

FILED

WD *WJD*

2010 AUG -9 AM 11:32

VIELYNN DUNNELL
SUPERIOR COURT CLERK

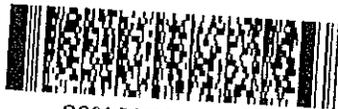
1 Julia Cassels
2 State Bar No. 021578
3 2642 E Thomas Rd
4 Phoenix, Arizona 85016
5 Email: julia@juliacasselslaw.com
6 Telephone: (480) 442-0740

7 Attorney for Justin Rector

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

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

18 The Defendant, Justin Rector, through undersigned counsel, respectfully
19 requests the Court to issue an Order pursuant to Rule 15 of the Arizona Rules of
20 Criminal Procedure compelling the State to disclose the following items which
21 Criminal Procedure compelling the State to disclose the following items which
22 have previously been requested via Motions and impose sanctions. To date, the
23 following items have not been received by the Defense and are critical to the
24 defense investigation and preparation of this case for trial. Counsel has
25 personally and repeatedly inquired of the State both in person and in writing as to
26
27
28



S8015CR201401193

00
17
88
P-2

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

- 6 1. Disclosure as to the chain of custody of physical evidence¹ obtained
7 this this matter. Specifically:
 - 8 a. Items seized by Bullhead City Police Department;
 - 9 b. Items either seized or provided to the Federal Bureau of
10 Investigation;
 - 11 c. Any evidence control sheets generated in this matter.
 - 12 d. A comprehensive crime scene log for various agencies involved in
13 this matter.
- 14 2. Any photographs and a list of items seized from the dumpster at the T-
15 Mobile on Highway 95. The disclosure indicates additional photos
16 taken which the State has not provided.
- 17 3. Information as to the seizure/impound of any electronic devices in the
18 associated drug cases against the parents in this matter. Counsel for the
19 State indicated that items were returned to [REDACTED] but that a
20
21
22
23
24
25
26

27 ¹ Some items were made available on August 7, 2018 however
28 counsel believes there is further documentary evidence and is
requesting it in its entirety.

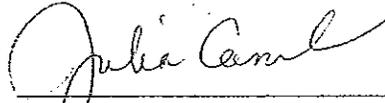
1 USB existed of a "phone dump." Counsel for the State has indicated
2 numerous times he would check to see if electronic items were seized in
3 the course of the investigation of [REDACTED] drug case. To date, that
4 information has not been provided.
5

6 Counsel is unable to proceed in this matter without these three listed items
7 of information. Counsel is completely unaware as to what this disclosure may
8 prompt in terms of needs for experts or further investigation.
9

10 Typically, counsel would request the information be disclosed or be subject
11 to preclusion. However, in this case, the information is believed to be
12 exculpatory in nature and counsel is loathe to make such a request without
13 foreknowledge of the contents of this discovery. Accordingly, counsel requests
14 the Court issue an Order that the State deliver the information within ten business
15 days and that the Court impose an appropriate sanction as outlined by ARCP
16 15.7(c) once the disclosure has been obtained by counsel.
17
18
19

20 Counsel further notes that had this information which was first requested
21 one year ago as to items #1 and #2 and six months ago as to item #3 been
22 provided, counsel would be in a more suitable position to set a trial date. Due to
23 the delay occasioned by the State, counsel is not able to set a trial date at this
24 time.
25
26
27
28

Respectfully submitted this 8th day of August, 2018.



JULIA CASSELS

Counsel for Defendant

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Original filed :
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



50
10
200