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VIRLYNN TINNELL
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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MOHAVE

STATE OF ARIZONA, Plaintiff, vs. **JUSTIN JAMES RECTOR** Defendant.	No. CR-2014-1193 **STATE RESPONSE TO DEFENDANT'S MOTION TO WITHDRAW FROM THE PLEA AGREEMENT**

COMES NOW, the State of Arizona, by the Mohave County Attorney and through the undersigned Deputy County Attorney, Gregory A. McPhillips, respectfully requests defendant's motion to withdraw from the plea agreement be denied.

ISSUES

Defendant argues that he would not have entered the guilty plea had he known about negative forensic evidence test results. Defendant's claim does not raise a manifest injustice allowing withdrawal from the plea.

1. Defendant cannot withdraw from the plea because defendant represented himself at time of Change of Plea.
2. Defendant cannot withdraw from the plea because defendant cannot show manifest injustice as prior assigned counsel's performance was reasonable under all the circumstances.

3. Defendant cannot withdraw from the plea because defendant cannot show manifest injustice as defendant cannot show prejudice.

FACTS

At the evidentiary hearing, the State expects Quinn Jolly, Julia Cassels and investigator James Valdez will testify that the forensic evidence was discussed with defendant.

The testimony of Quinn Jolly will show he did request mitigation specialist not to review disclosure with defendant. Mr. Jolly raised a concern that disclosure provided to defendant, by the mitigation specialist, may appear as if the defense team were "feeding" defendant information.[1]

The testimony of Julia Cassels, defendant's former attorney, will show that discovery was reviewed, over many sessions at the jail and over a period of years. This review was done with defendant by Julia Cassels, former attorney Gerald Gavin, Former attorney Quinn Jolly, and investigator Jimmy Valdez. Review was conducted by reading disclosure, having defendant watch videos, and discussing disclosure. The strengths and weaknesses, of the case, were discussed, with defendant, at length while Julia Cassels was appointed. Julia Cassels is aware of the conduct of other team members due to summaries of visits with defendant. Defendant was visited twice a month, at a minimum by team members, and had weekly phone calls with Quinn Jolly while he was appointed.

The testimony of Julia Cassels will show that defendant asked to have his file box removed from his cell for his own safety. After removal, Julia Cassels advised defendant the box was safely stored. When defendant asked for it to be

[1] Attachment 9: e-mail

returned to him, it was—in full. The day Julia Cassels withdrew defendant indicated he had reviewed all of the disclosure.

On the 4th of December 2019, defendant indicated in court that he wanted to represent himself. At that time, the Court set a hearing for the 18th of December 2018. On the 4th of December 2019, defendant made clear, in correspondence sent to the State, that he wanted to represent himself because he intended to plead guilty and give closure to everyone involved.[2]

On the 14th day of December 14, 2018, Captain Don Bishoff, of the Mohave County Jail, did receive from the defense team defendant's files which were then made available to defendant.[3] The Mohave County Jail has facilities to review digital disclosure.

On the 18th day of December 2019, Defendant made clear, in open court, that he wanted to represent himself because he intended to plead guilty—against advice of counsel.[4] Defendant chose to waive counsel and represent himself.[5] Ms. Cassles stated, in open court, that she was delivering defendant's file to the office of Advisory Counsel.[6] Defendant entered a guilty plea.[7] Defendant's guilty plea was entered knowingly, intelligently and voluntarily.[8]

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[2] Attachment 2: Mohave County Jail Inmate Request Forms dated 12/4/18 and 12-12-18.
[3] Attachment 10: E-mails between Captin Bischoff, of the Mohave County Jail, and Julia Cassels and Jimmy Valdez reguarding delivery of Mr. Rector's files.
[4] Attachment 1: Transcript; page 11, line 11 through 19.
[5] Attachment 1: Transcript; page 11, line 11 through 19.
[6] Attachment 1: Transcript; page 18, line 6 through 21.
[7] Attachment 1: Transcript of Status hearing / Change of Plea Hearing held on the 18th of December 2018: page 127, line 2.
[8] Attachment 1: Transcript; page 28, line 25 through page 29 page 3.

LAW AND ARGUMENT

1. *Defendant represented himself, at time of Change of Plea, and prior appointed counsel's conduct is not relevant to analysis of withdrawal from the plea.*

a. The law

The court cannot review the effectiveness of a defendant's representation of himself.[9]

b. Argument

In this case, defendant entered a guilty plea.[10] Defendant did so after he obtained his personal disclosure file from Julia Cassels. Defendant did so after he made clear, in correspondence sent to the State, that he wanted to represent himself because he intended to plead guilty—and that he could give a testimony that might give closure to everyone involved.[11] Defendant did so after he made clear, in open court, that he wanted to represent himself because he intended to plead guilty—against advice of counsel.[12] The guilty plea was entered after defendant chose to waive counsel and represent himself.[13] Defendant's guilty plea was entered knowingly, intelligently and voluntarily.[14] Defendant did so after Ms. Cassles stated, in open court, that she was delivering defendant's entire legal file to the office of Advisory Counsel.[15]

Defendant represented himself when he chose to enter a guilty plea prior to further review of all the State's evidence. Defendant chose to plead guilty knowing his entire file was available for review.

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[9] *State v. Russell*, 858 P.2d 674, 680 (Ariz. App. 1st Div. 1993), citing *McKaskle v. Wiggins*, 465 U.S. 168, 177 n. 8, 104 S.Ct. 944, 950 n. 8, 79 L.Ed.2d 122 (1984)

[10] Attachment 1: Transcript of Status hearing / Change of Plea Hearing held on the 18th of December 2018: page 127, line 2.

[11] Attachment 2: Mohave County Jail Inmate Request Forms dated 12/4/18 and 12-12-18.

[12] Attachment 1: Transcript; page 11, line 11 through 19.

[13] Attachment 1: Transcript; page 11, line 11 through 19.

[14] Attachment 1: Transcript; page 28, line 25 through page 29 page 3.

[15] Attachment 1: Transcript; page 18, line 6 through 21.

The court cannot review the effectiveness of defendant's representation of himself. Defendant's motion to withdraw from the plea must be denied.

2. Defendant cannot show manifest injustice to support withdrawal from change of plea.

a. <u>The Law</u>

If the Court rejects the State's argument that defendant represented himself, at time of Change of Plea, and prior appointed counsel's conduct is not relevant to withdrawal from the plea, then the court needs to determine whether prior counsel's conduct was ineffective. Rule 17.5 will guide the court's decision.

> The court may allow a defendant to withdraw a plea of guilty or no contest if it is necessary to correct a manifest injustice. Upon withdrawal of a plea, the charges against the defendant will be reinstated automatically as they existed before the plea agreement.[16]

The Arizona Supreme Court dealt with this issue in *State v. Anderson*, 710 P.2d 456, 461 (Ariz. 1985).

> In deciding whether counsel was ineffective and whether such ineffectiveness warrants a withdrawal of the plea, this Court applies a two-pronged test as recently outlined in State v. Salazar, [slip op. No. 6476] filed September 17, 1985, and *State v. Gerlaugh, supra;* 1) was counsel's performance reasonable under all the circumstances, i.e. was it deficient? *State v. Nash, supra,* and 2) was there a "reasonable probability that but for counsel's unprofessional errors, the result of the proceeding would have been different," the prejudice requirement.[17]

In *State v. Nash*, 694 P.2d 222, 227 (Ariz. 1985), the Arizona Supreme Court adopted the first prong of Strickland.

> We now believe it is time to adopt *Strickland's* first prong as well. Thus, counsel's performance will be judged upon a basis of "reasonableness under prevailing professional norms. * * * [T]he performance inquiry must be whether counsel's assistance was reasonable considering all the

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[16] Ariz. R. Crim. P. 17.5

[17] *State v. Anderson*, 710 P.2d 456, 461 (Ariz. 1985); citing *State v. Lee,* 142 Ariz. 210, 214, 689 P.2d 153, 157 (1984); *State v. Nash*, 143 Ariz. 392, 694 P.2d 222 (1985); *State v. Gerlaugh*, 144 Ariz. 449, 456, 698 P.2d 694, 701 (1985).

circumstances." *Strickland v. Washington,* 466 U.S. at ——, 104 S.Ct. at 2065, 80 L.Ed.2d at 694. Thus, with any ineffectiveness of counsel claim we will examine the circumstances as they existed when counsel decided to represent a client in a certain way. These circumstances include not only the specific facts surrounding the trial, but the professional norms in the community.[18]

b. Argument (in three parts)

i. Prong 1 the deficiency requirement – counsel's performance was reasonable under all the circumstances

Defendant indicated he would not have entered the guilty plea had he known about negative forensic evidence test results that he had never seen before. Defendant was aware of the forensic tests. At the evidentiary hearing, the State expects Quinn Jolly, Julia Cassels and investigator James Valdez will testify that the forensic evidence was discussed with defendant.

The State expects that testimony of Quinn Jolly will show he did request mitigation specialist not to review disclosure with defendant. Mr. Jolly raised a concern that disclosure provided to defendant, by the mitigation specialist, may appear as if the defense team were "feeding" defendant information.[19] The concern here is that if the defense team informed defendant of certain mitigation arguments, or facts, prior to completion of defendant's testing then the State could argue that defendant altered his test performance to favor the defense theory of mitigation. Mr. Jolly's concern was valid.

The Court will find that counsel's performance was reasonable under all the circumstances. Therefore, defendant's motion to withdraw the plea must be denied.

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[18] *State v. Nash*, 694 P.2d 222, 227 (Ariz. 1985)
[19] Attachment 9: e-mail

ii. <u>Prong 2 the prejudice requirement</u> – the disclosure, at issue, would not change the weight of evidence against defendant.

Defendant indicated he would not have entered the guilty plea had he known about negative forensic evidence test results that he had never seen before.[20] Defendant indicates the results would win the case.[21] On the 28th of January 2019, defendant stated that these test results were the State forensics.

Defendant misunderstands the importance of the forensic evidence to the State's case. The negative forensic evidence test results would not generate a victory at trial.

The factual basis for defendant's Change of Plea focused on an eyewitness, sister, seeing defendant and together immediately prior to disappearance.[22] The factual basis did not rely heavily on the existence of forensic evidence.

Let us consider the shoe print evidence. body was found along with tracks consistent with defendant's shoe by Mohave County Search and Rescue Ken Miller, William Weaver and Michael Logan.[23] FBI Analyst Brian McVicker analyzed the shoe prints and found them similar to Rector's shoes but did not make an identification.[24] The lack of a positive identification was due to insufficient detail in the print. This forensic test is neither "negative" nor exculpatory. Additionally, members of the Mohave County Search and Rescue—such as Ken Miller, William Weaver and Michael Logan—have lifelong

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[20] Defendant's letter to the court dated the 18th of January 2019 and filed by the court on the 23rd of January 2019. Page 1

[21] Defendant's letter to the court dated the 18th of January 2019 and filed by the court on the 23rd of January 2019. Page 1

[22] Attachment 1: Transcript page 27 line 5 through page 28 line 19.

[23] Attachment 5: Shoe print reports

[24] Attachment 5: Shoe print reports

experience tracking and hunting in the Mohave County area. A Mohave County Jury may give local trackers and hunters the benefit of the weight of their lifelong experience tracking in Mohave County. Lastly, the jury will see photos of tracks themselves[25] and the jury will see how similar the track is to defendant's shoe. The jury will find a match.

Let us consider the fingerprint report. FBI Analyst Nicole M. Bagley excluded defendant from prints made on a soda bottle and water bottle found in a dumpster.[26] The dumpster was of interest because this is where the garden tool was found. That said, the bottles cannot be linked to the killer of . Taking fingerprints was a tool to help search for clues with a wide net. Anyone could have touched bottles—found in a dumpster. No latent prints were found on the garden tool. The absence of prints on an item cannot prove defendant did not touch the item. This forensic test is not exculpatory.

Let us consider the Mineralogy report. FBI Analyst Maureen Bottrell found the soil on body bag subtly different as soil on tool and Rector Shoes.[27] This forensic test is not exculpatory.

Let us consider the DNA reports. FBI Analyst Tiffany Smith could not find blood or semen to compare to defendant.[28] The absence of blood or semen to analyze, or compare to defendant, does not inculpate or exculpate defendant. This forensic test is not exculpatory.

There are no forensic tests revealing defendant's innocence. The forensic tests, at issue, would not change the weight of evidence against defendant.

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[25] Attachment 5: Shoe print reports (McVicker report)
[26] Attachment 6: Fingerprint report
[27] Attachment 7: Minerology report
[28] Attachment

Knowledge of the testes would not change defendant's intent to plead guilty. Defendant can show no prejudice. Therefore, defendant's motion to withdraw the plea must be denied.

iii) **<u>Prong 2 the prejudice requirement</u> – there is not a reasonable probability that but for counsel's unprofessional errors that defendant would not have plead guilty.**

Even if the Court finds counsel's performance deficient, the court must make additional findings to allow defendant to withdraw from the plea. The second prong, in deciding whether counsel was ineffective and whether such ineffectiveness warrants a withdrawal of the plea, is the prejudice requirement. Was there a reasonable probability that but for counsel's unprofessional errors, the result of the proceeding would have been different?[29]

In this case, defendant demonstrated a desire to plead guilty before the days prior to the date of the change of plea.[30] That said, defendant demonstrated a desire to plead guilty long before the change of plea. On the 1st day of December 2014, Detective Grasse collected from James Rector, defendant's father, two postcards. One states:

> I know your not happy with me pleading guilty and it makes more sense in my head then I can put in words but I honestly feel it's the right thing to do! I have to take responsibility for what ive done. Im not covering up for anyone or anything like that! I cant believe this happened either and I don't know why I did and I cant take it back all I can do is man up and accept the consequences.[31]

Defendant wanted to plead guilty since 2014. He still wanted to plead guilty in 2018. Defendant discharged his counsel and represented himself to plead guilty.

On the 18th of December 2018, Defendant did plead guilty.

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[29] *State v. Anderson*, 710 P.2d 456, 461 (Ariz. 1985); citing *State v. Lee,* 142 Ariz. 210, 214, 689 P.2d 153, 157 (1984); *State v. Nash*, 143 Ariz. 392, 694 P.2d 222 (1985); *State v. Gerlaugh*, 144 Ariz. 449, 456, 698 P.2d 694, 701 (1985).

[30] Attachment 2: Mohave County Jail Inmate Request Forms dated 12/4/18 and 12-12-18.

[31] Attachment 3: postcards from the Mohave County Jail

In his statement included in the Pre-Sentence Investigation Report defendant reiterated his desire to plead guilty. On the 19th of December 2018, defendant stated:

> I am guilty. I know Ive committed the ultimate wrong and theres no equal punishment. ... What I do know is I don't deserve the chance of parole. What els can I say...[32]

It is impossible to believe that further evaluation of the State's evidence would alter defendant's intent to "man up." Defendant allocated guilt. Defendant admits killing and accepts punishment for his act. It is not the level of the State's evidence that compelled defendant to plead guilty, it is defendant's consciousness of guilt that led him to plead guilty.

Defendant can show no prejudice. Therefore, defendant's motion to withdraw the plea must be denied.

CONCLUSION

Defendant's motion to withdraw the plea must be denied. Defendant's claim does not raise a manifest injustice to allow withdrawal from the plea.

1. Defendant represented himself, at time of Change of Plea, and prior appointed counsel's conduct is not relevant to analysis of withdrawal from the plea.
2. Defendant cannot show manifest injustice to support withdrawal from change of plea because counsel's performance was reasonable under all the circumstances.
3. Defendant cannot show manifest injustice to support withdrawal from change of plea because defendant cannot show prejudice.

[32] Attachment 4: Rector's statement from Pre-Sentence Investigation Report

RESPECTFULLY SUBMITTED THIS 14TH DAY OF FEBRUARY, 2019.

MOHAVE COUNTY ATTORNEY
MATTHEW J. SMITH

By _____
DEPUTY COUNTY ATTORNEY
GREGORY A. MCPHILLIPS

A copy of the foregoing
sent this same day to:

HONORABLE LEE F. JANTZEN
SUPERIOR COURT JUDGE

JUSTIN RECTOR
C/O MOHAVE COUNTY JAIL

By _____

Attachment #1

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MOHAVE

STATE OF ARIZONA, Plaintiff, vs. JUSTIN JAMES RECTOR, Defendant.	Case No. CR-2014-01193 CR-2017-01042

Kingman, Arizona
December 18, 2018
8:34 a.m.

BEFORE: The Honorable Lee F. Jantzen, Judge

TRANSCRIPT OF PROCEEDINGS
Status Hearing/Change of Plea Hearing

Reported by:

Theresa A. Salsberry, RPR, Official Reporter,
Arizona Certified Reporter #50866

SUPERIOR COURT, KINGMAN, ARIZONA

A P P E A R A N C E S

For the State:

Greg McPhillips, Deputy County Attorney

For the Defendant:

Julia Cassels, Attorney for and with the Defendant

P R O C E E D I N G S

THE COURT: This is CR-2014-01193, State of Arizona versus Justin James Rector. Show the presence of Mr. Rector. Show the presence of Ms. Cassels representing Mr. Rector. Show the presence of Mr. McPhillips representing the state.

This is the time set for a hearing on both of these matters where the last time we were here, Mr. Rector, you asked that you wanted to represent yourself.

Is it still your desire to represent yourself?

THE DEFENDANT: Yes, sir.

THE COURT: Mr. McPhillips?

MR. MCPHILLIPS: Well, if he still wants to represent himself, we can go in that direction. I would just state to the court maybe some information I have. I know I've gotten two kites from Mr. Rector saying that he wants to plead guilty.

I know I've gotten one kite recently from him that says he wants to plead guilty today, and that might be the animosity -- or animosity is the wrong word -- that might be the friction between the defendant and the defense counsel.

I mean, if we're going forward with a change of plea today, obviously that might solve some of the problems. Again, I can't speak for Mr. Rector or for Ms. Cassels.

THE COURT: Thank you.

Ms. Cassels?

MS. CASSELS: Yes, sir. It is Mr. Rector's desire to continue to move forward on a pro per basis on both matters. I apologize. I'm under the weather, and I sound terrible.

THE COURT: You're fine.

MS. CASSELS: Mr. Gilleo was appointed for the limited purpose of advising Mr. Rector as to that decision. Mr. Gilleo is present, and he's sitting in the jury box. They did have that meeting last week.

During the course of that meeting they apparently also discussed a plea agreement, which was proffered by the state and sent to Mr. Gilleo. As I said two weeks ago when we were here, and as I have said repeatedly, if Mr. Rector chooses to go pro per, that is perfectly his constitutional right.

It is his life. It is his case, and I support his actions in what he needs to do for himself. However, at this point I am asking the court to withdraw me from further representation in this matter.

I do believe that the relationship has degraded to such a degree that we are not able to move forward. Let me be perfectly clear. I support Justin. I support his family. I support his children. I have cared very much about Justin, as has Gerald Gavin and James Valdez, we are asking to be withdrawn from further representation at this point.

THE COURT: All right.

Mr. McPhillips, any position on that?

MR. MCPHILLIPS: Well, as to the position -- I think there's two things. I have to be very clear. There are two things. If Mr. Rector wants to represent himself, that's what we're here to talk about today, and he has every right to do that, and I cannot stop him from doing that.

I don't see any reason why Ms. Cassels is getting off of the case just simply because Mr. Rector wants to plead guilty, again, which is the signal I'm getting from Mr. Rector's kites. But that having been said, those are two different issues, and I think the first issue is if Mr. Rector wants to proceed pro per, so we probably ought to determine that. Well, we probably ought to determine that.

THE COURT: Yeah. Like every time I walk in on this case there's something new going on in this matter.

Mr. Rector, you know, I gave you last week a document that you could read over, and I've created a typed up version of that document in case you wanted to proceed pro per today, and so I want to talk to you about that.

Do you want to proceed representing yourself in this case at this time?

THE DEFENDANT: Yes, sir.

THE COURT: Is your true name Justin James Rector?

THE DEFENDANT: Yes, sir.
THE COURT: And what is your date of birth?
THE DEFENDANT: 5/24/88.
THE COURT: And how far did you go in school?
THE DEFENDANT: The 8th grade.
THE COURT: Do you read and understand English okay?
THE DEFENDANT: Yes, sir.
THE COURT: Have you had any drugs or prescribed drugs or alcohol or anything else while you've been in custody in the last 24 hours?
THE DEFENDANT: No, sir.
THE COURT: Have you ever been declared mentally incompetent? I know we did a Rule 11 examinations in this case, but have you ever been declared mentally incompetent?
THE DEFENDANT: No.
THE COURT: Have you ever represented yourself before in any case?
THE DEFENDANT: No, sir.
THE COURT: Do you have any legal background, legal education?
THE DEFENDANT: No, sir.
THE COURT: Have you read the waiver form that I gave you?
THE DEFENDANT: I did.

THE COURT: And went over it in detail?

THE DEFENDANT: Yes, sir.

THE COURT: Do you understand that you've been charged, and the most serious offense is first degree murder. If you go to trial representing yourself, and you're found guilty of first degree murder, there are only two sentences that I could possibly give.

One is called natural life. You'd have to serve the rest of your life in prison, and the second one is called life, and in that sentence you would be eligible for parole only after you've served 25 consecutive years in prison.

You, of course, would get credit for the time that you've already served in custody in the Mohave County Jail pending trial, but you would not be eligible for parole until 25 years, and then that's not a guarantee that you would get parole. You'd be seeing a parole board after that, and you'd be sentenced to life.

Do you understand that's the most serious penalty in this case?

THE DEFENDANT: Yes, sir.

THE COURT: There are some other charges in this case, including a dangerous class 2 felony, which is punishable between 7 and 21 years in prison. If you're found guilty of that offense you would not be eligible for probation.

I'd have to sentence to you prison between 7 and

21 years in prison. The presumptive sentence in that case is 10 1/2 years in prison. You're charged with several class 5 felonies. Each of those are punishable by up 2 1/2 years in prison, so you would be looking at a lengthy prison sentence.

Even if you're not found guilty of first degree murder, you could be found guilty, for example, at a trial of second degree murder, which is between 10 and 22 years in prison with a presumptive sentence of 16, so there's all kinds of serious consequences if you're sentenced to prison.

Do you understand that?

THE DEFENDANT: Yes, sir.

THE COURT: Do you understand, and you've been appointed -- at times during this case you've been appointed two attorneys. You understand if you cannot afford an attorney, you have the right to have an attorney appointed to represent you?

THE DEFENDANT: Yes, sir.

THE COURT: An attorney can be of great value, especially in a case such as this, a complicated years old case. An attorney, among other things, is able to go interview people, to look for witnesses, do things that you would not be able to do while you're sitting in custody waiting on trial.

Do you understand that?

THE DEFENDANT: Yes, sir.

THE COURT: This case is set for trial in April.

It's going to sound like a strange term to the people that have been watching this, but late in the game close to trial does not mean that the trial date will be continued.

In fact, it's the court's position that the trial needs to go in April and will go in April even if you're representing yourself.

Do you understand that?

THE DEFENDANT: Yes, sir.

THE COURT: Do you understand that if you're found guilty of some of these crimes there is criminal restitution, money that would be ordered to be paid back to the victims in this matter?

THE DEFENDANT: Yes, sir.

THE COURT: Do you understand that if you represent yourself you'll have the sole responsibility for, among other things, asserting legal defenses, interviewing witnesses and doing the investigation and doing legal research.

Do you understand that?

THE DEFENDANT: Yes, sir.

THE COURT: You'd be responsible, and this is some of the difficult stuff that happens, especially behind bars, for filing and then arguing motions in court. During the trial you would have to examine your own witnesses and cross-examine the state's witnesses.

You'd have to give an opening statement and a final

closing statement to the jury. You can always waive your opening statement or do it later, but that's what lawyers and attorneys would do for you, and you'd have to do that if you represent yourself.

Do you understand that?

THE DEFENDANT: Yes, sir.

THE COURT: Any further investigation of the case will be difficult, too, when you start representing yourself, whether or not you have access to an investigator, whether or not you can communicate with that investigator on a regular basis.

Do you understand that?

THE DEFENDANT: Yes, sir.

THE COURT: When you're representing yourself you'll be held to the same standard as an attorney regarding the presentation of your case. This standard includes knowledge of courtroom procedure, what to do and how to do it during a trial, case law, applicable case law to your case. There's books on Arizona Rules of Evidence and Arizona Rules of Criminal Procedure.

Do you understand that you'd be held to the same standard as an attorney, and I would apply those same rules to you as I would an attorney if you represent yourself?

THE DEFENDANT: Yes, sir.

THE COURT: Do you understand that this

particular case, especially the murder case, would be an especially complex case, and there'll be numerous witnesses, numerous potential exhibits. We had a discussion about the volumes of discovery in this case just last week.

Do you understand that that particular case is extremely complex in that regard?

THE DEFENDANT: I do.

THE COURT: Do you have any questions about anything?

THE DEFENDANT: No, sir.

THE COURT: Why do you want to represent yourself?

THE DEFENDANT: Because I want to move forward. I'm willing to sign the agreement that the state's offered, and my attorneys have legal obligations that they feel that's not necessary to go that route, but it's my choice to move forward in that direction, and I feel I don't need someone to represent me and speak for me when all I'm trying to do is sign a piece of paper, and I can speak for myself doing that.

THE COURT: All right. And you understand if I left Ms. Cassels on the case, there's two things that you have complete control of in this case. One is if you go to trial, you're the one that decides whether you testify or not. You get advice from counsel, but you're the one that ultimately gets to make that decision.

Do you understand that?

THE DEFENDANT: Yes, sir.

THE COURT: The other thing is a plea agreement. Ms. Cassels' obligation to you as your attorney is to bring you the state's plea agreement and tell you what it is if they make an offer, and then you're the one that decides whether to take that plea agreement.

Again, you can get counsel and advice from counsel, but she can't tell you you cannot enter a plea agreement if I left her on the case.

Do you understand that?

THE DEFENDANT: Yes, sir.

THE COURT: But your communication with her is such a point she just mentioned that you guys are not communicating well on that particular issue as we go forward?

THE DEFENDANT: Yes, sir.

THE COURT: Did you have an opportunity to talk to Mr. Gilleo about what rights you were giving up?

THE DEFENDANT: Yes, sir.

THE COURT: Did he tell you some of the things that I've just told you about how difficult it is to represent yourself in a case such as this?

THE DEFENDANT: Yes, he did.

THE COURT: Especially from behind bars?

THE DEFENDANT: Yes, sir.

THE COURT: I know that I've heard other judges say this, and I give this little speech not to talk you out of representing yourself but to be as open and honest as I could be about the pratfalls, the difficulties that you'll run into if, in fact, you represent yourself.

Do you understand that?

THE DEFENDANT: I do.

THE COURT: After hearing all this do you still wish to give up your right to counsel and represent yourself?

THE DEFENDANT: Yes, sir.

THE COURT: Did anybody make any force or threats to get you to make this decision?

THE DEFENDANT: No.

THE COURT: Are you doing this voluntary and on your own?

THE DEFENDANT: Yes, sir.

THE COURT: I'll have you read this waiver of counsel that I've prepared. It's got all of your cases listed on it or all of your charges, excuse me, and it should look familiar to you, but if you'll take a minute and read that over.

(Pause.)

THE COURT: What I've handed him is a waiver of counsel form the bench book filled out with all the charges and his name and the case numbers.

MS. CASSELS: And did you hand him three copies?

THE COURT: Maybe not on purpose. I handed him three copies, but everybody can look at that. We have to have three copies eventually.

So you were able to read the first copy?

THE DEFENDANT: Yes, sir.

THE COURT: Do you still wish to represent yourself?

THE DEFENDANT: Yes, sir.

THE COURT: Does either -- Ms. Cassels, do you want to add anything to -- any reasons, or do you take any position on him representing himself?

MS. CASSELS: I do not take a position.

THE COURT: Mr. McPhillips?

MR. MCPHILLIPS: No, sir.

THE COURT: Mr. Gilleo, I haven't talked to Mr. Rector about this issue.

Do you take any position?

MR. GILLEO: Your Honor, the only thing I'd put on the record is I did explain to him -- obviously I didn't go into any kind of detail or reveal any kind of confidential information, but I did express to him that ironically enough this is the third time in 2018 that I have been asked to be advisory counsel.

The other two cases went to jury trial. Both did

not go well for those that chose to represent themselves. I expressed to him that although through movies and TV and through some of the things that our job looks like a fairly simplistic job, I've compared it where I've heard judges describe it as me going to the hospital and saying, well, I've watched ER, so I can perform a surgery.

And so I've expressed those concerns to him that it's been my experience of over 20-something years that it may look easy to do, but when you don't know the proper procedures, you don't know the proper things to argue that I would -- there's really not a lot of pros.

There's more cons in representing yourself than pros. He did express to me some of the same and similar things he's expressed in court this day. As part of that I did, which I thought was part of my duty, because he was talking about perhaps entering into a plea, I explained to him the sentencing ranges and the plea agreement because he had some questions about that, so I did go over those items with him, and that was on December 12th. I had a jail video visit with him. Thank you.

THE COURT: All right. Thank you. And that's the one thing I forgot to mention. I've been in this courthouse since 1991 watching trials, watching and being a lawyer in numerous trials. I don't want to throw any numbers out because they get big, but I've been a judge now for

11 years.

I just found out the other day I'm the oldest judge left in the county. The reality is I've only seen one person representing themselves ever succeed at trial in this county, and that's not -- that's one out of, this is just a guess, 200, maybe more than that, so people representing themselves do not do well in trial, and that could be because of their inability to do the job.

But you understand that as well?

THE DEFENDANT: Yes, sir.

THE COURT: All right. I do find that Mr. Rector has knowingly, intelligently and voluntarily waived his right to counsel and does have the capacity to represent himself in this matter. It is ordered allowing Mr. Rector to represent himself in this case.

With regards to what we normally do is appoint advisory counsel, I have this new motion from Ms. Cassels this morning asking to withdraw, and I believe, based on your description of the circumstances and her description as well, it is ordered granting Ms. Cassels' motion allowing her to withdraw as counsel in this matter.

MS. CASSELS: I would also ask you to relieve Mr. Valdez.

THE COURT: It is ordered relieving Mr. Valdez as investigator in this matter. And I would like to thank both of

you for the hard work done in this case. This is Mr. Rector's decision today or we'd be moving forward to trial, at least I thought we'd be moving forward to trial as we're going forward.

But Ms. Cassels, thank you for the hard work you've done. You are free to go. Mr. Valdez as well.

MS. CASSELS: Yes, sir. The only thing I need direction on is I'm assuming the court intends to appoint advisory counsel for whatever is coming next? I have the entirety of Mr. Rector's file in the back of my truck today, and I would like to get delivered to whomever that may be. If I can just get direction on where to take it, we will take it right now.

THE COURT: I was surprised by this motion but you're obviously not. Mr. Gilleo, I note that there was some discussion. I appointed you specifically to talk to Mr. Rector about this. You had removed yourself on this case earlier because of a possible conflict on a witness the state is no longer going to call.

Do you believe that the conflict that you had earlier still exists?

MR. GILLEO: I spoke with Mr. Rector about that issue because I wanted to -- I obviously didn't go into a lot of detail, but I just explained to him that he probably was surprised to see me 3 1/2 years later or however long it's been.

In hindsight I wish the state had not made the decision to even think about calling -- creating that conflict, but I've been advised that that's no longer the intent of the state, so I don't know. I probably could be on the case without any problem.

THE COURT: All right. Thank you. So it is ordered appointing the Legal Defender's Office to be advisory counsel to Mr. Rector.

Mr. Rector, we have never -- there's no definition of advisory counsel in the books. I went looking for one a few years ago when I had a gentleman represent himself in trial, a bench trial, which is not his best decision either.

So you're just going to drop everything off over there, Ms. Cassels?

MS. CASSELS: Yes, sir. I am going to deliver the boxes of Mr. Rector's legal case to Mr. Gilleo's office right now. There were some personal family items that were in my possession from the mitigation investigation.

I delivered a box of photo albums and pictures and things like that to his stepmother, Tracy, who is present in the courtroom.

THE COURT: All right. Thank you.

MS. CASSELS: If we may be excused?

THE COURT: You are excused. Thank you.

MR. GILLEO: And Your Honor, just to have a

little more time with -- could I have a 5 to 10-minute recess with Mr. Rector?

THE COURT: Any objection, Mr. McPhillips?

MR. MCPHILLIPS: No, sir. Just for -- I have all morning, so I think that we can get things done today, Your Honor. I would like to get things done today. If it's an hour break, I'm fine with that. I'm just saying, I think that we can get things done today. I've seen your calendar. I think you probably have some time --

THE COURT: I have a civil status hearing that I believe is going to be very short at 9 o'clock, attorneys appearing on the phone on a temporary restraining order case that's at the Court of Appeals, so that shouldn't take very long, so I'm willing to give you as much time. We'll take a little break in this matter. I need my courtroom, though, in 5 minutes to do that hearing.

MR. GILLEO: That would be great.

THE COURT: We'll stand at recess.

(A recess was taken at 8:54 a.m. until 9:14 a.m.)

THE COURT: We're back on the record in CR-2014-1193 and CR-2017-1042, State of Arizona versus Justin James Rector. Show the presence of Mr. Rector representing himself. Show the presence of Mr. Gilleo as advisory counsel for Mr. Rector. Show the presence of Mr. McPhillips for the

state.

This is the time set for a status hearing, but I've been handed a felony plea agreement. I haven't done one in a while, so bear with me.

Mr. Rector, some of these first questions may sound familiar.

Is your name Justin James Rector?

THE DEFENDANT: Yes, sir.

THE COURT: Date of birth May 24th, 1988?

THE DEFENDANT: Yes.

THE COURT: And how far did you go in school?

THE DEFENDANT: The 8th grade.

THE COURT: Do you read and understand English?

THE DEFENDANT: Yes, sir.

THE COURT: Have you had any alcohol, prescription drugs or illegal drugs in the last 24 hours?

THE DEFENDANT: No, sir.

THE COURT: Are you understanding the questions that I'm asking you?

THE DEFENDANT: Yes.

THE COURT: For the record we just went through the waiver of counsel hearing, so you understood those questions, and your answers to the questions have been appropriate the whole time.

I've been handed a plea agreement, Mr. Rector, that

says you're going to be pleading guilty today in CR-2014-1193 to Count 1, first degree murder, as a class 1 felony.

Is that your understanding of what you're going to be pleading guilty to today?

THE DEFENDANT: Yes, sir.

THE COURT: First degree murder, as I told you earlier, can be sentenced by up to your natural life in prison. This plea agreement says that will not happen, that you'll be receiving a sentence of life imprisonment without possibility of parole for 35 calendar years.

So that's life in imprisonment without possibility of parole for 35 calendar years. If I accept that sentence and sentence you to that, you'd have to serve 35 years day for day, would not getting any credit for that. If you were ever released from prison, you'd have to serve 1 day or every 7 days that you're in prison on community supervision upon release.

So that would be a minimum of 5 years on community supervision upon release if they released you after 35 years. All other terms will be in my discretion. Those terms could include restitution. That's not really a discretionary thing. If there's any restitution asked for and proven to the court, I will order it and order it against you.

In exchange for that the state is agreeing to dismiss all the other cases, all the others charges in CR-2014-1193. That includes two class 2 felonies and a class 5

felony, and they are agreeing to drop the option the court would have for natural life, and they're agreeing to dismiss the new case in CR-2017-1042, which is three class 5 felonies.

Mr. Rector, is that your understanding of this agreement?

THE DEFENDANT: Yes, sir.

THE COURT: This agreement says that you're pleading guilty to a felony. There are consequences, of course, for pleading guilty to a felony. You'd lose the right to vote. You cannot hold public office. You cannot serve on a jury. You might find it difficult if you ever get out of prison to find a job.

Do you understand those are all consequences of a felony agreement?

THE DEFENDANT: Yes, sir.

THE COURT: If you are not a citizen of the United States, pleading guilty or no contest to a crime may affect your immigration status. Admitting guilt may result in deportation, even if the charge is later dismissed.

Your plea or admission of guilt could result in your deportation or removal, could prevent you from ever being able to get legal status in the United States or could prevent you from becoming a United States citizen.

Do you understand that?

THE DEFENDANT: Yes, sir.

THE COURT: If the court enters into this plea agreement, you will not be able to appeal. Normally if you go to trial and you lose, you can appeal the jury's verdict to the Court of Appeals. They can look at the case with a microscope and make decisions, but by entering into a guilty plea you cannot appeal, and the only post-conviction relief you'll have will be to file a petition with this court, which is called a post-conviction relief petition, under Rule 32.

Do you understand that?

THE DEFENDANT: Yes, sir.

THE COURT: So you understand you're giving up your right to remain silent by entering into this plea agreement?

THE DEFENDANT: Yes, sir.

THE COURT: You understand that you're giving up the right to cross-examine the witnesses and confront the state's evidence?

THE DEFENDANT: Yes.

THE COURT: You've already given up the right to counsel, but counsel could have done some of those things for you, and by entering into this plea agreement and representing yourself, you're giving up the right to counsel in this case as well.

Do you understand that?

THE DEFENDANT: I do.

THE COURT: Do you understand that you're giving up all these rights?

THE DEFENDANT: Yes.

THE COURT: Has anybody made any force or -- well, let me give you one more thing that you're giving up. You're giving up the right to some of the motions that have been filed in this case. You're giving up the right to those motions. Those will now be off the calendar and everything -- those will not be considered.

Do you understand that?

THE DEFENDANT: Yes, sir.

THE COURT: Do you understand that you're giving up all these rights?

THE DEFENDANT: I do.

THE COURT: Has anybody made any force or threats against you to get you to give up your rights?

THE DEFENDANT: No, sir.

THE COURT: Has anybody made any promises to you that are not written down to get you to give up your rights?

THE DEFENDANT: No, sir.

THE COURT: I would ask you if you're satisfied with your attorney, but you're representing yourself.

Are you satisfied with the help that Mr. Gilleo has given you?

THE DEFENDANT: Yes.

THE COURT: Is there anything -- do you want to go forward with this plea agreement?

THE DEFENDANT: I do.

MR. GILLEO: Your Honor, if I can explain to him, too, Your Honor, paragraph 10, that if the court accepts the plea agreement today and then he changes his mind or wants to withdraw from the plea later, he'd have to demonstrate a manifest injustice.

I've explained to him changing his mind or something of that sort would not be a manifest injustice, that essentially he'd have to have a good legal reason to get out of the plea.

THE COURT: And that would have to be a huge mistake, if you entered into the wrong person. Manifest injustice is a very high standard.

Do you understand that?

THE DEFENDANT: Yes.

THE COURT: I apologize. Because I don't have the indictment in front me, I printed out a copy of the indictment, and I've lost page one, so hang with me. I actually did this to avoid looking through the file.

MR. MCPHILLIPS: Judge, I have a copy, if you want mine.

THE COURT: I'll find it on here. I apologize. I printed it out so I wouldn't have to look on here.

MR. MCPHILLIPS: And I know the court knows all this, but I charged this in a different format than I often charge things. Obviously what we're going under is the alternate theory at the bottom of first degree murder, which is the felony murder theory for the plea agreement. It's just a three paragraph count, and I don't typically do that.

THE COURT: All right.

So is that your understanding, Mr. Rector, the alternate theory, the felony murder?

THE DEFENDANT: Yes.

THE COURT: So the indictment reads, Count 1, first degree murder, class 1 felony. It says on or about the 2nd day of September, 2014, in the vicinity of 2436 Lakeside and the coordinates of North 3505.280 West 114 36.1070, Bullhead City, Mohave County, Arizona, that you, Justin James Rector, committed murder in the first degree of IG-C, all in violation of Arizona Revised Statutes 13-1105, 13-1101, 13-701, 13-702, 13-751, 13-704, 13-705, 13-118 and 13-801.

You committed or attempted to commit kidnapping pursuant to ARS 13-1304 for child abuse pursuant to 13-3623(A), and in the course of and in furtherance of such offense or offenses or immediate flight from such offense or offenses you caused the death of IG-C in violation of all those previous statutes. It's a class 1 felony, a dangerous offense.

How do you plead to that charge, guilty or not

guilty?

THE DEFENDANT: I plead guilty.

THE COURT: What is the factual basis, Mr. Mr. McPhillips?

MR. MCPHILLIPS: Thank you, Your Honor. Your Honor, in this case on September 2nd of 2014, the victim in this case, who is 8-year-old , she lived at that vicinity of 2436 Lakeside in Bullhead City.

Ultimately her remains were found at those coordinates that the court just read. The difference in those places is maybe as the crow flies maybe a mile and a half, two miles. It goes through a couple of yards and stuff, but it ends up in a desert area in the Bullhead City city limits, so that's why the coordinates that are used. It's not really a street or anything.

In this particular case the evidence would be that Mr. Rector was with that night. Her parents went to WalMart. sister saw Mr. Rector and together. sister went into the restroom, came out, could not find , was concerned for safety and alerted -- started alerting people to the fact that was missing, and people were looking for that night.

It took a while for sister, who was also a child at the time, to get people involved, but that ultimately did happen. The case -- in this particular case Mr. Rector did

kidnap . He did take her from her home. He did so to commit an act of child abuse upon her, and he ultimately killed heard during that act of child abuse by strangling her with some sort of soft ligature.

A shirt has always been my theory on that, something along the lines of a shirt, not necessarily a rope but a softer ligature, and then he buried her in the desert. There was a shovel used that was taken from the home of the victim to help do that. And by shovel, I'm talking like a hand trowel or a hand device, and that was thrown away in the Bullhead City area.

There's some video that shows him walking away and then walking ultimately to Bullhead City WalMart. Around the gravesite are marks from Mr. Rector's shoes, which were quite noticeable because there was a hole in the shoe. But again, the bottom line here is he killed while he was committing kidnapping while he was committing child abuse. Nothing further. Oh, and she's 8 years old, which is important to the sentencing of 35 years.

THE COURT: All right.

Mr. Rector, do you agree if this case would have gone to a jury trial, the state would have been able to present evidence to a jury similar to what I just heard?

THE DEFENDANT: Yes.

THE COURT: I do find that Mr. Rector has

knowingly, intelligently and voluntarily pled guilty to Count 1, first degree murder, under the alternative, the third alternative theory. I find there's a factual basis for the guilty plea. The guilty plea is accepted and entered of record.

It is ordered setting this matter for judgment and sentencing on Wednesday, January 30th, 2019, at 1:30 p.m. Wednesday, January 30th, 2019, at 1:30 p.m. The court will reserve the rest of the day for that sentencing if anybody wants to speak at the sentencing.

MR. MCPHILLIPS: I have spoken to the victims about that, Your Honor. A couple things. One, the victim is present. I know that there may be either some letters or some testimony or some folks who want to speak to the court on that day.

I also would want to say that the victim is not 100 percent happy with this plea agreement. I think she wanted me not to drop the child abuse. That is the decision I made, and she may speak to that at the sentencing. Nothing further on the issue of the victim, Your Honor.

THE COURT: All right. And the victim, who is here, you do have the right to speak to that, and I will just say to everybody that's here on both sides of the family, I will read a -- I'm going to order in a moment a pre-sentence report, and I will read any letters that are on my desk prior

to the hearing.

My habit is to read them more than once, so I want to make that record clear. I will be reading everything prior to the sentencing. So it is ordered setting this matter for judgment and sentencing on Wednesday, January 30th, 2019, at 1:30 p.m.

It's ordered that the probation department prepare a written pre-sentence investigation. Mr. Rector, I'm going to order that you cooperate with the probation department. That investigation will have -- you can talk in there and tell your side, and you can also not talk, but you have the right to participate in that, but you need to give them as much information as possible.

I will have little discretion, but I could, in fact, reject the limitations of this plea agreement if I felt that was appropriate, so that will be dependent on some of the things that I read in the report, so it's very important that you cooperate. It should be to your advantage to do so.

It is ordered taking under advisement any other motions to dismiss or reduce pursuant to the plea agreement. It's ordered affirming the conditions of release.

Anything else today?

MR. MCPHILLIPS: Yes, Your Honor. This case is in kind of a strange position where Mr. Rector now represents himself. He does not have a counsel, so I now ethically can

speak to him. I know he has sent me several kites over the years and several recent -- well, a couple recently where he wanted to speak to me, at least one recently where he did not want to speak to me.

I know he has sent some kites to Detective Grasse, that he wanted to speak to Detective Grasse. With that all having been said, and I know that there was a change of plea today, and that's accepted and entered, and so that's kind of set in stone, the state is still interested in speaking to him about this case.

There are certainly some questions that the victims might have or things he may say that may answer some questions the victims have. Obviously he has the right to remain silent. We recognize that. Now that he has pled guilty, he may not want to speak to us, and we recognize that.

But I was intending to have Detective Grasse to go over to the jail and speak with him today. If he says in this hearing that he does not want to speak to Detective Grasse, then he won't go over. And if Detective Grasse does go over because he doesn't say anything now, and he says then, I don't want to speak to you, obviously we will respect that.

But again, he has sent us some kites. He has sent Detective Grasse specifically a kite saying he wants to speak to him, so we have every intention to do that. We couldn't do that before because he was represented. We can do that now.

But again, if he does not want to speak to us, we will 100 percent respect that, so I just want that to be on the record.

If Mr. Rector tells us now that he does not want to speak with us, we will respect that. Otherwise, Detective Grasse will be going over to the jail to speak with him.

THE COURT: Mr. Rector, did you understand all that?

THE DEFENDANT: I -- I'm going to have to decline on that, sir. I -- there's certain reasons, but I'm going to have decline on that.

THE COURT: Obviously if you change your mind, they're willing to talk to you, but you don't have to talk to them, and you've made that decision today, and they won't be coming over, all right?

THE DEFENDANT: All right.

THE COURT: So we'll see you guys on January 30th. Cooperate with the report. We'll stand at recess.

(The proceedings were concluded at approximately 9:32 a.m.)

CERTIFICATE OF REPORTER

I, Theresa A. Salsberry, Official Reporter in the Superior Court of the State of Arizona, in and for the County of Mohave, do hereby certify that I made a shorthand record of the proceedings had at the foregoing entitled matter at the time and place hereinbefore stated;

That said record is full, true and accurate;

That the same was thereafter transcribed under my direction; and

That the foregoing typewritten pages constitute a full, true and accurate transcript of said record, all to the best of my knowledge and ability.

Dated this 25th day of January, 2019.

/s/

Theresa A. Salsberry, RPR, Official Reporter
AZ CR #50866

Attachment #2

14-F-1350
GM

MOHAVE COUNTY JAIL INMATE REQUEST FORM

DATE: 12/4/18 NAME: Rector, Justin NAME # 202408 CELL #: B120

JAIL COMMANDER: _____ ATTORNEY: PROSECUTER - GREGORY McPHILLEPS

JAIL SUPERVISOR: _____ COURT: _____

SHIFT SUPERVISOR: _____ PROBATION: _____

OTHER: _____ RELEASE PROPERTY: _____

REQUEST: PLEASE DONT MISUNDERSTAND MY REASON FOR SELF REPRESENTATION. I DO NOT INTEND TO PROLONG THIS CASE ANY FARTHER. IN FACT, I PLAN TO PLEAD GUILTY AS SOON AS THE APPROPRIATE STEPS HAVE BEEN TAKEN. I INVITE YOU TO A SIT DOWN (BRING DETECTIVE GRAMS) SO I CAN GIVE A TESTIMONY THAT MIGHT GIVE CLOSURE TO EVERYONE INVOLVED. IM WILLING TO TAKE A LIE DETECTOR TEST. ILL WAIVE MY RIGHT TO HAVE COUNSEL PRESENT IF YOU WANT IT SOON THEN LATER. IM WAITING!

OFFICER RECEIVING REQUEST: _____

ACTION TAKEN BY: _____ REVIEWED BY: _____

ACTION TAKEN: _____

INMATE SIGNATURE (AFTER ACTION): _____ DATE: _____

MOHAVE COUNTY JAIL INMATE REQUEST FORM

DATE: 12-12-18 NAME: Rector, Justin NAME # 202408 CELL #: B120

JAIL COMMANDER: _____ ATTORNEY: PROSICUTER McPHILIPS

JAIL SUPERVISOR: _____ COURT: _____

SHIFT SUPERVISOR: _____ PROBATION: _____

OTHER: _____ RELEASE PROPERTY: _____

REQUEST: I JUST RECIEVED YOUR OFFER. I AM WILLING TO ACCEPT IT AND I HOPE TO SIGN IT ON THE 18TH. I DONT SEE A NEED FOR A INTERVIEW ANYMORE [redacted] IF VICTEMS WANT DETAILS IM SURE THEYLL ASK ONE DAY... I JUST WANT TO RESOLVE THIS CASE A.S.A.P. THANK YOU...

OFFICER RECEIVING REQUEST: _____

ACTION TAKEN BY: _____ REVIEWED BY: _____

ACTION TAKEN: _____

INMATE SIGNATURE (AFTER ACTION): _____ DATE: _____

Attachment #3

PAPA,

I GOT ANOTHER POSTCARD FROM YOU. JUST WANTED TO SAY THANK YOU I LIKE THE PICTURES OF THE OUTSIDE! I KNOW YOUR NOT HAPPY WITH ME PLEADING GUILTY AND IT MAKES MORE SENSE IN MY HEAD THEN I CAN PUT IN WORDS BUT I HONESTLY FEEL ITS THE RIGHT THING TO DO! I HAVE TO TAKE RESPONSIBILITY FOR WHAT I'VE DONE. I'M NOT COVERING UP FOR ANYONE OR ANYTHING LIKE THAT! I CAN'T BELIEVE THIS HAPPENED EITHER I DON'T KNOW WHY I DID AND I CAN'T TAKE IT BACK ALL I CAN DO IS MAN UP AND ACCEPT THE CONSEQUENCES I DON'T EXPECT ANYONE TO UNDERSTAND I'M NOT GIVING UP! I'M JUST DOING WHAT I FEEL IS RIGHT! MUCH LOVE AND RESPECT! YOUR SON JUSTIN

PAPA,

I JUST GOT A POSTCARD FROM YOU SO I THOUGHT I WOULD WRITE BACK. I HAVE IT UP ON THE WALL CUZ IT GIVES ME SOME THING TO LOOK AT SOME COLOR IN THIS PLAIN WHITE CELL. IT WAS NICE SEEING EVERYONE AT COURT BUT HARD TO HEAR THOSE CHARGES THIS IS GONNA BE ROUGH! I'M FINE SO DON'T BE TRIPPIN' ILL LET MY ATTORNY KNOW TO TELL YOU AS MUCH AS HE CAN AS WE GET MORE INFO. I HAVE A MEDIA HEARING ON THE 30TH BUT YOU DON'T NEED TO BE THERE. BUT COURT ON 10/28 REGARDING EVIDENCE IS A BIG ONE! WELL THAN FOR EVERYTHING I LOVE YOU PAPA YOUR SON JUSTIN

MOHAVE COUNTY ADULT DETENTION CENTER
JUSTIN RECTOR
501 W. HWY 66
KINGMAN, AZ
86401

Return - Temp
Service Requested

Mohave County Jail

U.S. Postage Paid
First Class PreSort
Kingman AZ Permit 1

JAMES RECTOR
323 PHYLLIS DR. #1
BULLHEAD CITY, AZ
86442

JUSTIN RECTOR
501 W. HWY 66
KINGMAN, AZ
86401

Return - Temp
Service Requested

Mohave County Jail

U.S. Postage Paid
First Class PreSort
Kingman AZ Permit 1

MOHAVE COUNTY JAIL

JAMES RECTOR
323 PHYLLIS DR. UNIT-1
BULLHEAD CITY, AZ
86429

Attachment #4

IF YOUR ATTORNEY HAS DIRECTED YOU TO MAKE NO STATEMENT TO PROBATION, PLEASE INDICATE YOU'VE BEEN SO INSTRUCTED.

Its impossible to "Explain" this case in words and theres nothing I can say or do to make any one feel better. I cant fix this. I cant take it back.

I am guilty. I know we commited the ultimate wrong and there is no equal punishment...

I acted alone. Mama had nothing to do with it like some people think.

People ask me about remorse & regret. But I cant explain my emotions about this. Im still to this day numb about it with a sort of confusion. Because I dont even know why I killed her. I honestly dont. My mom has died since and I feel nothing!... I cant explain myself. I wish I could. I wish I had answers. Even for myself.
What I do know is I dont deserve the chance of parole. What els can I say...

(CONTINUE ON THE BACK OF THIS PAGE IF NECESSARY)

DID ANYONE ELSE HELP YOU FILL OUT THIS QUESTIONNAIRE? NO NO YES_____

IF "YES", BY WHOM?_____ WHY?_____

DEFENDANT'S SIGNATURE

12-19-18
DATE COMPLETED

Attachment #5

Supplement

Supplement: Ken Miller
On 9/3/2014 at approximately 1140 hrs, I was assigned to conduct a search for tracks in an assigned area known as Segment 8. I began the search at the intersection of Riverview Dr and a natural drainage (wash). The wash extended across the assigned search area in a North and South direction. Myself KJ 65 and Mike Logan HJ 33 worked in conjunction to attempt to cut a track. HJ 33 searched the East side of the wash while I searched the West side. Approximately 10 minutes into the search of the wash, the wash terminated into a construction area which contained a large area of new housing pads. In this area it was noted that the wash was now improved and lined with large rocks.

Myself and HJ33 continued to search the area of the wash, proceeding South. At approximately 1155 hrs I discover Track #1 which appeared to be that of a barefoot child, however this was distorted. Track # 2 was then found and was determined to be an approximate 7 inch track appearing to be that of a small child. Also in the immediate vicinity of tracks #1 and #2 was that of an adult track with a Herringbone type pattern, which was different from the suspects.

At 1156 Hrs I contacted command and provided a GPS reading and requested DPS Ranger to fly the area. At 1200 hrs I noted that the tracks found had terminated and appeared to cross the wash to the East. I then requested HJ 33 to begin a search for track at the opening of two washes immediately to the East of the area where the tracks were found. BSR 53, Bill Weaver was then dispatch to the scene to confirm the tracks. After BSR 53 arrived to the scene, BSR 53 and I were examining the tracks on the West side of the wash, when HJ 33 requested " Bill" over the radio to respond to his location. At that time BSR 53 went to the location of HJ 33 and requested that I come to the location to look at what had been found. Upon arrival to the area I noted a large area of disturbed sand in an oval shape with a small area that was leaking a substance that appeared to be blood. Also noted was a small area approximately 6 inches in diameter that appeared to be flesh. HJ 33 stated the when he walked in the area he note a " small red circle" he then "kicked dirt away." with the red in color substance then beginning to leak and present with strong odor of decomposition. At the time via radio HJ 33 requested law enforcement to the area.

The first arriving agency was BHC PD who briefly examined the area and then called for the FBI evidence team to respond. While waiting for the FBI to arrive, the scene was secured by SAR members with crime scene tape and the path to the grave site was flagged with the direction of travel taken to and from the site. Access to the area was then limited to KJ65,BSR53,HJ33,and BSR 51 . The area immediately the South of the grave site was a second wash that extended to the East terminating at a residence. At the beginning of the Southern wash a second track was found by BSR 51 and later confirmed by photograph to similar to that of the suspects shoe. The track was then secured for examination by law enforcement.

After arrival of the FBI team they were giving the initial information by BHC PD and afterwards began to photograph the scene from the hillside being led in by HJ 33. After completion of photographs the FBI team was ready to enter the site. I then led the team to the grave site and after a brief examination the team

then requested to see the suspects track. I led them to the suspects tracks, which was photographed by the FBI. I then lead the team back out to the rehab area.

After taking a break the FBI's team leader provided a briefing as to what procedures were to follow and at that time advised all members present that we were free to enter the site at will and to assist with the procedures. All aforementioned SAR member then began to assist the FBI team with their requests. Myself, BSR 53, and BSR 50 search the area for " items of interest " and flagged said items with FBI's evidence flags. BSR 33 assisted with the uncovering of the body. After completing the evidence search BSR 53 and BSR 50 left the area and returned to rehab.

I then returned to the grave site to check on the status HJ33. After arriving to the grave site I assisted with moving the excavated dirt away from the grave. Briefly after returning to the gravesite the body was exposed and appeared to be wearing the same green in color shirt that the missing subject was reported to be wearing at time of her disappearance. I then made notification by telephone to Luis Vega and report the possible confirmation. I then left the area and returned to rehab.

After all team members returned to rehab, we performed a brief search of the construction area in an attempt to find additional tracks and or evidence. While doing so I small pink in color ball was found. The FBI team was notified and they took the ball into to evidence. Briefly afterward we received notification that we were released from the scene. All units returned to command post for debriefing. ---END---

Supplement

Supplement: DR14-030663
Incident Date: 03 September 2014
Reporting SAR Member: Michael Logan, ID: HJ-33
Prepared By: Michael Logan, HJ-33

Incident Type: Agency Assist to Bullhead City Police Department searching for a missing 8-year old female subject , and the 26-year-old male subject (Justin James Rector) she was last seen with.

Location of Occurrence: (GPS coordinates) Bullhead City, AZ
Barefoot child footprints: N35 05.255 W114 36.241
Shallow grave site: N35 05.280 W114 36.170

Other SAR Members directly involved:
Ken Miller, KJ-65
Bill Weaver, BSR-56

Evidence:
Spade-shaped flat rock, may have been used to dig grave
Softball-sized rock with viscous matter attached, found near body
Purple "pony-tailer" found a few feet away from the gravesite.
Footprints consistent with the descriptions of both subjects, found at the first set of coordinates given above.
Footprints consistent with description of the male subject found in the vicinity of the shallow grave site.

Weapon/Objects Used: rocks noted above

On September 2, 2014, at approximately 22:52, I was notified by our SAR Dispatcher of a unit-wide callout to assist the Bullhead City Police Department to locate a missing 8-year-old female. I was instructed to report to the Bullhead City Police Department at 0800 the following morning.

On September 3, 2014, at approximate 08:15, I was briefed on the developing situation by FTO Sid Gillman at the Bullhead City Police Station and then instructed to report to Incident Command (IC) for further assignment. At Incident Command, I received and completed three (3) search assignments prior to being dispatched on the fourth. The following events all took place on September 3, 2014, at the times and locations stated herein.
11:15 Incident Command (IC) assigned me as Tracking Team Member with Ken MILLER (KJ-65) as Team Leader. We were directed to search a nearby wash. We rode in MILLER's vehicle and drove to the top of the wash, then commenced our search downstream.

11:48 MILLER spotted suspicious track and asked me to confirm at N35 05.255 W114 36.241. I agreed that the track was consistent with the description of the male subject's shoe and there were additional tracks that were consistent with a barefoot child (female subject). We called in the coordinates to IC and requested a Supervisor to confirm the track. Bill WEAVER (BSR 58) was dispatched as the Senior Tracker to evaluate/confirm the find. MILLER stayed in the immediate area to await the arrival of the Senior Tracker and to locate

other nearby track.
Most of the area was hard-packed dirt and no other tracks were evident except the previously noted track which started and continued along the edge of the rocky wash for approximately 100 feet and then disappeared. One track pointed slightly eastward, so I crossed the rocky wash hoping to pick up more track on the other side. There were no other clues, signs or track evident to me at the time, but I determined that the logical direction of travel from this point would be to continue eastward into and up the nearby feeder wash. Approximately 200 feet up the wash, it forked left and right. I chose left and continued east checking the right side of the wash for any sign or clue. After a short while, I decided I had gone far enough and turned around, returning down the opposite side of the wash.

12:20 I noticed a disturbance of the desert floor at N35 05.280 W114 36.170. As I got closer, I determined that the disturbed area appeared to be around five feet wide. Near the southern end of the disturbed area was what appeared to be a wet spot in the sand. I swiped the wet spot with my boot, which exposed a spot bluish-colored flesh about four inches wide. A red fluid started to bubble up from the newly-exposed flesh and the smell of decomposing flesh became apparent. I determined at that time that this was probably a shallow grave (as well as a crime scene) and a called WEAVER to confirm my find. WEAVER was evaluating the track located by MILLER when I requested that he respond to my location. He was only a few hundred yards away and seemed to understand the urgency I was trying to communicate. WEAVER quickly confirmed that we needed either PD or FBI to verify what had been found and contacted IC to report and request assistance.

12:50 Sgt NAVE (BPD) arrived. By this time WEAVER, MILLER, a few other SAR members and I had created an Entry Control Point to the scene, cordoned off the area with crime scene tape, flagged a route to the grave site and discovered additional track in the area consistent with the male subject's shoes. Sgt NAVE told us that the FBI forensic team has been notified and we would await their arrival.
13:50 The FBI Forensic Team arrived and took control of the scene. The Agent apparently in charge ("LEROY") requested operational assistance several times from MILLER and MYSELF. Once the crime scene was marked and an EZ-UP erected over the site, LEROY asked me to assist with excavation. The first order of business was to determine that these were human remains.

15:00 Under LEROY's instruction, we dug up the sand around the perimeter of the area first and started working toward the middle. Agent AMY was the first to unearth a body part, finding the subject's left hand. I helped her uncover the rest of the hand and then continued following the body contours to unearth the rest of her. It took us at least another half hour to fully expose the subject. She was wearing the green, ruffled shirt that was described in the "last seen wearing" part of the briefing, but was not wearing any other clothing or shoes. There was a rock found in the grave that appeared to have a viscous material on it that was preserved as evidence. There was also a flat pointed rock in the area that looked like it might have been used as a digging tool. Also located nearby was a purple "pony-tailer" band that did not appear to have been in the elements for very long. All of those items were marked as evidence,

photographed and taken by the FBI team.

17:30 Excavation was complete and we were waiting for the Medical Examiner to arrive. WEAVER, MILLER, MYSELF and two others continued to look around the area for more track, clues or evidence that might be relevant. There was a child's pink ball located in the middle of the subdivision. FBI Agent Amy was advised and stated she would collect it.

18:15 Medical Examiner's office arrived and we were released from the scene.

18:37 Arrived back at IC and filled out reports.

19:05 departed IC, en route to Lake Havasu.

20:10 arrived Lake Havasu City. Refueled and went home.

END OF REPORT

Supplement

William H. Weaver II BSR 53 Supplement

On 09-03-2014 at approx. 1127 hrs. Myself BSR 53 and Gary Howells BSR 51 had just arrived on assignment in segment 10. We were contacted by Command and advised that Ken Miller and Mike Logan had located tracks in segment 8 that they believed to be from a small Child and an Adult. We responded to the area of segment 8 GPS coordinate N35 05.262 W114 36.242. arriving from Newberry Drive off pavement and down within 100 yards of from Ken Millers location, then parked and proceeded by foot in a straight line toward Ken Miller and the tracks he had discovered. Gary Howells and Myself verified a small Child with an Adult both wearing footwear. The small Child with the Adult met the time frame index of the subjects we were looking for, although neither track could be positively verified as to our subjects due to Childs footwear unknown and Adult track had no identifiable pattern to the track. Mike Logan summoned me to his location so I left Gary Howells and Ken Miller to finish working those tracks in the direction of travel to find a more distinguishing tread pattern on the Adult track. Arriving to Mike Logan's location to look at what he had found both he and I determined that this was a grave site GPS location (N35 . W114 .) I summoned Gary Howells and Ken Miller to make their way to my location in the path I had just used to get to the grave site that I had already cleared of any tracks on the way in. We all concluded this was a grave site and observed a portion of flesh exposed at the surface with dark fluids bubbling upward. There also was a decaying odor around this grave site. By my direction Gary Howells began a sweep around the area looking for any clues which includes human tracks. Within approx. 25 yards Gary Howells found tracks and summoned me over to verify, we both concluded without a dought this track had the tread pattern which matched the Adult male track we had been looking for throughout our search. A potential crime scene perimeter was established with a tape placed across the entire wash area and flagging placed directly in a line to the grave site. Ken Miller stayed with the grave to preserve it and Gary Howells stayed with the Adult confirmed track

to preserve it.
Once we felt we had good containment I called Command and requested that a Bullhead City PD
Officer to meet up with me at the end off the pavement on Newberry Drive. I then made a
Landline call to Sgt. Rob McEuen (Command Coordinator for the(Mohave County Sheriff Search
and Rescue Units) informed him of the status that we all believed it was Grave site and
that we had a confirmed track of the Adult male subject we had been looking for. Mike Logan
stayed outside the perimeter front line not to let anyone into the scene area. I proceeded to
my vehicle to meet up with Officer Navy and transport him down to the scene perimeter. While
waiting for the crime scene unit and FBI team Officer Navy, Gary Howells, Ken Miller, Mike
Logan, and myself maintained security of the scene. Upon arrival of the Bullhead City Crime
Scene Unit I escorted them to the grave site using the straight line flagging we had placed earlier
then to the track of the Adult subject. After the arrival of the FBI team they assumed control of
the scene. Proceeding Mike Logan, Ken Miller, Gary Howells, and myself assisted the FBI team
to maintain security at the scene and made ourselves available to them.

Sgt. William H. Weaver II
Mohave County Sheriff's Search and Rescue

FBI Laboratory

2501 Investigation Parkway
Quantico, Virginia 22135

REPORT OF EXAMINATION

To: Tracie L. Keegan
Special Agent
Phoenix

Date: April 22, 2015

Case ID No.: 7C-PX-5494255

Lab No.: 2014-01754-10

Communication(s): October 10, 2014

Agency Reference(s):

Subject(s): Justin James Rector

Victim(s):

Discipline(s): Shoe Prints/Tire Treads

FBI Laboratory Evidence Designator(s):

Item 24	Digital video disc containing recorded images
Item 25	Compact disc containing recorded images
Item 30	Left DC Shoes shoe recovered from Walmart belonging to Justin Rector (Item # BH-190783) (1B70, E5670551)
Item 31	Right DC Shoes shoe recovered from Walmart belonging to Justin Rector (Item # BH-190783) (1B70, E5670551)
Item 37	Cast of shoe impression #1, east of burial site (Item # BH-190840) (1B65, E5670546)
Item 38	Cast of shoe impression #2, east of burial site (Item # BH-190839) (1B66, E5670547)
Item 39	Elimination shoe impressions of Kenneth Miller (Item # BH-190836) (1B67, E5670548)
Item 40	Elimination shoe impressions of Michael Logan (Item # HB-190838) (1B68, E5670549)

This report contains the results of the footwear examinations.

Results of Examinations:

Four footwear impressions were observed in the submitted footwear impression evidence. Refer to the table below for details regarding these impressions and the associated evidence:

Impression Name	Evidence Marker	Item 24 Image #	Cast Item #
Footwear Impression #1	1	128, 129, 147, 148, 149, 150, 151, 152	37
Footwear Impression #2	2	154, 155, 156, 157, 158	38
Footwear Impression #3	None	127, 130	None
Footwear Impression #4	None	161, 162, 163	None

The footwear from five search and rescue personnel were collected in the form of images and BIOFOAM impressions for elimination purposes. Refer to the table below for details regarding this footwear and the associated evidence:

Name	Item 24 Image #	BIOFOAM Item #
Gary Howells	134, 135, 136	None
Mike Logan	131, 132, 133	40
Ken Miller	139, 140	39
Steve Nave	137, 138	None
Bill Weaver	141, 142, 143	None

Footwear Impression #1:

This footwear impression shares similar features and orients with the outsole design in the arch and heel areas of the Item 31 right DC Shoes shoe. However, due to insufficient detail and clarity retained in this impression, it could not be determined if this shoe is the source of this impression.

This footwear impression is different than the outsole design of the items of footwear worn by search and rescue personnel. Therefore, all of the items of footwear worn by search and rescue personnel were eliminated as the source of this footwear impression.

Footwear Impression #2:

This footwear impression shares similar features and orients with the outsole design in the arch and heel areas of the Item 30 left DC Shoes shoe. Also, the degree and position of wear in the heel area correspond to features in this impression (which is illustrated below in Figures 1-3). However, due to insufficient detail and clarity retained in this impression, it could not be determined if this shoe is the source of this footwear impression.

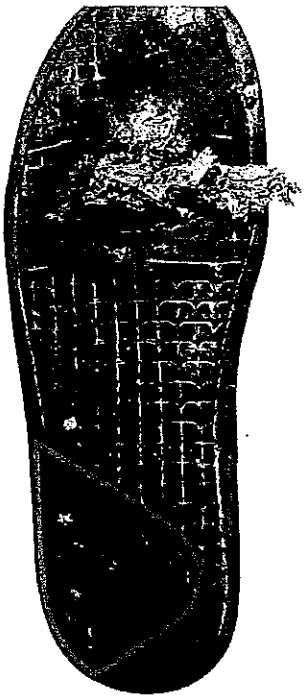

Figure 1- Item 30 left shoe outsole (reversed)

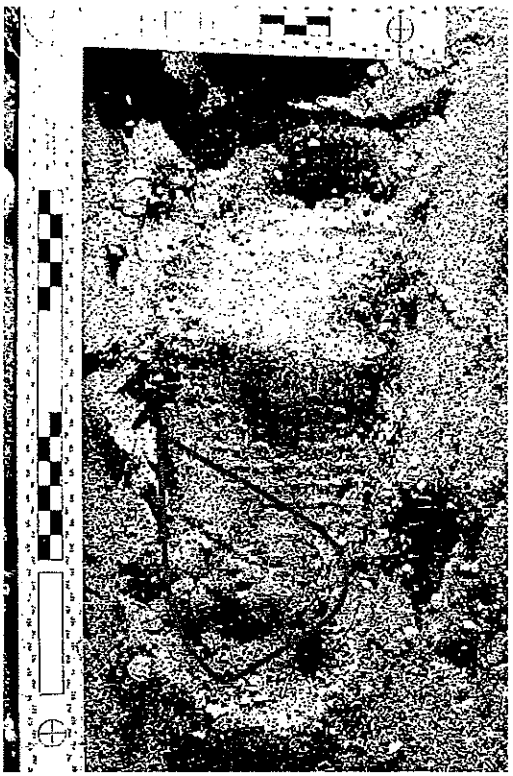

Figure 2 – Item 24 image *DJL_0155* depicting footwear impression #2

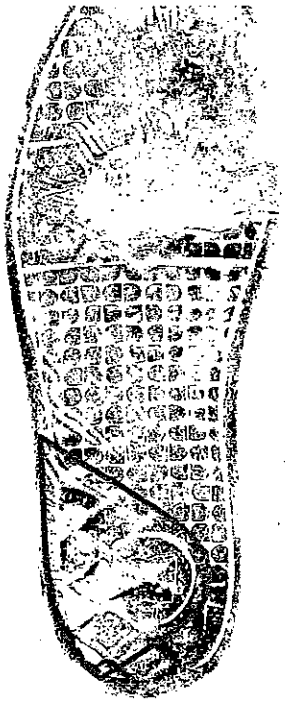

Figure 3 – Item 30 left shoe test impression

This footwear impression is different than the outsole design of the items of footwear worn by search and rescue personnel. Therefore, all of the items of footwear worn by search and rescue personnel were eliminated as the source of this footwear impression.

Footwear Impressions #3 and #4:

These footwear impressions are unsuitable to conduct a meaningful comparison with known footwear.

Methodology:

The methodology for conducting an examination of footwear impression evidence is a four-step process.

1. The questioned impression is assessed to determine if there are sufficient gross design features observed to conduct a comparison. If there is insufficient detail and clarity observed in the questioned impression, no comparison will be conducted.

2. If sufficient detail and clarity are observed in the questioned impression, then a comparison will be conducted.

The questioned and known specimens are compared to determine whether or not the gross design features correspond. If they correspond, then test impressions may be prepared from the known shoes.

The following areas are compared during this step of the examination process utilizing the methods of side-by-side comparison and superimposition:

A. Outsole design
B. Physical size
C. Wear
D. Randomly acquired characteristic(s)

3. Once the comparison step is complete, an evaluation of the observed characteristics is performed and is used to formulate an opinion. The range of opinions that can be reached is as follows:

Identification – In the opinion of the Examiner, the known shoe is the source of the impression because there is sufficient quality and quantity of corresponding features such that he/she would not expect to find that same combination of features repeated in another shoe. This is the highest degree of association between a questioned impression and a known shoe. This opinion requires that the questioned impression and the known shoe correspond in class characteristics and also share one or more randomly acquired characteristics.

Probably Made – In the opinion of the Examiner, the known shoe probably made the impression and it is unlikely that another shoe is the source of the impression; however, there are limitations which prevent effecting an identification. This opinion indicates a high degree of association between the questioned impression and the known shoe, which is based on the correspondence of class characteristics in combination with specific wear and/or randomly acquired characteristics.

Could Have Made – In the opinion of the Examiner, the known shoe is a possible source of the impression, but other shoes with the same class characteristics are also included in the population of possible sources. This opinion indicates an association of class characteristics (i.e., outsole

design and physical size) between the questioned impression and the known shoe. Correspondence of general wear may also be present.

Could Not Be Determined – In the opinion of the Examiner, it could not be determined if the known shoe is the source of the impression. This opinion indicates that similarities and/or differences in class characteristics were noted between the questioned impression and the known shoe, but there are significant limiting factors within the evidence that do not allow for a specific association or non-association.

Indications Did Not Make – In the opinion of the Examiner, the evidence indicates that the known shoe is not the source of the impression, but there are limitations which prevent eliminating the known shoe. This opinion indicates a degree of non-association between the questioned impression and the known shoe, which is based on observed dissimilarities.

Elimination – In the opinion of the Examiner, the known shoe is not the source of the impression. This opinion is the highest degree of non-association between a questioned impression and a known shoe. This opinion requires an observable difference in class and/or randomly acquired characteristics between the questioned impression and the known shoe.

Unsuitable – In the opinion of the Examiner, the submitted evidence is unsuitable to conduct footwear examinations. This opinion indicates one of the following: there are significant limitations which prevent the Examiner from conducting a meaningful comparison between the questioned impression and the known shoe; or no discernible footwear impressions were observed on the questioned item which prevents the examiner from conducting any comparisons.

4. The final step of the examination process is an independent technical review of the case. In this step another qualified footwear examiner will ensure that the results are technically accurate and that the associated case documentation supports the results.

Limitations:

Some factors which can limit the examination of footwear impression evidence include the following:

- Insufficient detail and clarity retained in the questioned impression
- Manner in which the questioned impression was photographed
- Lack of a proper scale
- Improper placement of the scale in relation to the questioned impression
- Non-availability of original evidence

Terminology:

Class characteristic – a feature that is shared by two or more shoes. The outsole design and the physical size features of a shoe outsole are two common class characteristics, which are acquired in the manufacturing process. General wear of the outsole is also a class characteristic.

Agreement of class characteristics alone does not provide a basis for identification; however, they reduce the possible number of shoes that could have made an impression.

Impression evidence – objects or materials that have retained the characteristics of other objects or materials which have been in direct physical contact.

Known shoe – a shoe of known origin that is compared to a questioned impression.

Outsole – the bottom of a shoe.

Outsole design – the manufactured pattern of an outsole.

Physical size – the size, shape, spacing and relative positions of the outsole design components. (Physical size is not the same as the manufacturer's shoe size.)

Questioned impression – an impression made by a shoe located and recovered from a crime scene.

Randomly acquired characteristic – a feature that occurred randomly on a shoe outsole. Examples include cuts, scratches, tears, holes, stone holds, and abrasions. The size, shape, orientation and position of a randomly acquired characteristic contribute to the uniqueness of a shoe outsole. A randomly acquired characteristic may be used to identify a particular shoe as the source of an impression.

Side-by-side – a comparison method performed by placing two or more objects adjacent to one another.

Superimposition – a comparison method performed by placing one object over the other. A transparent shoe test impression can be compared to a questioned impression using this method, which enables an assessment of physical size characteristics, wear and randomly acquired characteristics.

Test impression – an impression made from a known shoe as an aid in comparing a questioned impression to the known shoe.

Wear – erosion of the surfaces of an outsole during use.

Remarks:

The following items were not used for comparison purposes: the remaining images on Item 24, Item 25, Item 30-1 and Item 31-1.

For questions about the content of this report, please contact Forensic Examiner Brian C. McVicker at 703-632-7292.

For questions about the status of your submission, including any remaining forensic examinations, please contact Request Coordinator Erin P. Martin at 703-632-7708.

The evidence will be returned to the contributor under separate cover.

The supporting records for the opinions and interpretations expressed in this report are retained in the FBI files. This report contains the opinions and interpretations of the examiner(s) who issued the report.

Brian C. McVicker
Questioned Documents Unit

Attachment #6

OFFICIAL RECORD

FEDERAL BUREAU OF INVESTIGATION

Import Form

Form Type: LABRPT **Date:** 03/06/2015

Title: (U) Lab Report: Latent Print Operations Unit (LPOU)

Approved By: Andrea M. Elliott

Drafted By: Nicole M. Bagley

Case ID #: 7C-PX-5494255 (U) JUSTIN JAMES RECTOR; (JUVENILE/DECEASED) - VICTIM; KIDNAPPING

Synopsis: (U) Uploaded lab report from LPOU for Lab #2014-01754-11

Enclosure(s): Enclosed are the following items:
1. (U) LPOU 1A: Lab #2014-01754-11

♦♦

FBI Laboratory

2501 Investigation Parkway
Quantico, Virginia 22135

REPORT OF EXAMINATION

To: Phoenix
Tracie L. Keegan

Date: February 4, 2015

Case ID No.: 7C-PX-5494255

Lab No.: 2014-01754-11

Communication(s): October 10, 2014

Agency Reference(s):

Subject(s): Justin James Rector

Victim(s):

Discipline(s): Latent Prints

FBI Laboratory Evidence Designator(s):

Item 32	Garden tool from dumpster at 2681 Highway 95 (1B71, E5670552)
Item 33	Juice pouch from dumpster at 2681 Highway 95 (Item # BH-1911811) (1B64, E5670545)
Item 34	Soda bottle from dumpster at 2681 Highway 95 (Item # BH-1911811) (1B64, E5670545)
Item 35	Lotion bottle from dumpster at 2681 Highway 95 (Item # BH-1911811) (1B64, E5670545)
Item 36	Water bottle with liquid from dumpster at 2681 Highway 95 (Item # BH-1911811) (1B64, E5670545)
Item 36-1	Water bottle from dumpster at 2681 Highway 95 (Item # BH-1911811) (1B64, E5670545)
Item 36-2	Water bottle from dumpster at 2681 Highway 95 (Item # BH-1911811) (1B64, E5670545)
Item 36-3	Can from dumpster at 2681 Highway 95 (Item #BH-1911811) (1B64, E5670545)
Item 36-4	Photograph from dumpster at 2681 Highway 95 (Item # BH-1911811) (1B64, E5670545)
Item 36-5	Booklet from dumpster at 2681 Highway 95 (Item # BH-1911811) (1B64, E5670545)

Item 36-6 Magazine from dumpster at 2681 Highway 95 (Item # BH-1911811) (1B64, E5670545)

This report documents the friction ridge print examinations.

Results of Examinations:

The following table provides information regarding the known records of the individual for comparison:

Individual(s) for Comparison			
Name	**UCN[1]**	**Source of Record**	**Available Prints**
JUSTIN JAMES RECTOR	407680RC2	FBI database	Fingerprints

The table below lists results of latent print examinations:

Results of Examinations							
Item Number	**Analysis**		**Comparison**	**Evaluation**			**NGI[2] Comparisons**
	Total	**Fingerprint**	**Individuals**	**Identification**	**Exclusion**	**Inconclusive**	
Item 34	1	1	RECTOR	---	RECTOR	---	Yes
Item 36	1	1		---		---	
Item 36-1	1	1		---		---	
Item 36-3	1	1		---		---	
Total latent prints of value:	**4**	**4**					

No latent prints of value were detected on the remaining evidence.

No identifications were effected as a result of automated NGI searches. A print was added to the Unsolved Latent File (ULF) and shared with the Department of Homeland Security, and you will be advised in a separate report if an identification is made.

[1] Universal Control Number (formerly FBI #)
[2] Next Generation Identification system, the FBI's national friction ridge print database

See Appendix A for the methods, limitations, and interpretations regarding the results of examinations.

Remarks:

The identity of an individual for comparison is based on the biographical information associated with the known record. As appropriate prior to testimony, fully and clearly recorded fingerprints recorded in connection with this case may be necessary for:

- Confirmation that the appropriate known record was examined
- Further comparison of any inconclusive results
- Comparison when known records were not located at the time

Recorded prints should be submitted to the FBI Laboratory's Evidence Control Unit with correspondence referencing FBI Laboratory number 2014-01754-11.

For questions about the content of this report, please contact Forensic Examiner Nicole M. Bagley at (703) 632-8129.

For questions about the status of your submission, including any remaining forensic examinations, please contact Request Coordinator Erin P. Martin at (703) 632-7708.

The evidence, which includes images of the detected latent prints of value, will be returned under separate cover.

This report contains the opinions and interpretations of the examiner(s) who issued the report, and the supporting records are retained in the FBI files.

Nicole M. Bagley
Latent Print Operations Unit

Appendix A: Methods, Limitations, and Interpretations

Friction ridge skin consists of ridges, which are raised portions of skin, and furrows, which are the valleys in between the ridges. Friction ridge skin is found on the fingers, palms, and soles of the feet. A friction ridge print is a transfer of the ridge arrangements from the friction ridge skin onto an item. Items of evidence submitted to the Latent Print Operations Unit for examination may be examined visually, examined with various light sources, and processed with chemicals and powders to detect the presence of friction ridge prints. The specific sequence of examinations and processes depends upon the nature of the evidence.

Friction ridge print examinations are conducted using Analysis, Comparison, and Evaluation (ACE) (1), which includes an assessment of the quantity and quality of the information present. The steps of ACE are applied to friction ridge prints as appropriate.

Analysis is the assessment of a friction ridge print by a qualified examiner, accounting for the quantity and quality of the features detected in the print. An examiner will assess the types of features and the spatial relationships of the features to one another, which may be affected by factors such as pressure and movement when the print is transferred (2) (3). The print is deemed to be of value when the examiner determines that sufficient reliable information is present, such that, when compared to another print from the corresponding area of the same source, an identification decision can be reached. A thorough analysis is conducted on friction ridge prints prior to conducting comparisons. Analysis is documented by marking observed information in accordance with the Latent Print Operations Unit's standard operating procedures (4).

During Analysis, an examiner designates a friction ridge print as one of the following:

- A fingerprint, coming from any part of a finger
- A palm print, coming from any part of the palm area of a hand
- A toe print, coming from any part of a toe
- A footprint, coming from any part of the sole of a foot
- An impression, whose anatomical region cannot be determined and may have come from any of the above sources

Comparison is the direct side-by-side observation of friction ridge prints of value to determine whether the information observed during Analysis is in disagreement or agreement between two prints. When determining if features correspond, an examiner accounts for variation in the appearance of the friction ridge prints due to factors such as pressure and movement (2).

Evaluation is the formation of a conclusion based on the examiner's observations, assessments, and documentation generated during the analysis and comparison of the friction ridge prints. Decisions that may be reached are as follows:

- Identification is the determination that two friction ridge prints originated from the same source because there is sufficient quality and quantity of corresponding information. While an identification to the exclusion of all others is not supported by research, studies have shown that as more reliable features are found in agreement, it becomes less likely to find that same arrangement of features in a print from another source (5).

- Exclusion is the determination that two friction ridge prints did not originate from the same source because there is sufficient quality and quantity of information in disagreement.

- Inconclusive is the determination that an identification or exclusion decision cannot be reached because there is insufficient quality and quantity of corresponding information between the two prints.

While the examination process is subjective in nature (6), the Latent Print Operations Unit has quality assurance measures in place to minimize variability and reduce the chance of error. Examples include but are not limited to verification and blind verification, which are implemented in accordance with the Latent Print Operations Unit's standard operating procedures (4) (8).

- Verification is the independent application of ACE to a friction ridge print by another qualified examiner.

- Blind verification is the independent application of ACE to a friction ridge print by another qualified examiner with limited awareness of the details of the case and no knowledge of the conclusion of the primary examiner.

There is no meaningful predictive rate of error for the entire comparison process (9) (10); however, recent studies have demonstrated that examiners reach accurate and reliable conclusions under specific test conditions (7) (11) (12).

The presence of a friction ridge print on an item of evidence indicates contact was made between the source and the item. The presence of a friction ridge print alone does not necessarily indicate the significance of the contact or the time frame during which the contact occurred.

Due to a variety of factors, the recovery of friction ridge prints on items of evidence is not always successful. A lack of friction ridge prints on an item or the exclusion of a friction ridge print from a given source does not necessarily mean that the given source did not come into contact with the item.

References:

1.. Ashbaugh, D. R. *Quantitative and Qualitative Friction Ridge Analysis*: An Introduction to Basic and Advanced Ridgeology; CRC Press: New York, 1999.
2. SWGFAST. *Standards for Examining Friction Ridge Impressions and Resulting Conclusions - Latent/Tenprint*. Scientific Working Group on Friction Ridge Analysis, Study and Technology. [Online] November 24, 2011. http://www.swgfast.org/Documents.html.
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5. Neumann, C.; Evett, I.W.; and Skerrett, J. Quantifying the Weight of Evidence from a Forensic Fingerprint Comparison: A New Paradigm. *Journal of the Royal Statistical Society* (2012) 175, Part 2, 371-415.
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7. Langenburg, G. A Performance Study of the ACE-V Process: A Pilot Study to Measure the Accuracy, Precision, Reproducibility, Repeatability, and Biasability of Conclusions Resulting from the ACE-V Process. *Journal of Forensic Identification* (2009) 59 (2), 219-257.
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11. Tangen, J.M.; Thompson, M.B.; and McCarthy, D.J. Identifying Fingerprint Expertise. *Psychological Science* (2011) 22 (8), 995-997.
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Attachment #7

FBI Laboratory

2501 Investigation Parkway
Quantico, Virginia 22135

REPORT OF EXAMINATION

To: Tracie L. Keegan
Special Agent
Phoenix

Date: December 10, 2014

Case ID No.: 7C-PX-5494255

Lab No.: 2014-01754-14

Communication(s): October 10, 2014

Agency Reference(s):

Subject(s): Justin James Rector

Victim(s):

Discipline(s): Trace - Mineralogy

FBI Laboratory Evidence Designator(s):

Item 23	Sheet from body bag of (1B61, E5670542)	(Item # BH-191184)
Item 30	Left DC shoe recovered from Walmart belonging to Justin Rector (Item # BH-190783) (1B70, E5670551)	
Item 30-1	Sock from Item 30 (1B70, E5670551)	
Item 31	Right DC shoe recovered from Walmart belonging to Justin Rector (Item # BH-190783) (1B70, E5670551)	
Item 31-1	Sock from Item 31 (1B70, E5670551)	
Item 32	Garden tool from dumpster at 2681 Highway 95 (1B71, E5670552)	

The results of the trace evidence (soil) examinations are included in this report. This report supplements FBI Laboratory report 2014-01754-7 dated November 17, 2014.

Methods:

Comparison of geologic materials for the purposes of determining the possibility of a common origin is accomplished by using one or more analytical techniques. These techniques can include:

- Color designation: Determination of the color of the material. This may be accomplished unaided, or by using Munsell Soil Color Charts in a light box under day light conditions.

- Textural analysis: Determination of texture using stereobinocular and petrographic microscopes.
- Composition determination: Identification of components present and their relative proportions using stereobinocular and petrographic microscopes or additional instrumental methods, as needed.

The actual tests performed are dependent on the type(s) and quantity of the geologic material present, and the needs of the examination/analytical requirements. When a difference is found between compared items, the examination may be immediately discontinued.

In this case, the Items were examined for color using Munsell Soil Color Charts in a light box, and for composition using a stereobinocular microscope.

A pair of shoes and socks (Items 30 through 31-1) was received with the shoes and socks packaged together in contact. Because of the possibility of cross transfer between items packaged in contact, loose debris recovered from these shoes and socks (Items 30 through 31-1) cannot be associated with a particular Item, was analyzed collectively, and will be referred to in this report as debris recovered from the shoes and socks (Items 30 through 31-1).

Results of Examinations:

Soil recovered from the debris from the shoes and socks (Items 30 through 31-1) and garden tool (Item 32) is subtly different than the soil recovered from the sheet from the body bag of (Item 23). Consequently, the soil recovered from the sheet from the body bag of (Item 23) and the soil recovered from the shoes and socks (Items 30 through 31-1) and garden tool (Item 32) did not originate from the same location.

Interpretation:

Color, texture, and composition are used as comparison criteria when a sufficient quantity of soil for reliable and reproducible results is present. There are three possible conclusions when comparing soils:

- The possibility that the soil item(s) originated from the same source as the soil collected from a known location (exemplar) cannot be eliminated. This conclusion is reached when the item(s) cannot be differentiated from the exemplar using all observed characteristics.
- No conclusion can be reached on whether or not the soils could have originated from a common source. This conclusion can be reached for several reasons, including insufficient quantity for either the soil item or the exemplar, or when there is mixing with other sources of geologic materials.
- The possibility that the item(s) originated from the same source as the exemplar is eliminated. This conclusion is reached when the item(s) can be differentiated from the exemplar, and no mixing is indicated.

Soil properties vary both across the land and below the land surface as a function of parent material, climate, biological activity, geography, and time, yielding soil which is different from location to location and with depth below the surface. These differences can occur abruptly or gradually. Therefore, the exemplar soils from a specific site must be interpreted to represent only that site, and may not be representative of all soils in the area or soil that may have been present in the past.

Limitations:

Due to the possible variations in soil, the boundaries of a homogenous soil cannot be predicted with absolute certainty. Soil and geologic studies and maps of an area may assist in defining the approximate extent of a homogeneous soil.

Remarks:

For questions about the content of this report, please contact Geologist/Forensic Examiner Maureen C. Bottrell at 703-632-7697. For questions about the status of your submission, including any remaining forensic examinations, please contact Request Coordinator Erin P. Martin at 703-632-7708. The evidence will be returned to the contributor under separate cover. This report contains the opinions and interpretations of the examiner(s) who issued the report. The supporting records for the opinions and interpretations expressed in this report are retained in the FBI files.

Maureen C. Bottrell
Trace Evidence Unit

Attachment #8

FBI Laboratory

2501 Investigation Parkway
Quantico, Virginia 22135

REPORT OF EXAMINATION

To: Tracie L. Keegan
Special Agent
Phoenix

Date: December 22, 2014

Case ID No.: 7C-PX-5494255

Lab No.: 2014-01754-3

Communication(s): September 17, 2014; October 10, 2014

Agency Reference(s):

Subject(s): Justin James Rector

Victim(s):

Discipline(s): DNA

FBI Laboratory Evidence Designator(s):

Item 1	Four vaginal swabs from	(Item # BH-191046) (1B47, E5650154)
Item 2	Vaginal smear from	(Item # BH-191046) (1B47, E5650154)
Item 3	Four external genital swabs from	(Item # BH-191045) (1B48, E5650155)
Item 4	Two anal swabs from	(Item # BH-191043) (1B50, E5650157)
Item 5	Anal smear from	(Item # BH-191043) (1B50, E5650157)
Item 6	Two oral swabs from	(Item # BH-191041) (1B52, E5650159)
Item 7	Oral smear from	(Item # BH-191041) (1B52, E5650159)
Item 9	Left hand fingernail clippings from	(Item # BH-191040) (1B53, E5650160)
Item 10	Right hand fingernail clippings from	(Item # BH-191040) (1B53, E5650160)
Item 12	Buccal sample from	(Item # BH-191042) (1B51, E5650158)

Item 14	Buccal sample from Justin Rector (Item # BH-191024) (1B54, E5650161)
Item 21	Shirt from (1B62, E5670543)
Item 26	Shirt from cement culvert near Highway 95 and Marble Canyon (Item # BH-190831) (1B72, E5670553)
Item 27	Shorts from underneath bathroom sink of 2436 Lakeside Drive (1B69, E5670550)
Item 29	Underwear from underneath bathroom sink of 2436 Lakeside Drive (1B69, E5670550)
Item 33	Juice pouch from dumpster at 2681 Highway 95 (Item # BH-1911811) (1B64, E5670545)
Item 35	Lotion bottle from dumpster at 2681 Highway 95 (Item # BH-1911811) (1B64, E5670545)

The items listed above were subjected to serological testing and/or nuclear deoxyribonucleic acid (DNA) typing[1].

RESULTS OF SEROLOGICAL AND NUCLEAR DNA EXAMINATIONS:

Items 1 (Vaginal swabs), 3 (External genital swabs), 4 (Anal swabs), and 6 (Oral swabs)

Blood was identified[2] on items 1 and 6. A chemical test for the possible presence of blood was positive[3] on items 3 and 4; however, the presence of blood was not confirmed.

Due to the microscopic procedure not performing as expected, the presence of semen on items 1, 3, 4, and 6 could not be determined.

No Y-STR typing results[4] were obtained from items 1, 3, 4, and 6; therefore, no comparisons could be made to item 14 (RECTOR).

Items 2 (Vaginal smear), 5 (Anal smear), and 7 (Oral smear)

Due to the microscopic procedure not performing as expected, the presence of semen on items 2, 5, and 7 could not be determined.

Items 9 (Left hand fingernail clippings) and 10 (Right hand fingernail clippings)

No Y-STR typing results[4] were obtained from items 9 and 10; therefore, no comparisons could be made to item 14 (RECTOR).

Item 21 (Shirt from

Item 21 was examined for the presence of semen; however, none was detected.[5]

Item 26 (Shirt from cement culvert)

Item 26 was examined for the presence of blood; however, none was detected.[6]

Item 27 (Shorts from underneath bathroom sink)

A chemical test for the possible presence of blood was positive[3] on item 27; however, the presence of blood was not confirmed.

Item 27(1) (stain from shorts)

Male DNA[7] is present in item 27(1). DNA from two or more individuals was obtained from item 27(1). To a reasonable degree of scientific certainty[8] item 14 (RECTOR) is the major contributor[9] of the DNA obtained from item 27(1). The results for the minor contributor to item 27(1) are not suitable for matching purposes; however, they may be utilized for exclusionary purposes.[10] No comparison information for item 12 ( ) can be provided with regard to the minor contributor to item 27(1).

Item 27(2) (wearer swabbing of shorts)

Male DNA[7] is present in item 27(2). DNA from two or more individuals was obtained from item 27(2). To a reasonable degree of scientific certainty[8] item 14 (RECTOR) is the major contributor[9] of the DNA obtained from item 27(2). The STR typing results for the minor contributor to item 27(2) are suitable for matching purposes. Item 12 ( ) is excluded as a potential contributor to item 27(2).

Item 29 (Underwear from underneath bathroom sink)

Items 29(1) (swabbing from outside crotch area) and 29(2) (swabbing from inside crotch area)

Male DNA[7] is present in items 29(1) and 29(2). DNA from two or more individuals was obtained from items 29(1) and 29(2). To a reasonable degree of scientific certainty[8] item 14 (RECTOR) is the major contributor[9] of the DNA obtained from items 29(1) and 29(2). The results for the minor contributors to items 29(1) and 29(2) are not suitable for matching purposes; however, they may be utilized for exclusionary purposes.[10] No comparison information for item 12 ( ) can be provided with regard to the minor contributors to items 29(1) and 29(2).

Item 33 (Juice pouch)

Male DNA is present in item 33. The DNA obtained from item 33 is not suitable for matching purposes; however, it may be utilized for exclusionary purposes.[10] Items 12 ( ) and 14 (RECTOR) are excluded as potential contributors to item 33.

Item 35 (Lotion bottle)

No STR or sex typing results[4] were obtained from item 35. Since no STR typing results were obtained, no comparisons could be made to items 12 ( ) and 14 (RECTOR).

Database Entry Information:

The nuclear DNA results obtained from the tested items are not eligible for entry into the Combined DNA Index System (CODIS). These results will be maintained by the FBI Laboratory for possible future comparisons.

No other serological or nuclear DNA examinations were conducted.

Methods/Limitations:

The following methods and limitations apply to the results/conclusions provided in the results section(s) of this report and are referenced by number in the body of the text for clarity.

[1] The AmpFℓSTR® Identifiler® Plus PCR Amplification Kit includes the amelogenin locus and the autosomal STR loci (from non-sex chromosomes) D8S1179, D21S11, D7S820, CSF1PO, D3S1358, TH01, D13S317, D16S539, D2S1338, D19S433, vWA, TPOX, D18S51, D5S818, and FGA. The amelogenin locus is used for sex determination. The AmpFℓSTR® Yfiler™ PCR Amplification Kit includes the STR loci DYS456, DYS389I, DYS390, DYS389II, DYS458, DYS19, DYS385a/b, DYS393, DYS391, DYS439, DYS635, DYS392, Y_GATA_H4, DYS437, DYS438 and DYS448. These STR loci are located on the male Y-chromosome and are transmitted through a paternal lineage from father to son. Barring mutation, all males in the same paternal lineage have the same Y-STR typing results. A paternal lineage consists of those male relatives to whom the same Y-chromosome has been transmitted from a common ancestor. Insufficient DNA quality and/or quantity can affect the ability to generate a DNA typing result and is not an absolute determination that an individual did not come into contact with an item of evidence. Due to the differences in type, quality, and/or quantity, samples may not be amplified using every kit.

[2] The identification of blood on an item is established by first using, when applicable, the presumptive phenolphthalin test followed by the confirmatory Takayama Hemochromogen test.

[3] A positive reaction with the phenolphthalin reagent, without subsequent confirmation using the Takayama Hemochromogen test, provides an indication that blood may be present on an item, but it does not constitute an identification of blood. Insufficient quality and/or quantity of biological material may affect the ability to confirm the presence of blood.

[4] Insufficient DNA quality and/or quantity can affect the ability to generate DNA typing results.

[5] This conclusion is based on the results of the acid phosphatase test, the results of the prostate-specific antigen test, and/or the results of the microscopic examination for a sperm cell. Insufficient quality and/or quantity of biological material may affect the ability to detect semen.

[6] This conclusion is based on the result of the phenolphthalin test. Insufficient quality and/or quantity of biological material may affect the ability to detect blood.

[7] The presence of male DNA in a mixture may limit the ability to determine if female DNA is also present in that mixture.

[8] Not all loci at which amplification is attempted will yield conclusive results; a statistical estimate (random match probability) has been based on loci with conclusive typing results for which allelic frequency data are available. The random match probability is defined as the chance of selecting a biologically unrelated individual at random having an STR profile matching the DNA obtained from the questioned item. The uncertainty associated with a random match probability calculated using any of the FBI databases has been empirically demonstrated to be less than 10-fold in either direction (e.g., for a random match probability estimate of 1 in 10 million, the true frequency of that profile can be confidently expected to be between 1 in 1 million and 1 in 100 million). This confidence interval is supported by the 1996 National Research Council report entitled "The Evaluation of Forensic DNA Evidence" and is based on published data from the 1993 study entitled "VNTR Population Data: A Worldwide Study."

[9] This opinion is based upon the outcome of a statistical calculation in which the probability of selecting an unrelated individual at random from an African American, Caucasian, Southeastern Hispanic, or Southwestern Hispanic population having a DNA profile matching the contributor (source/major/minor) of the DNA obtained from the questioned item(s) was determined to be equal to, or less than, 1 in 6 trillion individuals.

[10] As used here, STR typing results are deemed not suitable for matching purposes (i.e., inconclusive) when the potential exists that not all of the genetic information in a biological sample has been detected. For STR typing results to be used for matching purposes, sufficient DNA quality and/or quantity is necessary.

REMARKS:

It is noted that items 1, 3, 4, and 6 were consumed during the DNA Casework Unit examinations.

This report contains the opinions/interpretations of the examiner(s) who issued the report. The supporting records for the opinions and interpretations expressed in this report are retained in the FBI files. The submitted items will be returned to you under separate cover. For questions about the content of this report, please contact Forensic Examiner Tiffany L. Smith at (703) 632-7789. For questions about the status of your submission, including any remaining forensic examinations, please contact Request Coordinator Erin Martin at (703) 632-7708.

In addition to the evidence in the case, the DNA Casework Unit has generated secondary evidence that will also be returned to you. The secondary evidence can be found in a package marked DNA Casework Unit Secondary Evidence. It is recommended that this evidence be stored in a refrigerator or freezer and isolated from evidence that has not been examined.

Tiffany L. Smith
DNA Casework Unit

Attachment #9

Rennee DeSaye

From: Quinn Jolly <quinnjollylaw@gmail.com>
Sent: Friday, October 13, 2017 9:48 AM
To: Rennee DeSaye; Julia Cassels; James Valdez
Subject: Going Forward

Dear Rennee,

I spoke to Justin on Thursday, October 12 via phone and he recounted to me that you had visited him the day prior. He indicated to me that at least part of the time with you was spent reviewing the report you created. Your email today also indicates you reviewed parts of the report with him.

Julia and I had both previously indicated to you that you were not to review the report with him. You agreed that you would not. There are a substantial number of reasons for this, but primary among them is that we cannot be "feeding" him information. We don't want him to remember things he doesn't have a memory of. It is detrimental to his case and to his mental health. I will presume negligence at this point, but to be clear, neither he nor his family nor any witness, expert, or other professional are to be made aware of any of the contents of your report at this time.

At this point, I need you to be focusing on developing the mitigation. Accordingly, we need you to spend time visiting with the family, friends, professionals who worked with Justin, and other mitigation witnesses, as well as acquiring records. I would like you to have regular contact with these people so you can develop a trusting relationship with them. Only through that trust will they begin to tell you things they wouldn't normally tell anyone.

Please, do not discuss the discovery with Justin. Julia and I will handle reviewing and explaining any discovery or discovery issues with Justin. If there is any document in the discovery that you feel you need to discuss with the client please, discuss this with Julia and I before you proceed.

If Justin sends mail to any team member, all team members need to be contacted right away. No team member is to forward any mail at Justin's request. I had a similar issues in the past and I don't wish to repeat it in this case.

As the attorneys on this case, Julia and I are ultimately responsible. We are the ones that will be held accountable. Please confirm your receipt and acknowledge that you will abide by the foregoing.

I appreciate your part in this team. I know you work very hard and I appreciate what you do. My goal is to get everyone focused on certain areas of the case which I feel may not have been properly addressed in the past.

Sincerely,

Quinn Jolly

This message and any attachments are confidential and may also contain privileged attorney-client information or work product. If you are not an intended recipient of confidential and privileged information in this email or its attachments, you may not disseminate, use, distribute, or copy this communication. Please delete this message and notify us immediately at QuinnJollyLaw@gmail.com. Thank you.

Attachment #10

Greg McPhillips

From: Don Bischoff
Sent: Friday, December 14, 2018 11:24 AM
To: Julia Cassels; James Valdez
Cc: Blake Schritter; Greg McPhillips
Subject: RE: RECTOR LEGAL DOCUMENTS / DVD'S

Mr. Valdez,

Please reach out to me and I'll do what we can to accommodate these materials getting to Rector. I'm willing to meet you anywhere to pick up the materials if that helps.

Thanks
Don

Captain Don Bischoff, CCHP
Mohave County Sheriff's Office
Detention Division
501 W. Highway 66
Kingman, Arizona 86401
[redacted]

From: Julia Cassels [mailto:julia@juliacasselslaw.com]
Sent: Friday, December 14, 2018 11:20 AM
To: Don Bischoff <Don.Bischoff@mohavecounty.us>; James Valdez <ArizonaPI@live.com>
Cc: Blake Schritter <Blake.Schritter@mohavecounty.us>; Greg McPhillips <Greg.McPhillips@mohavecounty.us>
Subject: Re: RECTOR LEGAL DOCUMENTS / DVD'S

Mr. Valdez was advised the jail would not accept them when he delivered them on Wednesday, so I believe the boxes remain in the back of his vehicle. I believe he is in Phoenix today at a death penalty seminar. I've added him to this email thread so he can advise on what can be done.

On Fri, Dec 14, 2018 at 11:15 AM Don Bischoff <Don.Bischoff@mohavecounty.us> wrote:

Julia,

As you are aware, there was some debacle involving the box of materials that Mr. Valdez tried to drop off earlier this week. As I had indicated or implied in court, there would be no issues with the jail facilitating Mr. Rector's viewing of any materials associated with his case. I'm not exactly sure of the details from this week's debacle, but it was most likely a misunderstanding or miscommunication on the jails part.

After the issue this week, I fully expected to hear from you or Mr. Valdez to work through whatever the issue was but to date have not heard from either of you.

I know have a kite from Rector asking for the box and the DVD's that were involved with the attempt earlier this week. If the materials can be brought back to the jail or some arrangement can be made for us to pick them up, please let me know and I'll assure that Rector gets the materials and has the ability to view the DVD material as well.

I'm aware that his next hearing is on Tuesday next week, and I gather that Rector wants to view that material before the hearing. I'm prepared to make sure that he has every opportunity to view as much material as he wants all through the weekend and accommodate as much staff and time as maybe necessary for him to accomplish that.

Please advise how I can help. As always, I am accessible 24/7 if needed.

Thanks

Don

Captain Don Bischoff, CCHP

Mohave County Sheriff's Office

Detention Division

501 W. Highway 66

Kingman, Arizona 86401

[redacted]

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Julia Cassels
Attorney at Law

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