

SUPERIOR COURT OF ARIZONA  
APACHE COUNTY

**FILED**

**11/10/2008**

Michael P. Roca, Judge Pro Tem COURT REPORTER: (Digitally Recorded)  JV2008065  In re the matter of:  ROMERO, CHRISTIAN RYAN  A Person under 18 years of age	SUE HALL, CLERK OF THE COURT By: Jennifer Oakes, Deputy Clerk  Hearing: November 7, 2008 Start: 3:13 PM End: 7:17 PM  Bradley W Carlyon, Deputy County Attorney [em] Apache County Attorney's Office  Sara Cooper [hc] 4018 S White Mountain Blvd Show Low, AZ 85901  Apache County Juvenile Court Services [em]  Wood Law Office [em]  Child Protective Services [em] Christie Orona  Gary Sheets, Assistant Attorney General [em] State Attorney Generals Office  CASA [em] Diana Ryan  Court Administer [hc]
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MINUTE ENTRY: Advisory Hearing, Denial Entered

PRESENT IN JUVENILE COURT: CHRISTIAN RYAN ROMERO, Juvenile; Parent/Guardian of the Juvenile; Wood Law office for Sara Cooper, Attorney for the Juvenile; Bradley W Carlyon, Deputy County Attorney; and Juvenile Probation Department.

LET THE RECORD SHOW this is the date and time set for an Advisory Hearing on a [] Petition Delinquent [  ] Petition to Revoke Probation filed on November 7, 2008 at 10:39 AM in the above-captioned matter.

Mr. Brewer waives the reading of the petition and enters a denial on behalf of the minor.

Mr. Brewer asks that a Pre-Adjudication hearing be set in two weeks.

Mr. Carlyon asks that it be held sooner, and that the Court set a status conference on Monday.

No objection.

IT IS HEREBY ORDERED entering a denial to the [] charge(s) [  ] violation(s) on behalf of the juvenile.

IT IS FURTHER ORDERED appointing Sara Cooper to represent the juvenile in this matter.

IT IS FURTHER ORDERED setting the matter for **Status Conference, Monday November 10, 2008 at 3:00 PM.**

Court and Counsel discuss disclosure.  
Digital Recording Operator is the Deputy Clerk

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IT IS FURTHER ORDERED setting the matter for **Pre-Adjudication Hearing, Wednesday November 19, 2008 at 2:30 PM.**

LET THE RECORD SHOW both hearing dates are subject to change.

Mr. Brewer addresses the Court regarding cameras in the Court room.

The Court informs Counsel Cameras are strictly prohibited under rule 122 of the Supreme Court.

The Court informs the juvenile of his rights.

The State Calls Officer Debbie Neckel.

Officer Neckel is sworn and testifies.

Mr. Brewer Cross examines Officer Neckel

4:29 PM The Court takes a 5 minute recess

Court and Counsel meet in chambers.

5:09 PM Court back in session

Exhibits 1-5 are marked for identification.

Mr. Brewer Re-Directs Officer Neckel

The State Calls Sergeant Rodriguez.

Sergeant Rodriguez is sworn and testifies.

Exhibits 1-5 are admitted.

States Exhibit 6 is marked and admitted.

The Court asks the witness about States Exhibit 4.

The Court asks the witness about unspent rounds?

The States Calls Sergeant Hogle.

Sergeant Hogle is sworn and testifies.

Mr. Carlyon asks that the DVD of the interview be admitted.

The Court will not admit the DVD.

The State disagrees but understands and respects the Courts opinion.

No further witnesses.

Based on the matter presented the Court will find that it is more likely than not that the offence has be committed as described in the petition.

The Court further finds that the minor Christian Ryan Romero was involved as described in the offence as described in the petition.

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The Court asks Mr. Brewer if he intends to present any evidence or have an offer of proof as to the issue of probable cause.

Mr. Brewer informs the Court he has no offer of proof with regard to the second prong.

The Court asks Mr. Carlyon if he has any further witnesses he would like to present as to the grounds in 23D?

Mr. Carlyon informs the Court he would like to admit the DVD.

The Court Declines to admit the DVD.

The State Respectfully disagrees.

6:49 PM The Court will take a 5 minute recess.

6:59 PM Court back in session.

LET THE RECORD SHOW the minor is present; Mr. Brewer, Attorney for the minor; Mr. Carlyon, Deputy County Attorney.

LET THE RECORD FURTHER SHOW the court has made a finding of probable cause.

The Court asks the State if they have any witnesses regarding 23D?

The State informs the Court that they were relying on testimony that was brought forth on probable cause and the Court has denied the submission of the video.

Mr. Brewer states that they will agree for the time being there is a basis for holding the juvenile, however they would like to be able to address the court again regarding release if it becomes available.

The Court is inclined to accept Mr. Brewer's reservation to present evidence and to address the question of release at a later time.

The State asks that if Mr. Brewer addresses release at a later time the state be notified.

Based on the matters previously presented and subject to the defense opportunity to raise the issue again and present other matters regarding the propriety of detention the Court will find Pursuant to 23D, 2 and 4. The minor may, without detention, commit an offense injurious to himself.

The Court will find by probable cause that the interest of the minor and the public require custodial protection.

The Court asks Probation what accommodations the detention facility can make to allow face to face visits with the minor with his biological mother along with his other relatives.

Ms. Himes informs the Court they will have to contact the Detention Center and let them know when they would like to see the minor.

The Court asks Mr. Brewer if he can make that information available to the juvenile's family.

Mr. Colwell informs the Court the juvenile probation officer will be Andrew Maestas.

The Court asks Mr. Colwell if he can arrange a physiological evaluation.

Mr. Carlyon asks the Court initiate a dependency with CPS.

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IT IS FURTHER ORDERED that the Department of Economic Security, CPS, commence an investigation with an eye to initiate a dependency proceeding.

The Court requests that a copy of the minute entry be sent to Mr. Sheets at the Attorney Generals office in flagstaff, and CPS, Attention Christie Orona.

IT IS FURTHER ORDERED referring this matter to Ms. Ryan for review and possible assignment of a CASA.

Mr. Brewer asks that a GAL be appointed.

IT IS FURTHER ORDERED referring the matter to the Court Administer for assignment of GAL with a specific request that the Court administer locate someone for that purpose, which would be willing to attend both delinquency as well as dependency proceedings.

Mr. Brewer asks the Court that competency evaluation be done for purposes of defense and they will make a determination of whether or not it is disclosed.

Mr. Brewer asks that the evaluation be ordered strictly for defense.

The Court addresses the matter.

Mr. Colwell informs the Court it takes about 30 days to get the evaluation back.

Court and Counsel discuss the evaluation.

Mr. Carlyon addresses the Court.

The Court addresses Mr. Brewer informing him, if he would like to stay on the case on behalf of Wood Law Office, the Court would like to talk to him on Monday.

Mr. Carlyon asks the Court if the Court will allow Wood Law to stay on the case if they choose?

The court informs counsel if the Wood Law Office is willing to volunteer to continue the case, then he can take over, otherwise it will be Ms. Cooper's case.

Mr. Brewer asks that a transcript of the hearing be made either for Wood Law or for Ms. Cooper if she takes over.

IT IS ORDERED a transcript be prepared.

Mr. Carlyon asks the Court if there will be a time where Wood Law will declare if they are taking the case or not.

The Court informs Counsel Monday.

Mr. Brewer asks the Court to order no one from a government agency speak with the juvenile with out counsel.

The Court states that the sixth and fifth amendment, it needs to be respected.

The Court informs Mr. Colwell he needs to pass the message in to Mr. Maestas.

Ms. Himes addresses her concern with who the Detention Center should have visit the minor.

The Court informs Ms. Himes the juveniles mother, Eryn Thomas; Step Mother, Tiffany Romero; Grandmother, Liz; and his Aunt from Panama.

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Hearing concludes.