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SUE HALL, CLERK
APACHE COUNTY SUPERIOR COURT

IN THE SUPERIOR COURT, STATE OF ARIZONA
APACHE COUNTY, JUVENILE DIVISION

In the Matter of:	)	
	)	**Case No. JV 2008-065**
Christian Ryan Romero	)	
	)	**NOTICE OF CHANGE OF JUDGE**
	)	**FOR CAUSE**
A person under 18 years	)	

The juvenile, through counsel and pursuant to Rule 2 of the Rules of Procedure in Juvenile Court, hereby moves to recuse Judge Michael Roca for cause. The Court has articulated a bias against the juvenile that will prevent the Juvenile from getting a fair and impartial hearing on any matter that comes before the Court. The Juvenile requests that the transcript of the Court's comments at "disposition" that was set on October 22, 2009 be ordered to supplement the record here, and stay any hearing until such transcript is obtained and distributed to the parties. In addition, the Court should be aware that in spite of the comments of the Judge at the plea rejection hearing, the parties, including the juvenile, will seek a compromise and specific assurances from DOC this week, and would request that any hearing in this matter be stayed until after such meetings are accomplished and concluded.

On October 21, 2009, the Court denied a motion to continue the disposition in this case filed by the State and agreed to by the Juvenile. The state supplemented its motion by describing the compliance with Rule 15 of the Rules of Procedure, and the Court

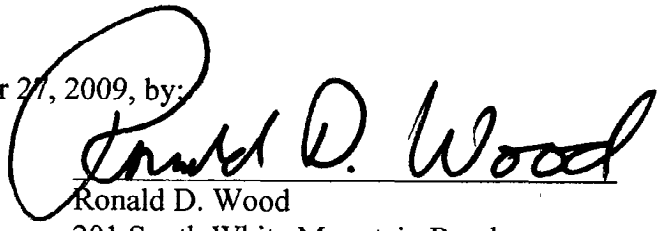
denied that motion as well, but sent a personal message to the state's attorney, expressing "warm personal regards" No such salutation was transmitted to the Juvenile's lawyer.

At the hearing the following day, without providing for evidence, argument or discussion, the Court, in violation of the plea agreement and the Rules of Juvenile Procedure rejected the Juvenile's plea agreement, citing off the record discussions with persons, undisclosed to the Juvenile and stated that the only proper disposition in this matter would be to commit the Juvenile to the Department of Corrections for an unspecified time. Further, the Court opined that St. Johns was "poison" for the Juvenile, and cited his unsupported, off-the-record conclusion as a further reason to reject the plea. Nothing in the record suggests that this is the case, and it appears that the Court as succumbed to political pressure from some local "citizens" to have the Juvenile removed from the community.

The Court determined that the Juvenile should go to DOC, no other disposition would do. No expert, no doctor and no one that has had any prolonged contact with the juvenile has suggested that this is the appropriate sentence. Even the Court's cherished probation department only suggests rejection of the plea as an alternative disposition to the recommended one of intensive probation and community based treatment. Yet the Court cites discussions with a person or persons unknown and undisclosed, persons unknown whose opinions have not been exposed to cross examination or even explanation as reasons to reach the conclusion that the only disposition in this matter is juvenile prison. Reaching these conclusions in this manner demonstrates a bias against the Juvenile.

Given the undocumented sources, the exparte communications with unknown persons and the opinions of the Juvenile reached by the Court in the Court of public opinion, the Court has reached a decision not based on a review of the record but rather on something else. That conclusion has resulted in a bias against the juvenile that violates his right to a fair and impartial Judge and the juvenile would ask that the Court recuse itself and transfer this matter to another judge for hearing.

Respectfully submitted, October 27, 2009, by:



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Copies to:
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Juvenile Detention
Juvenile Probation
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Marsh Gregory, GAL.