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2019 MAY 15 PM 3:01

VIRLYNN DUNNELL  
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,

No. CR-2014-1193

11 vs.

**STATE'S RESPONSE TO  
DEFENDANT'S MOTION TO  
CONTINUE THE STATUS  
CONFERENCE**

12 **JUSTIN JAMES RECTOR**  
Defendant.

13 COMES NOW, the State of Arizona, by the Mohave County Attorney and  
14 through the undersigned Deputy County Attorney, Greg McPhillips, respectfully  
15 objects to defendant's motion to continue.

16 Defendant was indicted on the 11<sup>th</sup> day of September 2014. Defendant  
17 has been in custody since that time. The victim's representative has expressed  
18 this case be handled in a timely manner. Throughout the pendency of this case,  
the State has struggled to keep the case moving forward.

19 On the 18<sup>th</sup> day of December 2018, Defendant decided to forgo that trial  
20 date and he 1) requested to proceed pro-per with the intention of entering a guilty  
21 plea, 2) discharged his defense counsel and 3) plead guilty. Defendant was set  
22 for sentencing on the 30<sup>th</sup> of January 2019. On the 28<sup>th</sup> day of January 2019,  
23 defendant moved to withdraw from the plea. On the 27<sup>th</sup> day of February 2019,  
24 defendant requested counsel. The current evidentiary hearing, to withdraw from  
the plea, has been pushed off until the 11<sup>th</sup> day of July 2019. At this rate, the



1 State will be lucky if defendant is sentenced within 10 months of the date of his  
2 change of plea.

3 Many people adjust their schedules to accommodate hearings in this case.  
4 The victim representative appears for many hearing dates. Court time is difficult  
5 to schedule. Rescheduling is not an easy task.

6 No other case takes priority over this case. Hearings, for this case, should  
7 not be continued for a more recently set hearing—for which defense counsel was  
8 just recently appointed. The defense has been granted abundant time to ready  
9 for the currently set Evidentiary Hearing. This status hearing is the date by which  
10 defense will alert the court if there are any problems running up to the July 11  
11 evidentiary hearing. There should be no problems as the defense has not  
12 alerted the State to any problems.

13 In this case, defense has not provided a sufficient reason to continue the  
14 current hearing. The State opposes a defense continuance of the currently set  
15 hearing.

16 RESPECTFULLY SUBMITTED THIS 15TH DAY OF MAY, 2019.

17 MOHAVE COUNTY ATTORNEY  
18 MATTHEW J. SMITH

19 By 

20 DEPUTY COUNTY ATTORNEY  
21 GREGORY A. MCPHILLIPS  
22  
23  
24

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

2 HONORABLE LEE F. JANTZEN  
3 SUPERIOR COURT JUDGE

4 DANIEL BENJAMIN KAISER  
5 ATTORNEY FOR DEFENDANT  
6 The Kaiser Law Group  
121 East Birch Avenue, Suite 403  
Flagstaff, AZ 86001

7 By *Grif*

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