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VIRLYNN TINNELL
SUPERIOR COURT CLERK

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

STATE OF ARIZONA,

Plaintiff,

vs.

JUSTIN JAMES RECTOR

Defendant.

No. CR-2014-1193

**RESPONSE TO DEFENDANT'S
MOTION FOR FUNDING TO
APPOINT AN EXPERT**

COMES NOW, the State of Arizona, by the Mohave County Attorney and through the undersigned Deputy County Attorney, Gregory A. McPhillips, respectfully requests the court deny defendant's motion for expert funding to appoint a legal expert to testify before the court.

Defendant argues that he would not have entered the guilty plea had he known about negative forensic evidence test results. Legally, the Court needs to determine:

1. Defendant cannot withdraw from the plea because defendant represented himself at time of Change of Plea.
2. Defendant cannot withdraw from the plea because defendant cannot show manifest injustice as prior assigned counsel's performance was reasonable under all the circumstances.
3. Defendant cannot withdraw from the plea because defendant cannot show manifest injustice as defendant cannot show prejudice.



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2 Defendant is requesting a legal expert to explain the legal duties of a
3 defense counsel pursuant to State law and the Constitution.

4 An expert is not needed. Experts are intended to give the trier of fact, the
5 judge in this case, specialized knowledge that the trier of fact does not possess.
6 Rule of Evidence 701(c). In Arizona, the Judge is the legal expert in the room.
7 Defendant does not raise a matter of legal expertise that the judge, presiding
8 over this case, needs opinion testimony to help decide.¹

9 Defendant's motion should be denied.

10 RESPECTFULLY SUBMITTED THIS 27TH DAY OF FEBRUARY, 2019.

11 MOHAVE COUNTY ATTORNEY
12 MATTHEW J. SMITH

13
14 By 

DEPUTY COUNTY ATTORNEY
GREGORY A. MCPHILLIPS

15
16 A copy of the foregoing
17 sent this same day to:

18 HONORABLE LEE F. JANTZEN
SUPERIOR COURT JUDGE

19 JUSTIN RECTOR
MOHAVE COUNTY JAIL

20 By 
21
22
23

24 ¹ In this case the State motion to withdraw the death penalty allegation was granted on the 20th of February 2018.