

FILED

TIME 2:30 PM

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

FEB 13 2017

IN AND FOR THE COUNTY OF MOHAVE

HONORABLE LEE F. JANTZEN  
DIVISION 4  
DATE: FEBRUARY 13, 2017

VIRLYNN TINNELL  
CLERK SUPERIOR COURT  
BY: PSA DEPUTY  
DL

COURT ORDER/NOTICE/RULING

STATE OF ARIZONA,  
Plaintiff,

NO. CR-2014-01193

vs.

JUSTIN JAMES RECTOR,  
Defendant.

The Court was asked by Defense Counsel during the last hearing to explain how the Court wants defense counsel to file any motions that relate to mitigation and therefore, may need to be filed *ex parte* without notice to the State. This is a proper procedure in death penalty cases that is rare enough that the Court obviously didn't know the exact nature of the procedure.

The following are requirements for any *ex parte* proceedings, requests or communications with this Court:

1. Defendant will file two written motions; 1. the *ex parte* request, giving the State and Victim a chance to object; and 2. the substantive motion. The second motion may be filed under seal.

2. The substantive motion must include not only the specifics of the request, but the reasons why there is a need for confidentiality per Rule 15.9(b) and *Morehart v. Barton*, 226 Ariz. 510, 250 P.3d 1139 (2011). The Court will determine whether a proper showing for confidentiality has been made before any motion is granted.

3. Any *ex parte* communication will be done on the record.

4. The Court will not hold any *ex parte* proceedings involving scheduling issues or substantive case issues.

Once the procedure is followed and the Court finds the burden has been met, the Court will issue a separate order.



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cc:

Mohave County Attorney\*

Gerald Gavin\*

and

Julia Cassels

Attorneys for Defendant

Mohave County Jail\*

Honorable Lee F Jantzen

Division 4