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FILED  
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2015 MAY 12 PM 2:47  
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,**

10 Plaintiff,

11 vs.

12 **JUSTIN JAMES RECTOR**

13 Defendant.

14 NO: CR 2014-01193

15 DEFENDANT'S MOTION TO DELAY  
16 ANY MENTAL HEALTH, I.Q., OR  
17 RELATED TESTING *until* MR.  
18 RECTOR'S MEDICAL, MENTAL  
19 HEALTH AND TREATMENT RECORDS  
20 CAN BE GATHERERED/ OBJECTION  
21 TO ANY SUCH TESTING AT THIS TIME

(ASSIGNED TO THE HON. LEE JANTZEN)

22 Defendant Justin James Rector, by and through undersigned counsel **OBJECTS**  
23 to any physical, mental health, I.Q., or any such testing, *at this particular time*, for the  
24 reasons contained in the Memorandum attached hereto and incorporated herein.

25 **RESPECTFULLY SUBMITTED This** 12<sup>th</sup> **day of May, 2015.**

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

  
**RON GILLEO**  
**Co-Counsel for Mr. Rector**



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MEMORANDUM

The use of Mental Health Exams, *at this particular time*, will deny Mr. Rector's Due Process under the Fifth and Fourteenth Amendments to the United States Constitution and Article II, §4 of the Arizona Constitution; violate his right to confront witnesses under the Sixth Amendment to the United States Constitution, and Article II, § 24 of the Arizona Constitution

The Defendant has made it clear to the Court and State that at a time in the future Mental Health exams...including I.Q. Testing...will be performed and will likely be part of the Defense proffered by his team. *The Court seemed to indicate at the hearing on May 6<sup>th</sup>, 2015, at the behest of the State, that I.Q. testing will take place in the near future. For the record...any such testing ordered, before the Mitigation Expert for the defense has a chance to gather most, if not all, of Mr. Rectors Health Records, including physical and MENTAL AND SUBSTANCE ABUSE TREATMENT RECORDS, IS DONE OVER THE STRIDENT OBJECTIONS OF THE DEFENSE.*

There is no overriding legal or medical reason to order testing at this time. There is, however, *every reason* to exercise caution, and ensure the veracity and accuracy of such testing, by providing all mental health experts a complete copy of the health records gathered on Mr. Rector's behalf, so they may possibly adjust testing, account for anomalies, order specific tests or conditions of testing, and aid in interpreting and reviewing the results of testing. Incorrect tests, or incorrect interpretations of results, has the potential to eviscerate possible defenses, and cost Mr. Rector his life. The defense simply asks that our recently appointed Mitigation Expert Rennee DeSaye be given the opportunity to gather these materials and make them available for experts.

1 The State and Court offered no explanation as to why this testing is being  
2 rushed, and potentially ordered over Defense objection. Present defense counsel has  
3 been on the case a little over 2 months; the defense has not lingered or wasted time, as  
4 evidenced by the number of pretrial motions already filed by present counsel.

5 Counsel does not comprehend the benefits of rushing this prosecution "to keep it  
6 moving". Mistakes at this stage, especially forced ones for expediency sake, is not in  
7 the interest of justice, judicial economy, the victims and the defendant. It is a recipe for  
8 mandating this matter be repeated, doubling or more the costs of litigation. Any  
9 conviction will likely face reversal, and vacating any conviction, and subjecting the  
10 victims and Mr. Rector to an unreasonable emotional rollercoaster. It weakens  
11 confidence in the judiciary, and conveys that pushing cases through the system is the  
12 goal, not getting a fair and just result and insuring any death sentence has been  
13 rendered after a thorough defense and vetting of all possible facts a jury should  
14 consider.  
15

16 **The defendant objects to any mental health, I.Q, or any medical testing until**  
17 **Mr. Rector's personal health records are located, gathered, reviewed and**  
18 **assembled. Experts should have those available before any testing is ordered to**  
19 **begin. Any testing ordered is over the objection of the defense.**  
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1 ORIGINAL of the foregoing filed  
2 this 2<sup>nd</sup> 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<sup>th</sup> day  
9 Of May, 2015, to:

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

15 Greg McPhillips  
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25 Client Justin James Rector  
26 Mohave County Jail

27 File

28 BY: 