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APACHE COUNTY SUPERIOR COURT

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

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF APACHE

| | | |
|-----------------------|---|---|
| In the Matter of: |) | <i>JV</i> |
| |) | Case No. JR 2008- 065 |
| Christian Ryan Romero |) | |
| |) | Request for Appointment of Experts and Request |
| A person under 18 |) | for Integrity and Access to the Crime Scene |
| 1 |) | |

The Juvenile through counsel and pursuant to Rule 16 (c) of the Rules of Procedure in Juvenile Court, requests that he Court appoint expert(s) in the field of crime scene investigation to assist the juvenile in the defense of the allegations made against him. Such expert assistance will be needed to determine the acts underlying these allegations and the juvenile has no other means by which to secure this evidence in his defense. The juvenile is indigent and the dictates of Due Process as set out in Rule 6 of the Rules of Procedure in Juvenile Court and Constitutional law, both federal and state, would require the appointment of such experts.

Rule 6 of the Rules of Juvenile Procedure makes clear that due process is to be afforded to juveniles. See also *Matter of Maricopa County Juvenile Action No. J-86715* 122 Ariz. 300, 594 P.2d 554 (App. Div.1 1979). In the adult context this is covered by Rule 15.9 of the Rules of Criminal

Procedure which permits the trial court to appoint expert witnesses for an indigent defendant who makes the proper showing. Indeed, due process requires the appointment of expert witnesses for an indigent defendant when such testimony is reasonably necessary to present an adequate defense. *See, e.g., Little v. Armontrout*, 835 F.2d 1240, 1243 (8th Cir.1987)(refusal to appoint expert to assist indigent defendant rendered trial fundamentally unfair and required rape conviction to be set aside), *cert. denied*, 487 U.S. 1210, 108 S.Ct. 2857, 101 L.Ed.2d 894 (1988); *Mason v. Arizona*, 504 F.2d 1345, 1351-52 (9th Cir.1974)(Due Process Clause "requires, when necessary, the allowance of investigative expenses or appointment of investigative assistance for indigent defendants in order to insure effective preparation of their defense by their attorneys" depending "upon the need as revealed by the facts and circumstances of each case"), *cert. denied*, 420 U.S. 936, 95 S.Ct. 1145, 43 L.Ed.2d 412 (1975); *Bowen v. Eyman*, 324 F.Supp. 339, 340 (D.Ariz.1970)(" '[F]undamental fairness' is the touchstone, i.e., whether or not a defendant is entitled to a court-appointed expert depends on the facts and circumstances of the case."); *State v. Lamar*, 144 Ariz. 490, 495, 698 P.2d 735, 740 (App.1984)(constitutional considerations may mandate appointment of investigator in non-capital cases if denial would substantially prejudice defendant) See also *Jacobson v. Anderson*

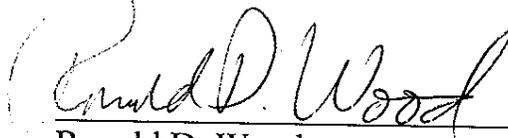
203 Ariz. 543, 545, 57 P.3d 733, 735 (Ariz.App. Div. 1,2002) and *Jones v. Sterling* 210 Ariz. 308, 110 P.3d 1271 (2005).

The Juvenile therefore requests that the Court appoint or allow for the retention of an expert in the field of crime scene analysis to assist the juvenile.

Further, the Juvenile requests that the Court order the state to maintain the integrity of the crime scene until such time as the Juvenile's expert has been appointed and has had the opportunity to examine the scene, take photos and videos, and conduct a proper defense investigation of the location where the state claims these actions occurred.

Respectfully submitted, November 9, 2008 by

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201 South White Mountain Road
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A handwritten signature in cursive script that reads "Ronald D. Wood". The signature is written in black ink and is positioned above a horizontal line.

Ronald D. Wood
For the Firm

Copies to:
Apache County Attorney's Office (Email and Hand Delivered)
Hon. Michael Roca (Email and Hand Delivered)
The Juvenile