Gregory A. McPhillips, and respectfully requests defendant's
16 motion for full recording of all proceedings be denied.

17 Undersigned counsel cannot imagine a world where the court would intentionally
18 hold hearings, in this case, without having a court reporter recording those hearings. The
19 State wants the hearings recorded. This Court would honor such a request but an order is
not needed. This is a non-issue.

20 It is silly that the Court be made to Order itself to have a court reporter recording
21 each hearing. The State cannot imagine what sanction could be imposed, on the court, if
22 the court violated its own order. Defendant does not advise, at this time, what the
23 sanction would be. The State does expect that defendant will request a sanction against
24 the State if the Court violated the Court's own order. Such a sanction, against the State,
25 would be inappropriate. Such a sanction, against the State, would not serve the purpose



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1 of preventing such an error from happening a second time because the State is not in control
2 of the presence of the Court reporter.

3 Defendant's motion does inform undersigned counsel that, in this case, there will
4 be no informal discussions between both counsel and the court. Sometimes, both
5 counsel will meet with judges and hash out concerns that are later put on the record by
6 the judge. Likewise, there may be informal discussions to schedule dates for hearings.
7 The State will remember that that should not happen in this case.

8 Defendant's motion reminds us that it is the defendant's duty to prepare the record
9 for the appellate court.¹ The burden here falls on defense to remind us that this is a case
10 where defense wants all discussions must be recorded. Defendant's Motion seeks an
11 order from this Court that will shift the burden from the Defendant to the Court (and
12 presumably the State). There is no legal basis for such a request.

13 Defendant's motion for full recording of all proceedings should be denied.

14 RESPECTFULLY SUBMITTED THIS 11TH DAY OF MARCH, 2015.

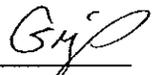
15 MOHAVE COUNTY ATTORNEY
16 MATTHEW J. SMITH

17 By 
18 DEPUTY COUNTY ATTORNEY
19 GREGORY A. MCPHILLIPS

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

21 HONORABLE LEE F. JANTZEN
22 SUPERIOR COURT JUDGE

23 RONALD S. GILLES
24 LEGAL DEFENDER
25 Mohave County Legal Defender's Office
P O Box 7000
Kingman AZ 86402

By 

¹ Page 3 line 8 citing *State v. Rivira*, 168 Ariz. 102 (1990).
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