

SUPERIOR COURT OF ARIZONA
APACHE COUNTY

FILED

1/8/2009

<p>Michael P. Roca, Judge Pro Tem COURT REPORTER: (Digitally Recorded)</p> <p>JV2008065</p> <p>In re the matter of:</p> <p>ROMERO, CHRISTIAN RYAN</p> <p>A Person under 18 years of age</p>	<p>SUE HALL, CLERK OF THE COURT By: DW for LW, Deputy Clerk</p> <p>Hearing: January 6, 2009 Start: 9:08 AM End: 9:37 AM</p> <p>Bradley W. Carlyon, Special Prosecutor [em] Navajo County Attorney's Office</p> <p>Wood Law Office [em]</p> <p>Apache County Juvenile Court Services [em]</p> <p>Albert B Lassen [em]</p> <p>Law Ofc. of Matthew Riggs [hc] Riggs & Ellsworth, P.C. 240 North White Mountain Road, Ste A Show Low, AZ 85901</p> <p>Michael Whiting, County Attorney [em] Apache County Attorney</p> <p>Betty Smith, Court Administrator [hc] Apache County Superior Court</p>
---	--

MINUTE ENTRY: Status Hearing

PRESENT IN JUVENILE COURT: CHRISTIAN RYAN ROMERO, Juvenile; Benjamin Brewer, Wood Law Office, Attorney for the Juvenile; Steve Williams, Riggs and Ellsworth Law Office, Attorney for the Parent; Bradley W. Carlyon, Special Deputy County Attorney; Michael Whiting, County Attorney; Henry Thompson, Victim Services Coordinator; Albert Lassen, Guardian Ad Litem; and Juvenile Probation Department.

PRESENT TELEPHONICALLY: Eryn Bloomfield, Parent of the Juvenile

LET THE RECORD SHOW this is the date and time set for a Status Hearing in the above-captioned matter.

The Court grants permission for Ms. Bloomfield to appear by telephone.

There is discussion between the Court and Counsel regarding Mr. Carlyon continuing as the Attorney for the State. It is determined that Mr. Carlyon will act as a Special Deputy County Attorney in Apache County and Mr. Whiting will take the support position.

The Court inquires about the status of the of the State's exam report. Mr. Carlyon states that Dr. Johnson has been trying to get the IQ test from Dr. Cady and has been unsuccessful. He also states that as he understands, Dr. Johnson would like to see the underlying test, not just the net result. Court and Counsel discuss the undesirable possibility of having to re-administer the test since it might skew the results of subsequent tests.

The Court asks Mr. Brewer if he would object to the raw scores being made available. Mr. Brewer states that he does not as long as it is clear that the information is being generated by Dr. Cady.

Court and Counsel discuss the filing of the report under seal with the Clerk's office. Mr. Brewer states that he understands that after the report is filed with the Clerk, that defense would receive a copy of it for redaction. After they redact, then report would be distributed to the Court and Counsel. Mr. Carlyon states he has issue with redacting it. The Court suggests that once the report is filed, they proceed further regarding the copies and redaction. The Court instructs the State to submit a request to Defense Counsel to contact Dr. Cady to release the actual testing responses from the Wexler Intelligence Scale for Children testing materials.

The Court and Counsel discuss the State's Response to both Motions to Suppress and the possible filing of the Defense's Reply.

The Court inquires about the status of the Special Action. Mr. Carlyon states that he has received a minute entry from the Court of Appeals. The Court and Counsel discuss the Defense's Response to Special Action and if there will be a reply from the State.

Court and Counsel discuss additional disclosure request from December 31, 2008 for materials related to the autopsy. Mr. Brewer amends list of items desired. Mr. Carlyon will get the remainder of the file copied for the Defense.

The Court and Counsel discuss the request for the recording by Lieutenant Jones and the issues with the disc's quality. Copies were not good quality but the State still has the original. Mr. Brewer will visit the County Attorney's Office at the end of this hearing in order to see what is in their possession.

Mr. Brewer informs the Court of his request to Mr. Carlyon regarding an evidence list. The Court and Counsel discuss the omission of items 37 to 99. Mr. Brewer requests an updated list.

The Court asks Counsel if there are any other discovery issues pending. Mr. Carlyon suggests a time be set to meet with Mr. Brewer to review and determine what else Mr. Brewer might need. Mr. Brewer agrees and the Court and Counsel discuss a possible time and date. It is determined that Mr. Brewer and a representative from the County Attorney's Office will meet and inspect/copy the file on JANUARY 12, 2009 sometime in the morning.

The Court, comments on Defense's 2nd Renewed Motion for Appointment for Therapist and the billings the court received for services that weren't authorized. Mr. Brewer states his position on the subject.

Mr. Carlyon has no other unresolved issues.

Mr. Brewer addresses the Court regarding the release of information to the media before Defense Counsel receives it. He also asks permission for the Juvenile's Grandmother to be able to visit daily in the temporary absence of his Mother.

The Court and Counsel discuss the possibility of receiving something from the Court of Appeals in less than two weeks. Mr. Brewer suggests the withdrawal of the Stay in order to nudge the Court of Appeals along.

Court and Counsel discuss the scheduling of the two Doctors. The Court requests that the Court Administrator coordinate with the offices of the respective examining experts to determine their availability for appearance at a hearing at the earliest possible opportunity.

Court and Counsel discuss a date for the next hearing.

The Court asks Mr. Williams and Mr. Lassen if they have anything. Mr. Williams states, no. Mr. Lassen requests to meet in Chambers.

IT IS HEREBY ORDERED setting this matter for a Status Conference on **Wednesday, January 21, 2009 at 9:00 AM** in the Apache County Superior Court.

Hearing concludes.