

The Law Office of Gerald T. Gavin
3880 Stockton Hill Road Suite 103-450
Kingman Arizona 86409
((928)530-0948 480) 233-6038
geraldgavinlaw@gmail.com

1 **Gerald T. Gavin**
2 State Bar #013842
3 **Ron Gilleo**
4 State Bar # 016928
5 3880 Stockton Hill Road STE 103-450
6 Kingman Arizona 86409
7 Email: geraldgavinlaw@gmail.com
8 (928) 530-0948 / (480) 233 -6038
9 Attorneys for Justin James Rector

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2015 MAY 22 AM 10:02
VALYNN 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.

14) NO: CR 2014-01193

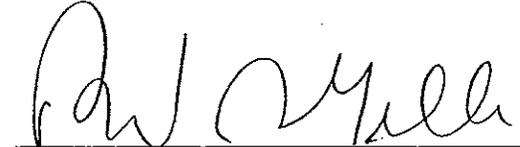
15) **DEFENDANT'S REPLY TO STATE'S**
16) **RESPONSE TO DEFENDANT'S**
17) **INVOCATION OF ARIZONA RULE OF**
18) **EVIDENCE 615 FOR ALL**
19) **PROCEEDINGS**

20) (ASSIGNED TO THE HON. LEE JANTZEN)

21 Defendant Justin James Rector, by and through undersigned counsel, replies to
22 the States Response to Defendant's Motion to Defendant's Invocation of Arizona Rule
23 of Evidence 615 For All Proceedings, for the reasons contained in the Memorandum
24 attached hereto and incorporated herein.

25 **RESPECTFULLY SUBMITTED This** 22nd **day of May, 2015.**

26 
27 **GERALD T. GAVIN**
28 **Co-Counsel for Mr. Rector**

26 
27 **RON GILLES**
28 **Co-Counsel for Mr. Rector**



S8015CR201401193

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M E M O R A N D U M

Like many of the defendant's previous motions, the intent of this motion is to ensure the integrity of the proceedings, avoid potential error, and go through this very difficult trial once, which is in all parties interest, including the victims and citizens of Mohave County.

There will likely be numerous hearings in this case before an actual trial. It is unknown at this juncture how each hearing may proceed; it is entirely conceivable that a hearing may begin, and the court wishes to take testimony from a witness on issues before the court that day. If a potential witness has been sitting for minutes, or hours, in the courtroom before such a decision to take testimony is made, it is easily conceivable that a witness may be tainted, and the intent of Rule 615 completely circumvented, only because a prospective witness was present in the courtroom to hear arguments of counsel, and analysis of the court, before hitting the witness stand.

To ensure the integrity of the process, and avoid tainted testimony and potential exclusion of witnesses from presenting testimony, a simple prophylactic order to keep any listed witnesses out of pretrial proceedings is prudent, expedient and necessary for a fair trial for all parties. It does not seek to exclude the vast majority of the general public from the courtroom; it does seek to preclude anyone previously listed as a potential trial witness from being privy to pretrial discussions prior to any testimony. There is no public policy reason to allow them there and so exposed; there is a great public policy reason to exclude that small group of people, already known to the parties, from improper taint and coaching by watching proceedings they have no business attending. If the State wants them to enjoy the ability to be present for such pretrial matters, unlist them as witnesses and declare they will not be called at trial. Absent that, such an order is necessary to ensure...again...the defendant's rights of

1 Confrontation, Equal Protection and Fundamental Fairness, under the Federal and
2 State Constitutions, is guarded. No such rights are waived by the defense, *any any*
3 *permission to allow potential witnesses to remain in the courtroom is over the strident*
4 *and ongoing objections of the defense.*

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1 ORIGINAL of the foregoing filed
2 this 12 day of May, 2015 with:

3 Clerk of Court
4 401 E Spring Street
5 Kingman Arizona 86401

6
7 COPY of the forgoing
8 Delivered this 17 day
9 Of May, 2015, to:

10 Honorable Lee Jantzen
11 Judge of the Superior Court
12 Mohave County Courthouse
13 2nd floor
14 Kingman Arizona 86401

15 Greg McPhillips
16 Assigned Deputy County Attorney
17 PO Box 7000
18 Kingman Arizona 86401

19 Ron Gilleo
20 Mohave County Legal Defender
21 Co-Counsel for Justin James Rector
22 313 Pine Street
23 PO Box 7000
24 Kingman Arizona 86401

25 Client Justin James Rector
26 Mohave County Jail

27 File

28 BY: 