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VIRLYNN TINNELL
CLERK SUPERIOR COURT
BY: *[Signature]* DEPUTY

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6 Telephone: (480) 442-0740
7
8 Attorney for Justin Rector

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR COUNTY OF MOHAVE

10 STATE OF ARIZONA,)	CR2014-01193
)	
11 PLAINTIFF,)	
)	
13 v.)	DEFENDANT JUSTIN RECTOR'S
)	MOTION TO DETERMINE
14 JUSTIN JAMES RECTOR,)	COUNSEL
)	
15 DEFENDANT.)	
)	
17)	HONORABLE LEE JANTZEN

19 The Defendant, Justin Rector, through undersigned counsel, respectfully
20 requests the Court make a determination as to the status of counsel in this matter
21 as expeditiously as possible, given the State has now moved to dismiss the death
22 penalty. The State's Motion indicates the passage of time in the proceedings as a
23 ground for the dismissal. Counsel is aware the Court will seek to greatly
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1 accelerate the proceedings given this development and counsel must be aware of
2 how to proceed in order to be prepared to proceed on a non-capital timeline.
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5 **RELEVANT PROCEDURAL HISTORY:**

6 Attorney Julia Cassels was assigned this matter as second-chair counsel in
7 June of 2016, following Mr. Ron Gilleo's withdrawal due to a conflict of interest.
8 Ms. Cassels is also counsel of record in Mr. Rector's 2017 matter. Attorney
9 Quinn Jolly was assigned this matter as first-chair counsel in September of 2017
10 after Mr. Gerald Gavin withdrew. Investigator James Valdez was assigned the
11 case at the same time as Ms. Cassels, in the summer of 2016. Mitigation
12 Specialist Renee DeSaye was assigned the case at the time of Mr. Gavin's
13 appointment in 2015. Paralegal Erin Whitfield was appointed to the case in the
14 fall of 2017.
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19 The contracts currently held via Mohave County Indigent Services on this
20 matter indicate they are for capital contract work. As this is no longer a capital
21 case, counsels' contracts are thereby null and void and new appointments are
22 required.
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25 Both the Mohave County Public Defender's Office and the Legal
26 Defender's Office have withdrawn due to conflicts of interest. The dropping of
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1 the death penalty does not erase these conflicts and thus, they are rendered
2 ineligible to handle the case.
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5 **ARGUMENT:**

6 Counsel is requesting the Court issue an Order appointing current counsel
7 to the continued representation of Mr. Rector. Counsel also requests that the
8 remainder of the team remain in place. The reasons for these requests are several:
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11 A. The Discovery in the Case is Voluminous

12 As previously discussed, the discovery in this matter is voluminous. There
13 are some 1250 plus bates-stamped pages provided by the State in addition to
14 hundreds of hours of recordings of witness statements and interviews. There are
15 also significant amounts of other recordings, including surveillance video and the
16 like. The sheer amount of time counsel has invested in reviewing the discovery
17 and becoming familiar with it is striking. If new counsel were to be appointed,
18 this would create a sizeable time delay in a case that is already aged over three
19 years.
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23 Additionally, Investigator Valdez has invested nearly two years in his
24 factual investigation in the case. There is information he has developed that is
25 impossible to recreate as significant time as passed since the date of the alleged
26 offense. His knowledge and work on this case is irreplaceable.
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1 B. Mr. Rector Desires to Maintain His Current Team

2 The capital team in this matter has spent hundreds of hours with Mr.
3 Rector. The relationship that has been developed is a very strong one. Mr.
4 Rector trusts the team and believes they have his best interests at heart.
5 Additionally, Mr. Rector's family has developed relationships with the team
6 members. A change in counsel would be devastating to Mr. Rector, as he has
7 already had a series of replacements of his attorneys, due to factors entirely out of
8 his control.
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12 C. The Current Team is Committed to Mr. Rector

13 The team that exists in this case is committed to Justin, his family, and his
14 case. The professional investment is perhaps clear, however, the personal
15 investment each member of the team has made in Justin is remarkable.
16

17 D. Yet Another Change in Counsel Would Perpetuate and Aggravate the
18 Appellate and Post-Conviction Issues in This Matter

19 The Court is aware of the difficulties current counsel have had in obtaining
20 documents from prior counsel, as well as counsel's concerns regarding "work
21 product" that are not reduced to document form. Another change in counsel
22 would only perpetuate these issues, and again, require new counsel to essentially
23 start the case over.
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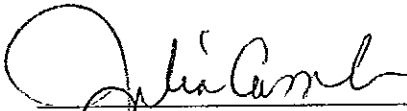
27 E. Keeping the Team in Place in Fact Eases Budgetary Concerns
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1 The rates for counsel, investigators, mitigation specialists, and paralegals
2 vary under the terms of the Indigent Defense Services contract. By allowing the
3 entire team to remain in place, activities can be carried out by an investigator and
4 not an attorney, thus creating a cost savings.
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8 **CONCLUSION:**

9 Mr. Rector requests the Court keep his current counsel and his current team
10 in place. Counsel and the team are aware of the budgetary concerns of Mohave
11 County. However, Mr. Rector remains entitled to all of his rights to counsel
12 under the United States and Arizona Constitution.
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16 Respectfully submitted this 20th day of February, 2018.
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21 JULIA CASSELS
22 Counsel for Defendant
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1 Original filed this 20th day of
2 February, 2018 and
3 hand-delivered to:

4 Clerk of the Court
5 Mohave County
6 401 E. Spring Street
7 Kingman, Arizona 86401

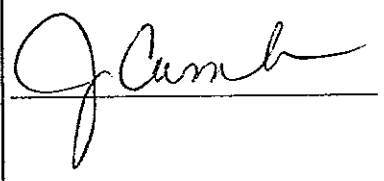
8 Honorable Lee Jantzen
9 Judge of the Superior Court

10 Mr. Greg McPhillips
11 Deputy County Attorney

12 Mr. Justin Rector
13 Mohave County Jail

14 Client File

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