

SUPERIOR COURT OF ARIZONA
APACHE COUNTY

FILED

12/8/2008

<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: LW, Deputy Clerk</p> <p>Hearing: December 8, 2008 Start: 9:03 AM End: 10:03 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>Criss Candelaria, Apache County Attorney [em] Apache County Attorney's Office</p> <p>Albert B Lassen [em]</p> <p>Gary Sheets, Assistant Attorney General [em] State Attorney General's Office</p> <p>Michael R Ellsworth [hc] Riggs & Ellsworth, PC 240 N White Mountain Rd, Suite A Show Low, AZ 85901</p> <p>Apache County Juvenile Court Services [em]</p> <p>Betty Smith, Court Administrator [hc] Apache County Superior Court</p> <p>Child Protective Services [em] CASE WORKER NAME</p>
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MINUTE ENTRY: Status Hearing Rule 11 Status Hearing

PRESENT IN JUVENILE COURT: Benjamin Brewer on behalf of Wood Law Office, Attorney for the Juvenile; Bradley W. Carlyon, Deputy County Attorney; Criss Candelaria County Attorney; Albert Lassen and Juvenile Probation Department.

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

Mr. Brewer is waiving the Juvenile's appearance.

Mr. Carlyon informs the Court the State's nominee is set for an evaluation on December 17th and he believes the probation department is waiting for the Court to accept the Defense nominee before they set it up. The Court notes the Order of November 24, 2008 appointing Daniel Juliano to conduct the competency examination of the Juvenile for the Defense.

Mr. Brewer advises the Court they are withdrawing their request for Dr. Juliano. He is requesting Dr. Cady be the person to do the evaluation for the Defense.

The Court hears discussion from Counsel concerning Dr. Cady.

IT IS HEREBY ORDERED rescinding the Order executed November 24th and filed November 26th appointing Dr. Juliano to examine the Juvenile.

The Court hears discussion on whether the Doctor or the Juvenile should travel for the evaluation. It is decided that the Juvenile Department will make arrangements for the Juvenile to stay the night.

The Court and Counsel discuss having deadlines for the lab results. The Court asks Mr. Carlyon to give DPS a deadline of the end of January.

The Court hears discussion on a therapist for the Juvenile and the exemption of that person from the operation of the criminal law. The Court admonishes Mr. Brewer to contact Juvenile Probation to see what is available for the needs of the Juvenile. Ms. Julie Nicholson is available at this time to counsel the Juvenile.

The Court asks Mr. Brewer to provide the Court with the name of the Juvenile Confession Expert and a proposed budget for his services, by the end of the week.

The Court hears discussion on interviews that are set for Tuesday and Thursday.

The Court and Counsel discuss the Motion to Dismiss and the competency of the Juvenile.

The Court is specifically declining to address substantive matters, particularly the State's pending Motion to Dismiss Count 1 of the petition, while the issue of competency remains unresolved.

IT IS FURTHER ORDERED that a transcript of this proceeding be prepared at the earliest opportunity.

IT IS FURTHER ORDERED staying proceedings; Discovery is to continue, exams are to continue. The Probation Department is requested to contact Mr. Brewer to procure therapeutic intervention.

Mr. Brewer requests that the Court go into Chambers to discuss the release status of the Juvenile.

IT IS HEREBY ORDERED setting this matter for a Status Conference on Monday, December 22, 2008 at 9:00 AM in the Apache County Superior Court.

9:30 AM - We are in recess. The Court and Counsel will reconvene in Chambers.

9:43 AM – Court reconvenes in Chambers.

PRESENT IN CHAMBERS; Benjamin Brewer on behalf of Wood Law Office, Attorney for the Juvenile; Bradley W. Carlyon, Deputy County Attorney; Criss Candelaria County Attorney; Albert Lassen and Juvenile Probation Department.

The Court hears discussion concerning the health of the Juvenile.

The Court wants any restrictions, for the persons having contact with the Juvenile, to conform with the Criminal Law and the general rules of evidence.

The Court hears discussion on furloughs and the specifics.

The Court admonishes Mr. Brewer to put any furlough requests in writing and put in the caption "To Be Sealed, Not For Disclosure". The State is to respond on the same basis.

The Court hears from Mr. Lassen and asks that any information be in writing.

Mr. Candelaria needs to know what specific topics are to be under the sealed requests.

The Court states those items will include further furloughs, details regarding the Juvenile's movement, and Mr. Lassen's information.

IT IS ORDERED that a transcript of the in camera portion of this Status Conference be available only upon request, for good cause shown, approved by the Court, with notice to the parties.

Mr. Lassen asks when Ms. Nicholson is to visit with the Juvenile. The Court states she is to start today.

Hearing concludes.