

1 Matthew J. Smith
Mohave County Attorney
2 Gregory A. McPhillips
Deputy County Attorney
3 State Bar No. 016262
315 N. 4th Street
4 P O Box 7000
Kingman, AZ 86402
5 Telephone: (928) 753-0719
Fax No.: (928) 753-2669
6 CAO.Court@mohavecounty.us
Attorney for Plaintiff

FILED
BY: D
2015 SEP 29 AM 11:51
VIRLYNN TINNELL
SUPERIOR COURT CLERK

7 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
8 **IN AND FOR THE COUNTY OF MOHAVE**

9 STATE OF ARIZONA,
10 Plaintiff,

11 vs.

12 JUSTIN JAMES RECTOR,
13 Defendant.

No. CR-2014-1193

State's case status report for
September 30, 2015

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

17 **Notice of interviews completed**

18 Since the last hearing, the parties have interviewed 4 State witnesses. On the
19 morning of the Status Hearing, 3 more interviews are set. The parties have interviewed a
20 total of 29 State witnesses. The parties still have many interviews to conduct.

21 The State hopes that further interviews can be scheduled in October and
22 November.

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

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

Defendant may object to this exam. The court has allowed this exam to be placed on hold



11
11
11
11
11

1 while defendant decides if he objects to this exam. If defendant is objecting, that record
2 needs to be made. If defendant does not object then the exam must be completed.

3 **Request for a law & motion hearing for pending motions**

4 The State requests a law & Motion hearing to resolve pending motions. A ruling
5 has not been made on the following motions:

- 6 • State's amended notice of intent to seek the death penalty filed on February 17;
- 7 • Defendant's motion to extend rule 12.9 motion filed March 9;
- 8 • Defendant's Notice of invocation of Constitutional Rights filed March 9;
- 9 • Defendant's notice to interview all witnesses filed March 9;
- 10 • Defendant's initial motion for discovery filed March 9;
- 11 • Defendant's motion for disclosure of identity of all informants filed April 22;
- 12 • Defendant's motion to invoke Evidence Rule 615 at all hearings filed April 22;
- 13 • Defendant's motion to preclude post-verdict contact between the trial judge
14 and jury filed April 26;
- 15 • Defendant's motion to preclude officers from wearing uniforms filed May 5;
- 16 • Defendant's motion-in-limine objection to improper prosecutorial arguments
17 that unduly inflame the jury filed May 12;
- 18 • Defendant's motion in to preclude victim impact statements filed May 12.
- 19 • Defense motion to allow independent defense investigatory access to the
20 alleged victim(s) without any interference from the prosecution filed on July 15;
- 21 • Defendant's motion to allow defendant access to laptop in jail to review
22 discovery and assist case preparation filed on July 16;
 - 23 ○ State motion to request an accelerated date (Re: evidentiary hearing on
24 defendant's motion to allow defendant access to laptop in jail to review
25 discovery and assist case preparation) filed on July 28;

- Defense motion for individually voir dire of prospective jury members outside the presence of other potential prospective jury members filed on August 20, 2015;
- Defendant's motion for change of venue filed on August 25;
- Defendant's motion for special procedures to insulate the venire and the empaneled jury filed on August 26;
- Defense motion for individually voir dire of prospective jury members outside the presence of other potential prospective jury members filed on August 20, 2015;
- Defense motion to preclude the imposition of death as a potential punishment filed on September 11, 2015;
- Defendant's motion in limine / pretrial objections/ to improper prosecutorial arguments that misstate the role of a juror in a death case filed on September 16, 2015;
- Defendant's motion to submit a detailed jury questionnaire to the potential jury in concert with extended oral voir dire by both defendant and the state filed on September 16, 2015;
- Defense motion to permit execution impact evidence filed on September 16, 2015.

Determine if a Chronis Hearing must be set

The State notes that Defendant can request a *Chronis* hearing (a probable cause determination for alleged aggravating circumstances). The Arizona Supreme Court, in *Chronis v. Steinle*, 220 Ariz. 559, 563, 208 P.3d 210, 214 (2009), has held:

Arizona Rule of Criminal Procedure 13.5(c) allows a defendant in a capital case to request a probable cause determination for alleged aggravating circumstances. Such determinations are to be made following the procedure in Arizona Rule of Criminal Procedure 5, under which the State bears the burden of proof.

1 Is defense requesting such a hearing? If so then the hearing must be set.

2
3 RESPECTFULLY SUBMITTED THIS 29TH DAY OF SEPTEMBER, 2015.

4 MOHAVE COUNTY ATTORNEY
5 MATTHEW J. SMITH

6
7 By 
8 DEPUTY COUNTY ATTORNEY
9 GREGORY A. MCPHILLIPS

10 A copy of the foregoing
11 sent this same day to:

12 HONORABLE LEE F. JANTZEN
13 SUPERIOR COURT JUDGE

14 Gerald T. Gavin
15 3880 Stockton Hill Road, Suite 103-450
16 Kingman, AZ 86409

17 RONALD S. GILLES
18 LEGAL DEFENDER
19 Mohave County Legal Defender's Office
20 P O Box 7000
21 Kingman AZ 86402

22 By 