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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR COUNTY OF MOHAVE

11	STATE OF ARIZONA,	)	CR2014-01193
12		)	
13	PLAINTIFF,	)	
14		)	
15	v.	)	DEFENDANT JUSTIN RECTOR'S
16	JUSTIN JAMES RECTOR,	)	RENEWED MOTION FOR
17		)	DISCLOSURE OF NOTES AND
18	DEFENDANT.	)	OTHER RECORDS BY THE
19		)	MEDICAL EXAMINER
20		)	
21		)	HONORABLE LEE JANTZEN

22 The Defendant, Justin Rector, through undersigned counsel, respectfully
23 requests the Court issue an Order directing the the Mohave County Prosecutor's
24 Office to disclose any and all additional discoverable material, including but not
25 limited to the following, pursuant to Rule 15.1 of the Arizona Rules of Criminal
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1 Procedure ("ARCP") related to the autopsy completed by Dr. Roxene Worrell in
2 this matter.

3 4 5 RELEVANT BACKGROUND

6 The State made its initial disclosure in this matter in 2014. As a part of
7 that disclosure, the autopsy performed by Dr. Roxene Worrell was disclosed.
8 However, additional documentation outside of her report were not disclosed.
9 Typically, an autopsy report is accompanied by the examiner's notes,
10 photographs, and other documentation created during the autopsy.
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13 14 15 ARGUMENT

16 These records are essential to preparation of Mr. Rector's case as they are
17 critical to the fact investigation. Due process embodies the fundamental notions
18 of fairness and incorporates "safeguards which are fundamental rights and
19 essential to a fair trial." *Specht v. Patterson*, 386 U.S. 605, 609-610 (1967). In
20 capital cases, the Eighth Amendment requires heightened reliability because
21 death is a qualitatively different punishment. *E.g., Lockett v. Ohio*, 438 U.S.
22 586 at 604 (plurality opinion) (1978).
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26 Capital cases differ from other criminal cases in numerous ways. The
27 possibility of death affects every phase of the litigation proceedings. It is
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1 beyond question that under the Sixth and Fourteenth Amendments trial counsel
2 is obligated to conduct a reasonable investigation. *E.g.*, *Strickland v.*
3 *Washington*, 466 U.S. 688, 673 (1984); *Wiggins v. Smith*, 539 U.S. 510, 521-22
4 (2003). One of the “well defined norms” of capital representation requires
5 attorneys in a capital case to immediately put in place plans for a punishment
6 phase defense. The duty to investigate includes the essential tasks of looking
7 into known leads and possible avenues of mitigation, and gathering records.
8 *E.g.*, *Rompilla v. Beard*, 545 U.S. 374, 382-83 (2005). As the United States
9 Supreme Court has explained, “the American Bar Association Standards for
10 Criminal Justice . . . describe[] the obligation in terms no one could
11 misunderstand”:
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17 “It is the duty of the lawyer to conduct a prompt
18 investigation of the circumstances of the case and to
19 explore all avenues leading to facts relevant to the
20 merits of the case and the penalty in the event of
21 conviction. The investigation should always include
efforts to secure information in the possession of the
prosecution and law enforcement authorities.”

22 *Rompilla*, 545 U.S. at 387 (quoting ABA Standards for Criminal Justice 4-4.1
23 (2d ed. 1982 Supp.)).
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2 CONCLUSION

3 Mr. Rector asks the Court to Order the State to disclose the entirety of the
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5 documentation, including but not limited to the examiner's notes, generated
6 during the autopsy in this matter.
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9 Respectfully submitted this 15th day of March, 2017.

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11 
12 GERALD GAVIN
13 Counsel for Defendant

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15 JULIA CASSELS
16 Counsel for Defendant
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1 Original filed this _____ day of
2 _____, 2017 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
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11 Mr. Greg McPhillips
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16 Mr. Justin Rector
17 Mohave County Jail

18 Client File
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