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VIRLYNN TINNELL  
SUPERIOR COURT CLERK

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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  
INITIAL MOTION FOR DISCOVERY**

14 COMES NOW, the State of Arizona, by the Mohave County Attorney and through  
15 the undersigned deputy, Gregory A. McPhillips, respectfully requests defendant's Initial  
16 Motion for Discovery be denied.

17 Mohave County local rule CR-8 requires a party make a good faith effort to obtain  
18 disclosure from opposing party prior to filing a motion to compel. In this case, much of the  
19 information defendant's motion requests has already been disclosed. There is no  
20 outstanding disclosure request from the defense. There has been no disclosure request  
from Mr. Gavin. As such, defendant's motion for discovery should be denied outright.

The State strives to promptly disclose in all the cases. To date, the State has  
disclosed 1110 pages, over 60 witnesses and over 50 computer discs. A disclosure  
request should help the prosecutor quickly focus on obtaining for defendant specific  
information the defense needs. ***Defendant's currently filed Initial Motion for  
Discovery gives little guidance as to what information the defense actually  
requires.*** Once the currently disclosed information has been reviewed, the State will



1 respond to specific disclosure requests in as timely a fashion as possible. Said another  
2 way, "help me help you."

3 The State is currently working on obtaining additional disclosure. For example, the  
4 State is gathering information on what experts the State will call and what results those  
5 experts have obtained. Additionally, the State is gathering Rule 404, other acts,  
6 evidence. As evidence is collected then such disclosure will be made to defense.

7 Lastly, there are some items that the State will not provide defense. For example,  
8 defense requested copies of witness N.C.I.C. criminal histories. While the State intends  
9 to disclose the appropriate convictions, the State is forbidden to disclose copies of the  
10 N.C.I.C. criminal histories. Disclosing the N.C.I.C. criminal histories could lead to a loss  
11 of this office's use of the criminal history databank. Further, much information contained  
12 in criminal histories is not relevant. Defendant's often forget that other people also have  
13 rights and the State has a duty to responsibly handle criminal history information. If  
14 defendant intends to pursue this information, in this specific form, then he should brief this  
15 issue individually, and more fully, so the Court can appropriately analyze defendant's  
16 request.

16 Pursuant to Mohave County local Rule CR-8, defendant's Initial Motion for  
17 Discovery should be denied.

18 RESPECTFULLY SUBMITTED THIS 13TH DAY OF MARCH, 2015.

19 MOHAVE COUNTY ATTORNEY  
20 MATTHEW J. SMITH

21 By   
22 DEPUTY COUNTY ATTORNEY  
23 GREGORY A. MCPHILLIPS  
24  
25

1 A copy of the foregoing  
sent this same day to:

2 HONORABLE LEE F. JANTZEN  
3 SUPERIOR COURT JUDGE

4 Gerald T. Gavin  
3880 Stockton Hill Road, Suite 103-450  
5 Kingman, AZ 86409

6 RONALD S. GILLES  
LEGAL DEFENDER  
7 Mohave County Legal Defender's Office  
P O Box 7000  
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9 By Gmf

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