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VIRLYNN TINWELL  
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 RESPONSE TO DEFENSE  
MOTION TO ALLOW INDEPENDENT  
DEFENSE INVESTIGATORY ACCESS  
TO THE ALLEGED VICTIM(S)  
WITHOUT ANY INTERFERENCE  
FROM THE PROSECUTION**

14 COMES NOW, the State of Arizona, by the Mohave County Attorney and through  
15 the undersigned deputy, Gregory A. McPhillips, Defense Motion to Allow Independent  
16 Defense Investigatory Access to the Alleged Victim(s) Without any Interference from the  
17 Prosecution should be denied.

18 **ISSUE**

19 The crux of defendant's motion is a claim that Ariz. Rev. Stat. Ann. § 13-4433 is  
20 unconstitutional. Defendant cites no authority to support his claim. As such, defendant's  
21 claim is without legal merit and the court shall deny defendant's motion.

22 **ARGUMENT**

23 Ariz. Rev. Stat. Ann. § 13-4433 states:

24 The defendant, the defendant's attorney or an agent of the defendant shall  
25 only initiate contact with the victim through the prosecutor's office. The  
prosecutor's office shall promptly inform the victim of the defendant's  
request for an interview and shall advise the victim of the victim's right to  
refuse the interview.



1 The purpose of the Victim's Bill of Rights, and specifically the victim's right to  
2 refuse an interview, is "to provide crime victims with basic rights of respect, protection,  
3 participation" and to aid the "healing of their ordeals."<sup>1</sup> As such, the right to refuse a  
4 defense interview allows a victim to avoid contact with the defendant before trial.<sup>2</sup> The  
5 right also respects the victim's privacy.<sup>3</sup> Arizona Courts have recognized that unwelcome  
6 contact by the defense may subject the victim to further trauma.<sup>4</sup> These purposes also  
7 support requiring agents of the defendant to only initiate contact with the victim through  
8 the prosecutor's office.

9 **CONCLUSION**

10 Defendant cites no authority to support his claim that Ariz. Rev. Stat. Ann. §  
11 13-4433 is unconstitutional. Therefore, defendant's claim is without legal merit. The  
12 court shall deny defendant's motion.

13 RESPECTFULLY SUBMITTED THIS 20TH DAY OF JULY, 2015.

14 MOHAVE COUNTY ATTORNEY  
15 MATTHEW J. SMITH

16 By   
17 DEPUTY COUNTY ATTORNEY  
18 GREGORY A. MCPHILLIPS

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24 <sup>1</sup> *J.D. v. Hegyi*, 236 Ariz. 39, 42, 335 P.3d 1118, 1121 (2014), citing *Champlin v. Sargeant*,  
192 Ariz. 371, 375 ¶ 20, 965 P.2d 763, 767 (1998) (quoting 1991 Ariz. Sess. Laws, ch.  
229, § 2(2) (1st Reg.Sess.)) (internal quotation marks omitted).

25 <sup>2</sup> *Id.*, citing *State v. Riggs*, 189 Ariz. 327, 330, 942 P.2d 1159, 1162 (1997).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.* citing *Draper*, 162 Ariz. at 438, 784 P.2d at 264 (recognizing defense interviews may  
result in further trauma).

1 A copy of the foregoing  
sent this same day to:

2  
3 HONORABLE LEE F. JANTZEN  
SUPERIOR COURT JUDGE

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6 RONALD S. GILLES  
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9 By GTP

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