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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

State's case status report for
July 21, 2017

14 COMES NOW, the State of Arizona, by the Mohave County Attorney and through
15 the undersigned Deputy County Attorney, Gregory A. McPhillips, respectfully submits
16 the following case status report.

17 The State has had no communication with defense since the hearing on June 2.

18 The status of this case is that nothing is happening. The State will file motions to
19 compel action.

19 Victims assert speedy trial rights

20  surviving family requests a speedy trial. This case has stalled and the
21 State has a legitimate motivation to move the prosecution at a faster pace. The State
22 will file a motion asserting victim speedy trial rights.

23 Request to complete pending ARS § 13-754 mental health exams

24 The State nominated Dr. Ernest Harman M.D., Ph.D, to examine defendant's
25 sanity at the time of defendant committed the offense as required by A.R.S. § 13-754.



10/13/17

1 In a ruling dated October 2, 2015, the court has allowed this exam to be placed on hold
2 while defendant gathers defendant's medical records.

3 At the Status Hearing of the 2nd of June 2017, defendant asserted that
4 defendant's mental health was at issue. The State has repeatedly requested disclosure
5 of defendant's mental health records. The State has repeatedly requested that the
6 mental health exams pursuant to A.R.S. § 13-754 be completed. This has not been
7 done.

8 Defendant has amassed but not disclosed defendant's historical mental health
9 records. According to defense, 7 mental health experts have been retained by defense.
10 None of those experts or reports have been disclosed. Yet defendant refuses to
11 disclose any mental health records so that the State can begin any evaluation of
12 defendant's mental health. The State will file a motion to compel disclosure of mental
13 health records.

14 Litigation of the sanity issue may take substantial time. The trial cannot be held
15 until this exam is completed and the sanity issue is litigated.

16 **Notice of interviews completed**

17 The parties have stalled on completing interviews. The parties still have many
18 interviews to conduct. The State has requested, but has not received, available dates
19 for interviews. Since interview dates were not provided, the State will be forced to set
20 interviews without defense input.

21 **Request for Defense disclosure**

22 The State requested disclosure from defense. The State has not received any
23 disclosure from the defense. The State has not received any disclosure from the
24 defense since the hearing on June 2.

25 No defense other than general denial has been disclosed.

No names and addresses of witnesses whom the defendant intends to call at trial
have been disclosed.

1 No expert witnesses have been disclosed.

2 No evidence has been disclosed.

3 No mitigating circumstances have been disclosed.

4 No mitigation witnesses or evidence have been disclosed.

5 In prior hearings, defense asserted that there are hundreds of defense witnesses
6 and hundreds of pages of defense disclosure. Obviously, the defense does not intend
7 to dump an immense amount of disclosure on the State just prior to trial. As such, the
8 disclosure must be made in a timely fashion prior to any trial date. The State will file a
9 motion to compel disclosure.

10 **Mitigation deadline passed**

11 At the hearing dated the 4th of November 2016 this Court ordered defense to
12 provide disclosure of all experts as related to mitigation no later than the 13th of January
13 2017. The defense did not do so. To date, the defense has provided no mitigation
14 disclosure. The Court should impose sanctions for violation of the Court's order.

15 RESPECTFULLY SUBMITTED THIS 18TH DAY OF JULY, 2017.

16 MOHAVE COUNTY ATTORNEY
17 MATTHEW J. SMITH

18 By 
19 DEPUTY COUNTY ATTORNEY
20 GREGORY A. MCPHILLIPS

21 A copy of the foregoing
22 sent this same day to:

23 HONORABLE LEE F. JANTZEN
24 SUPERIOR COURT JUDGE

25 GERALD T. GAVIN
ATTORNEY FOR DEFENDANT
The Law Office of Gerald T. Gavin
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By 