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

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2009 JAN -7 PM 12:51
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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	)	
	)	**Reply to Response to Motion to Suppress**
	)	**Statements & Motion to Strike Government's**
	)	**Pleading**
A person under 18 years	)	
	)	

The Juvenile, through counsel, replies to the government's response to the motion to suppress statements and further moves the Court to strike the government's pleading as it is inadequate.

Because the government concedes that the statements were taken in violation of *Miranda* and further that all statements made by Christian, including the statements in the DVD and statements to Child Protective Services, cannot be used in the government's case in chief, the only issue left for consideration is whether the statements taken were voluntary.

Counsel has difficulty replying to the bare-bones response of the government as it pertains to the issue of voluntariness.

> "While the State is stipulating to the suppression of the statements, this stipulation does not mean it concurs with all the matters contained in the juvenile's motion. In fact, the State believes the motion contains numerous errors in both its purported factual representations and interpretation of certain legal arguments..." [See State's Response to Motion to Suppress Statements p. 1 lines 21-25].

There is no other specificity listed by the government as to which facts and legal analysis with which it has disagreement. What are the numerous errors? What are the factual representation and interpretation of law with which the government disagrees? At a minimum a response must answer these questions. Counsel must have a more specific objection to be able to properly prepare for any hearing on the issue. In addition, counsel will have its expert testify at said hearing and will need to know which areas are contested, and which are not, so valuable court time is not wasted.

Because the government's response is woefully inadequate in both facts and legal analysis, this Court should strike the response for failure to comply with Arizona Rules of Criminal Procedure 35.1 and grant the voluntariness motion in its entirety. In the alternative the Court should order the government prepare a more specific response, including both factual and legal areas with which it disagrees with the defense motion so proper hearing preparations may be had.

Counsel will object if the matter proceeds to a hearing with this inadequate response by the government, as defense will be unable to properly prepare.

Respectfully Submitted this 6 day of January, 2009, by

Benjamin M. Brewer for
THE WOOD LAW OFFICE
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Copies mailed this 6 day of
January, 2009, to:
Judge M. Roca
Mr. Carlyon, Apache County Attorney