

1 MICHAEL B. WHITING  
Apache County Attorney  
2 P.O. Box 637  
St. Johns, AZ 85936  
3 (928) 337-7560  
Attorney I.D. 22092

FILED  
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2009 OCT 21 PM 2: 18

SUE HALL, CLERK  
APACHE COUNTY SUPERIOR COURT

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6 In the Juvenile Court of the State of Arizona  
In and For the County of Apache

7 In re: the Matter of: 8 9 CHRISTIAN RYAN ROMERO, 10 A Person under 18. 11	NO. JV2008-065  State's Response to the Court's Order
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12 THE STATE OF ARIZONA, through its undersigned County Attorney, files this  
13 response. The State has forwarded a copy of the motion to the Juvenile Probation  
14 Office. Also, the State did speak with both of the victims in this matter. Neither of the  
15 victims objects to the continuance to ensure that the matter is handled thoroughly and  
16 properly. One victim is still struggling with her emotions in trying to prepare a  
17 statement for the Court regarding this case and needs more time to complete the  
18 statement. The State received the Court's Order via an email sent October 20, 2009, at  
19 4:30 p.m. (attached as exhibit A).

20 The State has reviewed the Court's Order and nothing is directly stated naming  
21 lack of disclosure to Juvenile Probation, or the position of the Victims. The White  
22 Mountain Independent electronically published an article October 20, 2009, (attached  
23 as exhibit B), at 4:20 p.m. Ten (10) minutes before such order was distributed to the  
24 parties involved in this case. (See exhibits A & B).

25 In the article there is information from the "Court" stating a failure to contact  
26 victims and send a copy to the Juvenile Probation Department as such reasons. The  
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1 State is disappointed that information was forwarded to the press before even sending  
2 it to the parties.

3 Regarding the Pre-Disposition Report, neither Dr. Uram, nor Dr. Scialli has been  
4 able to review the report. Dr. Uram is testifying in another trial that has gone longer  
5 than expected, and Dr. Scialli has just been moved out of the intensive care unit.

6 Accordingly, the State requests the Court make a decision prior to the hearing so  
7 it can notify the victims, witnesses, psychiatrists and law enforcement of the Court's  
8 decision.

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10 RESPECTFULLY SUBMITTED this 21<sup>st</sup> day of October, 2009.

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MICHAEL B. WHITING  
Apache County Attorney

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County Attorney

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**Stephanie McCarthy**

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**From:** ApacheClerk  
**Sent:** [REDACTED]  
**To:** atty groupmail; Wood Law Office; Juvenile Probation e-mail; michael@riggsellsworth.com; Law Ofc. of Matthew Riggs; Marsha Gregory; Juvenile Probation e-mail  
**Subject:** Apache Superior Court JV2008065: 10/20/09 - ORDER  
**Attachments:** 50012361.tif

**IMPORTANT:** Official Court Document Attached in .TIF format.

Please open and read this important .TIF image attachment.

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**EXHIBIT A**



10/20/2009

**Breaking - Court issues response to motion to continue in disposition of 9-year-old**



**Judge Michael Roca has issued an order regarding the earlier motion to continue the disposition of the juvenile.**

The judge said Whiting did not comply with Rule 15 of Juvenile Court Procedures and therefore the motion will be discussed at Thursday's hearing, set for 9:30 a.m.

According to the court, Rule 15 stipulates that any motion has to be provided to all parties, including the probation officer assigned to the case. The probation officer reportedly did not receive a copy. Also, the court said the victims have to be consulted in any motion to continue, and Whiting's motion did not mention the victims.

**Prior Post 10/20/09, 4:20 p.m.**

**County attorney files motion to continue disposition date of 9-year-old St. Johns boy**

The Apache County Attorney's Office has filed a motion with the Apache County Superior Court asking to continue the disposition of the 9-year-old St. Johns boy set for Thursday.

The motion, filed today by Michael Whiting, said the parties in the case have discussed the continuance and request the court grant it because of a multitude of factors. Among them are the desire to have the juvenile's new Guardian Ad Litem, Marsha Gregory, have the opportunity to look through the materials of the case to become more knowledgeable about it.

Whiting said in the motion Gregory has not taken a position on the continuance as she has not had time to adequately review the case, having been appointed less than a week ago. Other issues include a telephone interview of the juvenile needing to be review by the boy's appointed psychiatrists, one of whom is in an intensive care unit recovering from an illness and the other being unavailable because of a commitment to another trial.

Lastly, Whiting said the State and various agencies involved with the juvenile are still trying to find funding sources to implement the psychiatrists' treatment recommendations.

Whiting has requested the disposition be continued by at least another 30 days. The disposition has already been continued once, having originally been set for late September. The Independent will have more information as it becomes available.

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**EXHIBIT B**

1 A copy of the foregoing  
Mailed/delivered this  
2 21<sup>st</sup> day of October, 2009, to:  
3 Apache County Superior Court  
St. Johns, AZ 85936  
4  
5 Ron Wood  
Attorney for Juvenile  
6  
7 Marsha Gregory  
Guardian Ad Litem  
8  
9 Steve Williams  
Attorney for Juvenile's Mother  
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11 Juvenile Probation

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