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2014 NOV -4 PM 3:39

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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
MOTION FOR RULE 11
EXAMINATION**

14 The State of Arizona, by the Mohave County Attorney, and through the
15 undersigned Deputy County Attorney, hereby opposes Defendant's Motion for Rule 11
16 Examination. This response is based upon the attached Memorandum of Points and
17 Authorities.

18 **MEMORANDUM OF POINTS AND AUTHORITIES**

19 Rule 11.3 of the Arizona Rules of Criminal Procedure allows the Court to order a
20 mental examination if the Court finds reasonable grounds for an examination exist based
21 on facts alleged by the moving party. Rule 11.2a of the Arizona Rules of Criminal
22 Procedure requires defendant's motion to state the facts upon which the mental
23 examination is sought. Defendant's Motion fails to allege sufficient facts, which constitute
24 reasonable grounds for the Court to order an examination to either determine the
25 Defendant's competency to stand trial or determine Defendant's mental condition at the
time of the offense.



1 Defendant's motion specifies that this is the type of Rule 11 request that asserts
2 Defendant's competency is in question. This is indicated twice on page 2 of defendant's
3 motion: first in the second sentence of the "facts" section; and second in the second
4 sentence of the "analysis" section. This is not a request to determine Defendant's mental
5 condition at the time of the offense.

6 Defendant asserts his lack of competence due to "mental illness, defect or
7 disability related to the continuing effects of prolonged methamphetamine abuse."
8 Defendant's motion gives no facts to support this bald allegation. The Court has no facts
9 upon which to form a decision.

10 Defendant's request for a Rule 11 Examination must be denied.

11 RESPECTFULLY SUBMITTED THIS 4TH DAY OF NOVEMBER, 2014.

12 MOHAVE COUNTY ATTORNEY
13 MATTHEW J. SMITH

14 By 
15 DEPUTY COUNTY ATTORNEY
16 GREGORY A. MCPHILLIPS

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

19 HONORABLE LEE F. JANTZEN
20 SUPERIOR COURT JUDGE

21 Harry A. Moore
22 Mohave County Public Defendaer

23 By 