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2015 MAY 22 AM 10:04  
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  
11 Plaintiff,

12 vs.

13 **JUSTIN JAMES RECTOR**  
14 Defendant.

) NO: CR 2014-01193

) **DEFENDANT'S REPLY TO STATE'S  
RESPONSE TO DEFENDANT'S MOTION  
TO IDENTIFY INFORMANTS**

) (ASSIGNED TO THE HON. LEE JANTZEN)

15  
16 Defendant Justin James Rector, by and through undersigned counsel, replies to  
17 the Mohave County Sheriff's Office Response to: Defendant's Motion to Permit Mr.  
18 Rector to Appear in Civilian Clothing and Without Restraints at All Proceedings and All  
19 Pretrial and Trial Phases, for the reasons contained in the Memorandum attached  
20 hereto and incorporated herein.  
21

22  
23 **RESPECTFULLY SUBMITTED** This 22nd day of May, 2015.

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

28 **RON GILLES**  
Co-Counsel for Mr. Rector



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## MEMORANDUM

Addresssing the Sheriff's Office "Disagreement/ Argument" section of its Response, the Sheriff's office maintains, in relevant part ... "Defendant's argument about how pretrial publicity and hearings could someone [sic: somehow] prejudice him is not based in law or fact and is purely speculative as it assumes that every potential juror in the county is following the media coverage and/or attending every hearing in which defendant is visibly restrained and in jail garb." The defense responds thus. Defendant's argument is speculative, because the events haven't happened yet. That is not fatal to the concern or the argument. The sun has not risen tomorrow, but the defense is nearly certain it will; there is no need to wait for the action to happen to accurately predict it could. The state refers to the defense assuming ... "that **every potential juror** in the county is following media coverage and/ or attending every hearing...." The defense is absolutely correct that media coverage *does potentially expose the entire jury pool in this county to these prejudicial images*. The defense understands not everyone will see it; the defense also understands such material will easily be found online long after initial media coverage takes place. In so doing, it will potentially taint most of the jury pool. Can the defense prove this. No. By the same token, can the State *prove it will not*? The simple solution, which protects all the parties and the viability of the largest possible jury pool, necessary in a jury selection pool this large, is to simply prevent such prejudicial images from being put in the public purview. The Supreme Court has already recognized a defendant cannot be brought to trial sitting in striped jail garb and shackled or handcuffed; its too prejudicial and will taint a jury. Those same images of the same defendant are no less damaging if the public is exposed to them pretrial. The danger to the defense getting a fair trial is too great. The defendant has been completely compliant, and there is no reason for visible jail garb

1 and visible restraint in front of the media and public pretrial in this case. The defense  
2 notes the Sheriff's office devotes nearly its entire response to the use of nonvisible  
3 restraint, not jail garb. The jail garb and visible restraints are the most damaging to the  
4 public's perception of Mr. Rector, and have the potential to cause the most damage, as  
5 they convey local authorities believe Mr. Rector is someone to fear, thus conveying his  
6 guilt before he is adjudicated as such. The defense could acquiesce to the States use  
7 of nonvisible restraint in the spirit of compromise and common sense. The defense  
8 could agree with the Sheriff's department in the use of nonvisible restraint, and objects  
9 only to visible restraint if the court is allowing them restraint at all.  
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1 ORIGINAL of the foregoing filed  
2 this 12 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 22 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  
16 Assigned Deputy County Attorney  
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18 Kingman Arizona 86401

19 Ron Gilleo  
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25 Client Justin James Rector  
26 Mohave County Jail

27 File

28 BY: 