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Attorney for Plaintiff

FILED

2019 FEB 27 AM 8: 31

YIRLYNH TINKELL 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

No. CR-2014-1193

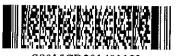
RESPONSE TO DEFENDANT'S MOTION FOR FUNDING TO APPOINT AN EXPERT

Defendant.

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

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

Defendant's motion should be denied.

RESPECTFULLY SUBMITTED THIS 27TH DAY OF FEBRUARY, 2019.

MOHAVE COUNTY ATTORNEY MATTHEW J. SMITH

Ву

DEPUTY COUNTY ATTORNEY GREGORY A. MCPHILLIPS

A copy of the foregoing sent this same day to:

HONORABLE LEE F. JANTZEN SUPERIOR COURT JUDGE

JUSTIN RECTOR MOHAVE COUNTY JAIL

By Gri

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