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FILED

BY: *CW*

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VIRLYAN T. ANSEL
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

**STATES NOTICE OF
OPPOSITION TO EX PARTE
COMMUNICATIONS AND
ORDERS AND FILINGS UNDER
SEAL and MOTION TO
PROHIBIT EX PARTE
COMMUNICATIONS AND
ORDERS AND FILINGS UNDER
SEAL**

COMES NOW, the State of Arizona, by the Mohave County Attorney and through the undersigned Deputy County Attorney, respectfully opposes ex parte communications and orders and filings under seal.

On the 16th of March 2015, Mr. Gavin filed a NOTICE OF LODGING MOTION FOR ENTRY OF *EX PARTE* ORDER // AND // REQUEST FOR COURT TO FILE THE PLEADINGS AND ORDER UNDER SEAL. Days prior to that request Mr. Gavin contacted undersigned counsel and explained that these ex parte activities were limited to funding mitigation experts in a case where the death penalty was alleged. The State did not object under those circumstances. To be clear, the State is not alleging any wrongdoing has occurred.

Circumstances have changed. The death penalty is withdrawn. The State believes that such ex Parte communications are still occurring. Ex Parte communications are not the norm, in litigation, but they sometimes occur in death

1 penalty cases—because "*death is different*." The defense no longer needs to
2 address, ex parte, funding of mitigation experts in a case where the death
3 penalty is alleged.

4 The State moves this court to end further ex parte communications and
5 orders and filings under seal.

6 RESPECTFULLY SUBMITTED THIS 10TH DAY OF AUGUST, 2018.

7 MOHAVE COUNTY ATTORNEY
8 MATTHEW J. SMITH

9 By 

10 DEPUTY COUNTY ATTORNEY
11 GREGORY A. MCPHILLIPS

12 A copy of the foregoing
13 sent this same day to:

14 HONORABLE LEE F. JANTZEN
15 SUPERIOR COURT JUDGE

16 JULIA CASSELS
17 ATTORNEY FOR DEFENDANT
18 Law Office of Julia Cassels
19 2642 East Thomas Road
20 Phoenix, AZ 84015

21 By 