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WILLYN 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

**STATE RESPONSE TO
DEFENDANT'S MOTION FOR
CONFIRMATION THE STATE WILL
NOT BE UTILIZING D.N.A.
EVIDENCE AT JUSTIN RECTOR'S
TRIAL**

14 COMES NOW, the State of Arizona, by the Mohave County Attorney and through
15 the undersigned deputy, Gregory A. McPhillips, respectfully responds to defendant's
16 Motion For Confirmation The State Will Not Be Utilizing D.N.A. Evidence At Justin
17 Rector's Trial. Defendant's motion must be denied.

18 The core of defendant's question is a discovery request. Instead of
19 communicating with undersigned counsel, the defense choose to file a motion with the
20 court. Undersigned counsel hopes that all communications with defense counsel will not
require court involvement.

Arizona State Mohave County Superior Court Local Rule CR-8 states:

Any party seeking a pretrial order compelling the production of material or
seeking sanctions for failure to comply with the rules of disclosure, or other
court order, shall first certify to the Court that the party has personally made
a good faith effort to resolve any outstanding discovery issue.

Defense counsel has not made any attempt to resolve this issue with undersigned
counsel. It is frustrating to undersigned counsel that conversations that should be held



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1 between counsels have been forwarded as motions to waste the Court's time. This issue
2 is not ripe. As such defendant's motion should be denied.

3 Defendant has already filed a motion that he seeks to interview everyone who had
4 any involvement with the investigation. What the State gleans from defendant's current
5 motion—as opposed to an e-mail or letter or phone call or face to face talk—is that
6 defense counsel is ready to interview the State experts. The State will work on setting up
7 interviews of the experts next.

8 Defendant's motion should be denied because it is not ripe.

9
10 RESPECTFULLY SUBMITTED THIS 22ND DAY OF OCTOBER, 2015.

11 MOHAVE COUNTY ATTORNEY
12 MATTHEW J. SMITH

13 By 
14 DEPUTY COUNTY ATTORNEY
15 GREGORY A. MCPHILLIPS

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

18 HONORABLE LEE F. JANTZEN
19 SUPERIOR COURT JUDGE

20 GERALD T. GAVIN
21 3880 STOCKTON HILL ROAD, SUITE 103-450
22 KINGMAN, AZ 86409

23 RONALD S. GILLOE
24 LEGAL DEFENDER
25 Mohave County Legal Defender's Office
P O Box 7000
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By 