

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
Telephone: (928) 753-0719
5 Fax: (928) 753-2669
CAO.Court@mohavecounty.us
6 Attorney for Plaintiff

FILED

BY: _____ *AD*

2018 APR 17 AM 9:10

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,

Plaintiff,

10 vs.

11 JUSTIN JAMES RECTOR

12 Defendant.

No. CR-2014-1193

**STATE'S RESONSE TO
DEFENSE MOTION TO COMPEL**

13 COMES NOW, the State of Arizona, by the Mohave County Attorney and
14 through the undersigned Deputy County Attorney, Gregory A. McPhillips,
15 respectfully responds to defendant's motion to compel filed on March 22, 2018.

16 Issue

Defendant's disclosure motion should be dismissed because it is moot.

Defendant's disclosure motion should be dismissed because it is not ripe.

18 Procedural History

19 On the 19th of March 2018 undersigned counsel spoke with the defense
20 team about disclosure requests. The parties identified items, the defense were
21 requesting, that had previously been disclosed, and the State re-disclosed:

- 22 • Three digital disks of information from the FBI;
- 23 • Pages 1240-1464;
- 24 • One digital disk with photos of garbage bin.



1 After this re-disclosure, many of the defense requests seemed resolved. The
2 parties discussed sitting down together, on the 2nd day of April 2018, and
3 confirming defense possession of disclosure already provided.

4 At the Status Hearing held on the 19th of March 2018, the Court was
5 informed of this procedure. This Motion to Compel would be discussed at the
6 May 19 Status Hearing.

7 While the present motion to compel was discussed at the March 19
8 hearing, Defendant filed the motion to compel on March 22, 2018.¹

9 The State was waiting to respond to this motion until after the disclosure
10 meeting. That is no longer possible; so the State responds now.

11 Facts

12 At defense request, the disclosure meeting set for the 2nd day of April 2018
13 needed to be reset. The disclosure meeting was reset for the 17th day of April
14 2018.

15 At defense request, the disclosure meeting set for the 17th day of April
16 2018 must be reset. Undersigned counsel will be in trial for the next two weeks.
17 The new disclosure meeting has not yet been reset. It is possible, that process
18 may not be completed prior to the May 19 Status Hearing.

19 Argument

20 The disclosure in this case is voluminous. A sit down meeting between the
21 parties where the disclosure is catalogued is necessary to determine if the
22 parties are on the same footing and if current disclosure requests have already
23 been fulfilled.

24 The State does not doubt, or contest, the good faith basis for defense
continuance of the scheduled disclosure meetings. That said, the State cannot
fully address the defense disclosure concerns until undersigned counsel is

¹ There may have been some mailing delay in the filing of this motion as the filing of this motion was referenced during the March 19 requests.

1 satisfied that the defense actually possesses all of the State's disclosure. The
2 State will continue to strive to solve all disclosure concerns.

3 As the State has re-disclosed items requested in defendant's motion to
4 compel filed on March 22, 2018, Defendant's Motion is moot and should be
5 dismissed. As the State is seeking, in good faith, to determine what previously
6 disclosed evidence the defense possesses, Defendant's Motion is not ripe and
7 should be dismissed.

8 Conclusion

9 Defendant's disclosure motion should be dismissed because it is moot.

10 Defendant's disclosure motion should be dismissed because it is not ripe.

11 RESPECTFULLY SUBMITTED THIS 17TH DAY OF APRIL, 2018.

12 MOHAVE COUNTY ATTORNEY
13 MATTHEW J. SMITH

14 By 

15 DEPUTY COUNTY ATTORNEY
16 GREGORY A. MCPHILLIPS

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

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3 HONORABLE LEE F. JANTZEN
SUPERIOR COURT JUDGE

4 Julia Cassels
2642 E. Thomas Rd.
5 Phoenix, Arizona 85016

6 By _____

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