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...to do justly, to love mercy, and to walk humbly with God. Micah 6:8

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SUE HALL, CLERK  
APACHE COUNTY SUPERIOR COURT

IN THE SUPERIOR COURT, STATE OF ARIZONA  
APACHE COUNTY

In the Matter of: )

Christian Ryan Romero )

A person under 18 years )

Case No. JV 2008- 065

**Partial Objection to Government's Motion for  
Physical Evidence**

The Juvenile, through counsel and pursuant to the due process clause of the 14<sup>th</sup> Amendment to the United States Constitution, Art. 2 sections 4 of the Arizona Constitution, and Rule 16 of the Rules of Procedure in Juvenile Court, partially objects to the government's request for Christian to submit to a blood draw and for a physical and medical inspection until the government can provide an addition basis for said request. In any event counsel demands that he be present for any taking of physical evidence from Christian.

FACTS

A delinquency petition has been filed against Christian Romero, an eight (8) year old boy, for two counts of premeditated first degree murder. Counsel is aware that Rule 16(C) requires the juvenile to submit to the collection of certain physical evidence by the government, however a caveat exists that limits its ability if there is an unreasonable intrusion of the juvenile's body. Counsel asserts that a blood draw is just that, especially

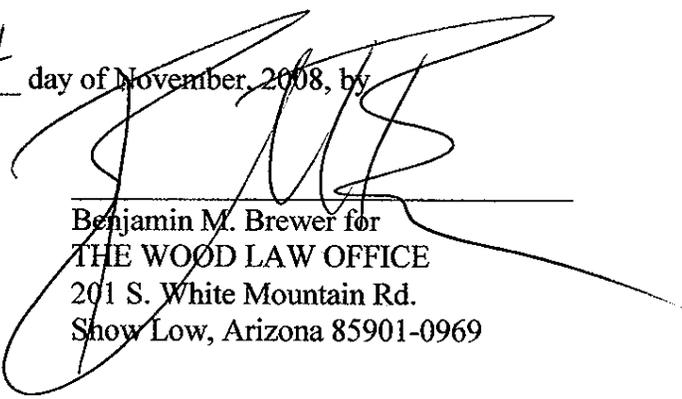
if that same information can be obtained through less intrusive means. There has been no demonstration that blood, other than the alleged victims, has been discovered at the crime scene. There has been no demonstration why the government needs a blood sample from Christian. In addition, if the government seeks to obtain a DNA sample from Christian the less intrusive method would be a mouth swab which will provide them with the information they seek without unreasonably intruding into the vein of a scared eight year old boy. Counsel would urge the Court to require an additional showing by the government before it can collect a blood sample from Christian.

Counsel would request the Court require the government to specify what it intends to collect for the “physical or medical inspection,” so counsel may know whether additional objections will be necessary. Counsel will need to know how extensive the government’s planned examination of Christian will be before it can determine whether or not it is reasonable. Will photographs be taken? Will Christian be required to remove his clothing for said photographs? Who will be conducting the examination? Who will be taking the photographs? Will his mother be allowed to be present during said examination? What part of this examination is reasonable and why?

Counsel would further request that all “collectors” of the evidence provide their credentials to defense counsel prior to said collection that demonstrates their ability and expertise to collect said evidence in a safe and proper manner so needless re-collection of evidence will not occur.

All the other requests seem to fall within the perimeters of the Rule and counsel does not object to their collection provided counsel is advised in advance so he may be present during this process.

Respectfully Submitted this 14 day of November, 2008, by



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Benjamin M. Brewer for  
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Copies mailed this 14 day of  
November, 2008, to:  
Judge Roca  
Mr. Carlyon, Apache County Attorney  
Client