

**IN THE SUPERIOR COURT
MOHAVE COUNTY, STATE OF ARIZONA**

**Honorable Lee F. Jantzen
Division: 4 Courtroom: D
Court Reporter: Theresa Salsberry**

**Virlynn Tinnell, Clerk of Superior Court
By: Ann Williams, Deputy Clerk
Hearing Date: November 5, 2014**

STATE OF ARIZONA,

Plaintiff,

vs.

JUSTIN JAMES RECTOR,

Defendant.

CASE NO: CR-2014-01193

**MOTION RULE 11/ MOTION TO WAIVE
REPRESENTATION HEARING**

START: 1:45 P.M.

APPEARANCES: Gregory McPhillips, Deputy County Attorney; Melissa Barry, Co-Counsel Deputy County Attorney; Harry Moore, Attorney for and with the Defendant.

This is the time set for a hearing on the Defense Motions.

The Court notes that Defense counsel has filed a Motion for Preliminary Rule 11 Examination and a Motion to Represent Himself and his Waiver of Representation by Counsel on behalf of the Defendant, both filed on November 3, 2014. The Court further notes that the State has filed a Response to the Defendant's Motion for Rule 11 Examination on November 4, 2014 and a Notice of Intent to Seek Death Penalty, filed November 5, 2014.

As to the Notice to Seek Death Penalty

The Court addresses the Defendant regarding Rule 6.2 advising that the Court has to appoint two (2) counsel that meet the requirements under Rule 6.8(B).

Mr. Moore addresses that Court regarding his qualifications to represent the Defendant in a death penalty case. The Court finds that Mr. Moore meets the requirements under Rule 6.8(B).

The Court explains the Notice to Seek Death Penalty process to the Defendant and reviews the aggravators.

Discussion ensues as to how Ms. Monica A. Limon-Wynn should have not been named on the distribution list. Mr. Harry Moore confirms that he has received the Defense counsel's copy.

As to the Defendant's Motion to Represent Himself in this Matter

The Defendant avows in open court that it is his wishes to represent himself.

The Court advises that that the Rule 11 matter may preclude this motion and will need to be addressed first; counsel agree.

As to the Defense Motion for Preliminary Rule 11 Examination

Counsel present oral arguments and stipulate to use Dr. Mark Harvancik for the preliminary examination.

IT IS ORDERED granting the Defense Motion for Preliminary Rule 11 Examination. The Preliminary Rule 11 Examination will be conducted by Dr. Mark Harvancik.

IT IS ORDERED directing the Indigent Defense Services to appoint Second Counsel who meets that Requirements of Rule 6.8(B).

IT IS ORDERED directing the Clerk to provide a copy of these minutes to Blake Schritter of Indigent Defense Services.

IT IS ORDERED directing Dr. Mark Harvancik to prepare and file the Preliminary Rule 11 Examination report by no later than Wednesday, December 3, 2014.

IT IS ORDERED affirming the **Case Management Conference on Wednesday, December 10, 2014 at 1:30 p.m.**

IT IS ORDERED affirming prior release orders.

The Court recesses at 2:09 p.m.

cc:

MOHAVE COUNTY ATTORNEY *

MOHAVE COUNTY PUBLIC DEFENDER *

DR. MARK HARVANCIK *

INDIGENT DEFENSE SERVICES *

MOHAVE COUNTY JAIL *

HONORABLE LEE F. JANTZEN *

Division 4