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DOCKETED BY:
2009 JUN 15 PM 12:24
SUE HALL, CLERK
APACHE COUNTY SUPERIOR COUR

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF APACHE, JUVENILE DIVISION

In re the matter of:	)	No. JV 2008-065
C.R. d.o.b. 12-29-99	)	RESPONSE TO STATE'S REQUEST TO TERMINATE FURLOUGH
A Person under the age of 18	)	

COMES NOW biological mother, Eryn J. Bloomfield (hereinafter "mother"), by and through Counsel undersigned, and hereby responds to the State's Request to Terminate Furlough of her juvenile son.

In their motion, the State makes the following unfounded allegations:

1. *"Last week the juvenile ran into the dugout at a little league baseball game and tried to watch the game from the dugout. This caused an extreme negative reaction from the parents and especially the other juveniles."*

Mother flatly denies such an allegation. Mr. Mike O'Brien, Apache County Juvenile Probation Department, likewise is unaware of any such incident. Ms. Liz Castillo, paternal grandmother of the juvenile, also denies such an incident. Juvenile has not been to a baseball game since his furlough began.

In making this allegation, as well as each subsequent allegation, the State fails to disclose any witnesses to substantiate their claims. Mother can do no more than to request disclosure of any witnesses the State claims to have.

2. *"Recently, the juvenile's biological mother took him out of state without permission...and...stayed within the state of New Mexico."*

While it is true that mother did take her son to New Mexico overnight, it is absolutely false that she did so without permission. In truth, she received a travel permit from Mr. Mike O'Brien, Apache County Juvenile Probation, prior to her travel. Mr. O'Brien has confirmed the same to Counsel and will be available to relay such information to the court at a formal hearing on the issue.

3. The travel to New Mexico *"resulted in the juvenile missing his court ordered schooling and violating his furlough conditions."*

The juvenile spent two (2) days and one (1) night in New Mexico from May 20th - 21st. According to Ms. Jennifer Himes, Apache County Juvenile Detention Center, the two instructors who educate the juvenile at the Detention Center were at the annual Arizona Correctional Educators Symposium from May 20th - 22nd. Accordingly, the juvenile's classes had been canceled that week due to the conference. In short, any allegation that the juvenile missed schooling as a result of his approved travel to New Mexico is simply false.

4. *"Even more disturbing, is the fact that the juvenile's mother is again living with a convicted felon."*

Once again, the State's allegation simply is not true. Mother and the juvenile continue to live with Ms. Castillo, who will confirm the same to the court at a formal hearing.

By way of review, when the court furloughed the juvenile, the instructions given were that the juvenile was to remain in mother's care. Obviously this was and is acceptable to mother. However, one of the side effects of this requirement is that mother cannot hold a job as her son must be in her care. Therefore, she has had to rely on others for housing. It is true that several months ago she did stay briefly with a childhood friend who, unbeknownst to mother at the time, is a convicted felon for Possession of Marijuana. Once this information was relayed to mother by the Probation Department, she immediately made arrangements to live elsewhere. It was at that time that Ms. Castillo offered her home to mother and juvenile. It is there that mother and juvenile continue to live.

5. *"Finally, the juvenile's paternal grandmother has inquired of the St. Johns Police Department as to 'how much trouble will I get in if I buy a gun.' The State is unsure if the paternal grandmother is buying the gun to protect the juvenile from the many threats he has received or to protect herself."*

Ms. Castillo relays that she did inquire of Officer Merch, St. Johns Police Department, about purchasing a gun as a gift for a friend of hers. She was told that the Officer has a license to sell firearms and does so as a side business separate from his employment as an Officer. That was the purpose of the inquiry, not whether or not, as the State asserts, she would get in "trouble." She relayed that she would not bring the gun into the home, but simply give it as a gift, to the friend who resides out of State. Such was communicated to the Officer and his secretary.

Mother will agree with the State on one point, which is that the State is "unsure" as to the reason for the purchase of the gun. Not only that, the State is "unsure" as to each allegation made.

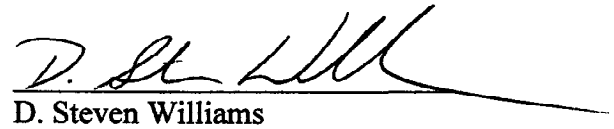
The State's Motion is nothing short of a witch-hunt seemingly based entirely on unfounded speculation. The State does not provide any information regarding where they are receiving their information.

Once again, the State failed to provide a copy of the Motion to Counsel for mother, despite the court's clear instructions early on that both *Guardian Ad Litem* and Counsel for mother were to be included in any motions. Counsel for mother only heard of the State's Request once it was reported in the media. Unfortunately, that is becoming a pattern.

Clearly the State has failed to confirm any of the allegations with the Probation Department, the Detention Center, Ms. Castillo or the mother. In turn, mother can only "speculate" as to where or how the State came up with such claims. Mother welcomes Oral Argument on this matter and petitions the court to deny the State's request.

RESPECTFULLY SUBMITTED this 9th day of June, 2009.

RIGGS & ELLSWORTH, P.C.



D. Steven Williams
For Mother, Eryn Bloomfield

Original mailed/faxed to
the Clerk of the Court on
June 9th, 2009 and
a copy of the following
mailed to:

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