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AT _____ O'CLOCK _____ M
SUE HALL, CLERK

MPA

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF APACHE

In re the Matter of:)	
)	
CHRISTIAN RYAN ROMERO)	CASE NO JV 2008065
)	
A person under 18 years of age)	
)	
)	

TRANSCRIPT OF DETAINED ADVISORY HEARING

AND DETENTION HEARING

November 7, 2008

BEFORE THE HONORABLE MICHAEL P. ROCA

Lynne McSeaton
Certified Electronic Reporter and
Transcriber No. 00281

VOLUME 1 OF 2

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C O N T E N T SPAGE NUMBERWITNESSES

Officer Debbie Neckel

Direct Examination by Mr. Carlyon 11

Cross-Examination by Mr. Brewer 32

Redirect Examination by Mr Carlyon 75

Sergeant Lucas Rodriguez

Direct Examination by Mr. Carlyon 80

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P R O C E E D I N G S

(Proceedings commenced at 3:13:26 p.m.)

THE COURT. Okay. We're on the record in JV2008065, *State versus* -- or excuse me; not *State versus* -- *In the matter of Christian Ryan Romero* This is the time set for a detained advisory hearing and a detention hearing under Rule 23, the Rules of Procedure for the Juvenile Court Let the record show the presence of the minor, Mr. Brewer from the Wood Law Office appearing specially at the request of Sara Cooper, who was regularly appointed to represent the minor, and Mr Carlyon on behalf of the State.

Any other appearances need to be noted for the record?

MR. CARLYON: Not from the State's perspective

MR. BREWER No, Judge

THE COURT: Okay. Mr. Brewer, have you received a copy of the petition filed -- I believe it was this morning at 10:39 a m.?

MR. BREWER: I did, Judge

THE COURT: Okay.

MR BREWER: If I could have just a moment?

(Brief pause.)

MR BREWER: Judge, reading a copy of the petition corrected sets forth, Mr. Romero's name. We'd waive a

1 reading, enter a denial, ask the matter be set for a pre-
2 adjudication hearing probably sooner than later, Judge

3 I believe the State has 10 days to provide
4 disclosure. And so I would ask for a maximum of two weeks for
5 that setting.

6 MR. CARLYON: Actually, Judge, I would ask it for
7 much quicker since Ms. Cooper is not here today, make sure
8 that she's up to speed. I'd actually prefer a real quick
9 status conference probably next week

10 MR. BREWER: That's fine, Judge.

11 THE COURT: Next Wednesday is not a regular juvenile
12 day. Let me check.

13 MR. CARLYON: Your Honor, I wouldn't even worry too
14 much if the Court would set it on Monday when we know Ms.
15 Cooper is here, and maybe do it after just to get her up to
16 speed, give her what she has and make sure she's ready to go
17 forward and that this does not get unduly delayed.

18 THE COURT Give me a second, if you would please
19 (Brief pause.) Actually that looks doable. No, wait a
20 minute. I beg your pardon

21 MR. CARLYON: Will this be a --

22 THE COURT: My mistake.

23 MR. CARLYON: -- will this be a case that you're
24 keeping, Judge, or will this be Judge Grimsley's case?

25 THE COURT: I believe Judge Grimsley has recused

1 herself. I may be holding on to it. I'd be just as happy to
2 pass it off to somebody else.

3 MR. CARLYON: It -- was Judge Grimsley was having
4 cases with Mr. Patterson at that 3:30 time that might give you
5 an opportunity to take the juvenile bench with me and Ms
6 Cooper?

7 THE COURT Doesn't look like it. Give me -- there
8 is one. First off it's nominally at three o'clock.

9 MR. CARLYON I don't think it will be a long --

10 THE COURT Let's give it a try.

11 MR. CARLYON: Okay.

12 MR. BREWER: What time then, Judge?

13 THE COURT: Let's set this for a status conference
14 Monday, November 10th, at 3:00 p.m with the understanding that
15 that's -- that time setting may be somewhat flexible due to
16 the regular long motion calendar. Okay

17 MR. BREWER And, Judge, would that --

18 THE COURT: As far as regular -- I'm sorry to
19 interrupt Please go ahead.

20 MR. BREWER: Can a copy of that Minute Entry go to
21 Ms. Cooper?

22 THE COURT Oh, yeah. Oh, yeah. Well, an
23 electronic copy of it will be waiting for her when she
24 returns.

25 MR. BREWER: Okay.

1 THE COURT: I don't know if there'll be an
2 opportunity for her to get a hard copy.

3 But can you, Mr Carlyon, make sure that a complete
4 set of the disclosure materials are available for her on
5 Monday physically in the building?

6 MR. CARLYON: Everything that we have, we will
7 disclose it to her when we get it. Anything we have at that
8 time will be given to her at that time.

9 THE COURT: Okay. I appreciate that. I phrased it
10 the way I did because Mr. Brewer may not be able to get the
11 materials that he has to her in time.

12 MR. CARLYON: Unfortunately, all that Mr Brewer has
13 is a DVD

14 THE COURT: That's all?

15 MR. CARLYON: I will have another --

16 THE COURT: There's no written report?

17 MR. CARLYON: There is --

18 MR. BREWER. Judge, the only ones I have --

19 MR. CARLYON: -- a two-page written report that he
20 also has I will make sure that she has that We anticipate
21 more reports to be trickling in in the next -- over the
22 weekend through Monday She will have it all.

23 THE COURT. Okay

24 MR. CARLYON: And I will -- we have other DVDs ready
25 for her. We realize there's this --

1 THE COURT: Okay.

2 MR. CARLYON: -- kind of bifurcated representation

3 THE COURT Let's tentatively set this for a pre-
4 adjudication Wednesday, the 19th, at 2:30 p.m., and that's also
5 subject to change Okay

6 MR. BREWER: Judge, preliminarily could I address
7 the Court briefly?

8 THE COURT: I'm sorry?

9 MR BREWER Preliminarily could I -- could I
10 address the Court briefly?

11 THE COURT: Sure.

12 MR. BREWER: There was some whoopla about cameras
13 being around here. I don't know if there are or aren't, but
14 I'd just ask the Court to preclude any camera -- any cameras
15 I believe the Court has discretion with regard to whether
16 cameras are admitted or not.

17 THE COURT: I don't think I do I don't think I
18 have discretion to allow them. They are strictly prohibited
19 --

20 MR BREWER: Okay

21 THE COURT: -- by Rule 122 of the Supreme Court.

22 MR. BREWER: Okay. Then that's fine, Judge. That's
23 taken care of.

24 THE COURT: Not only still cameras but video
25 cameras, whether electronic or film --

1 MR BREWER: Okay.

2 THE COURT -- strictly prohibited. No
3 photographing

4 Okay. Mr. Romero, you've had the opportunity to
5 discuss with Mr Brewer the contents of the petition It is
6 two very serious charges, two counts each of premeditated
7 homicide. In addressing these cases -- these charges, you
8 have a number of important rights. They include the right to
9 confront and cross-examine all of the witnesses against you,
10 the right to present witnesses and physical evidence that's
11 favorable to you, the right to require, that is to force
12 people to come forward, if they have favorable testimony, and
13 the right to testify on your own behalf if you choose or to
14 remain silent if you choose.

15 That right to remain silent extends beyond the issue
16 of anything to be proven, and it pertains to this hearing as
17 well You have an absolute right to remain silent. What you
18 do say can be used against you in court.

19 The way that all of these rights are more than an
20 empty promise is by another and equally important right, and
21 that is the right to represented by an attorney. Mr. Brewer
22 is here on your behalf standing in at Ms. Cooper's request.
23 Ms. Cooper is an attorney in Show Low She has been appointed
24 to represent you throughout the remainder of these
25 proceedings. Mr. Brewer is also an attorney in Show Low and

1 has agreed to appear here specially on your behalf today.

2 Okay. Anything you say to him is a secret. Anything
3 you tell him, he cannot tell anyone else unless you authorize
4 it. Okay? His advice to you is his advice with your best
5 interests in mind. He is unalterably and absolutely on your
6 side, and that is how your rights are more than a meaningless
7 promise. Attorneys enforce people's rights, and that's what
8 he is here for.

9 The charges against you, as I've indicated, are very
10 serious. There is a request that you be detained in juvenile
11 the detention facility down on Main Street during the
12 remainder of the pendency of these proceedings. The hearing
13 today is to determine whether or not, first of all, there is a
14 reason to believe that you did what you're charged with, not
15 sufficient proof to hold you responsible, but reason to
16 believe and be concerned that there -- you may have done what
17 you're charged with and also a legal basis for holding onto
18 you during the pendency of the charges. That's the purpose of
19 today's hearing.

20 Do you have any questions? If you do, you may want
21 to talk to Mr. Brewer first.

22 Okay. Mr. Carlyon?

23 MR. CARLYON: Judge.

24 THE COURT: You have a case to make under Rule 23

25 MR. CARLYON: The State does call Officer Debbie

1 Neckel of Saint Johns P D. as its first witness

2 THE COURT: Okay. Officer Neckel, could you come
3 forward and be sworn, please?

4 (Brief pause.)

5 OFFICER DEBBIE NECKEL,
6 having been called as a witness for the State, having been
7 duly sworn, testified upon her oath as follows

8 THE COURT: Thank you very much. Please have a
9 seat

10 DIRECT EXAMINATION

11 BY MR CARLYON

12 Q. Officer, would you just identify yourself for the
13 record, please?

14 A. I'm Officer Debbie Neckel of the Saint Johns Police
15 Department.

16 Q. And how long have you been with Saint Johns P.D.?

17 A. Two years as a certified officer.

18 Q. And what's your current duties?

19 A. I'm a school resource officer, and I've just been
20 promoted to Detective

21 Q. On November 5th, 2008, were you on duty that day?

22 A. Yes, sir.

23 Q. Did you guys receive a call that you needed to
24 respond over near the airport? I believe it's 7th West.

25 A. 7th North

1 Q 7th North?

2 A Yes, sir.

3 Q And did you respond to that?

4 A Yes, sir; I did

5 Q Are you familiar with the area?

6 A Yes, sir I live right there.

7 Q What was the -- whose home did you go to?

8 A We went the Romero residence

9 Q And when you were dispatched to the Romero
10 residence, were you given any information from dispatch about
11 what was going on?

12 A. We were told that we had one dead body.

13 Q. Okay. And you -- you've done a bunch of interviews,
14 right?

15 A. Yes, sir.

16 Q. Do you know who actually made this 9-1-1 call?

17 A. I do not, sir.

18 Q. Okay So you responded to this location. Did you
19 arrive with anybody else?

20 A Yes, sir I had -- Sergeant Rodriguez was actually
21 driving the car. I was the passenger

22 Q And when you arrive on scene, what'd you see?

23 A I saw a body laying up on the front porch laying
24 face down with the head towards the front door.

25 Q Okay Let me back you up. Describe this residence

1 A. It's a two-story blue home; sits on the corner of
2 15th Place West and 7th North.

3 Q. You talked about seeing the body on the front porch
4 area. How much of a front yard is there?

5 A. An actual small front yard area, but a house is
6 fairly close to the street.

7 Q. Besides the vehicle that you and Detective Rodriguez
8 pulled up in, were there any other vehicles parked in the
9 front of this home when you arrived?

10 A. Yes, sir. There was a truck.

11 Q. And where was the location of this truck in
12 relationship to the home?

13 A Right in front of the home, there's gravel, and it
14 was parked partially up on the gravel.

15 Q. You say you saw this body Were you able to tell
16 anything from the street when you first arrived about this
17 body?

18 A. Just had a jack -- had a heavy jacket; Carhartt, I
19 think they call them.

20 Q Could you tell male or female or anything of that
21 nature?

22 A. It looked to be a male.

23 Q. Could you tell dark complected, light complected?

24 A. Dark complected skin

25 Q. So you and Sergeant Rodriguez get out of the car,

1 and you're coming up on this Do you notice anything else as
2 you're coming up to the body?

3 A I stayed back. Actually Sergeant Rodriguez moved in
4 close to the body We didn't know what we had, and I was
5 dealing with safety issues. I did notice some -- a few blood
6 drops on the driveway.

7 Q Did you identify who this body was in front of the
8 door?

9 A No, sir. I did not know who the body was.

10 Q You know now?

11 A Yes, sir.

12 Q Who was the body?

13 A Ted Romans.

14 Q What was the last name?

15 A Romans.

16 Q Were you -- what kind of injuries did you eventually
17 determine this body had?

18 A Multiple gunshot wounds.

19 Q Could you determine what part of the body had a
20 gunshot wound?

21 A I inspected the body yesterday looking for bullet
22 holes. The outside of the clothing, we found one or two that
23 looked to be on the chest; holes in the clothing We didn't
24 see an entry room -- wound on the face. There was just blood
25 covering the face.

1 Q The autopsy has not been completed yet?

2 A No, sir

3 Q Is there a screen door in front of this house?

4 A. Yes, sir. It's a security screen door

5 Q. And which way does it open up to?

6 A. I believe outward.

7 Q. Outward, and does it move in towards the body side
8 or away from the body side where the body was lying on the
9 porch?

10 A. It would be moving in -- out towards the body

11 Q. Towards the body. Was there another body found?

12 A. Yes, sir.

13 Q. Where was the second body found?

14 A I was told it was found up the stairs.

15 Q So you didn't see it?

16 A. No, sir.

17 Q. What other involvement did you have there at the
18 Romero house?

19 A. I immediately started -- once the second body was
20 found and the home was cleared for safety issues, made sure
21 everything was safe, I started talking to the neighbors and
22 getting witness statements, interviewing across the street
23 from the house; the two people that live at that home; and
24 then just walking the neighborhood We had several officers
25 and deputies there, and we divided it up, so I know the homes

1 I went to

2 Q. Did anybody hear anything?

3 A. Yes, sir, across the street. They heard several
4 shots.

5 Q When you say across the street, is that across from
6 the front of the house?

7 A. Yes, sir; directly north across the street.

8 Q. Were they able to determine about what time of day
9 they said they heard the shots?

10 A. I believe it -- approximately 5.00 p.m

11 Q Were you able to determine where the victim on the
12 front porch, Tim, resided?

13 A Yes. I -- I was told fairly quickly by someone, and
14 it'll be in my -- my notes But I was told fairly quickly
15 that he resided at that residence, but he was a boarder.

16 Q. Did you determine where he worked?

17 A. Yes; at SRP -- at Zachary actually; a sub-contractor
18 for SRP.

19 Q. And did you learn the name of the other victim; the
20 one that was found in the house?

21 A Yes, sir.

22 Q His name was?

23 A Vincent Romero

24 Q. And he was the owner of the house?

25 A. Yes, sir.

1 Q And did you determine where Vincent Romero worked
2 also?

3 A Yes, sir; at --

4 Q. Where was that?

5 A. Zachary at SRP.

6 Q. Any of the other neighbors that you talked with, did
7 they hear anything?

8 A No.

9 Q See anything?

10 A No

11 Q. Did you talk to anybody else besides the neighbors
12 that evening on the 5th?

13 A. Yes, sir I was up all night working on this case.
14 I spoke to quite a few people. We were looking for a tape at
15 SRP of possible people leaving the residence.

16 Q. Pursuing some type of leads at that time? What
17 leads did you have at that time?

18 A Just that there had been some problems at work with
19 several employees at SRP

20 Q. So you were trying to follow up to see who that
21 might've been?

22 A. Yes, sir.

23 Q. So you really had no clue as to who may have fired
24 the gun at this time?

25 A. No, sir.

1 Q. The next day, did you happen to interview Christian
2 Romero?

3 A. Yes, sir

4 Q. Was anybody else a part of that interview with you?

5 A. Yes, Commander Matrese Avila.

6 Q And where did you interview Christian at?

7 A The North County Health Center.

8 Q. It's set up for video recording?

9 A. Yes, sir; for forensic interviews.

10 Q. Had Christian been interviewed prior to this time;
11 do you know?

12 A Yes, sir Matrese Avila interviewed Christian the
13 night before

14 Q. And why did you feel that he needed to be re-
15 interviewed?

16 A. We were given information earlier the following day,
17 which -- I believe Thursday morning, yesterday morning -- that
18 Tim, the victim laying outside the door, his -- excuse me
19 (clears throat) -- he was speaking to his wife from the phone
20 when the car pulled up. And his wife had told Sergeant
21 Rodriguez that she heard Christian's voice in the background
22 calling Tim into the house.

23 Q And did he mention that before to Commander Avila
24 when she interviewed him the night before?

25 A. No, sir.

1 Q. So that was something you felt you needed to follow
2 up on?

3 A. Yes, sir.

4 Q. About what time of day on the 6th did you interview
5 Christian? Ballpark; morning, afternoon, evening, early
6 morning?

7 A. Seven, eight, nine -- 10 30 approximately.

8 Q. What was his demeanor during the course of this
9 interview?

10 A. He seemed to be calm.

11 Q Emotional at all?

12 A No, sir; very -- the 5 to 20 second part of the
13 interview, he -- he got upset, emotional, And other than
14 that, he was calm.

15 Q. And that was at the very end?

16 A. Yes; towards the end.

17 Q. What was his -- Christian's initial story?

18 A. His story was that he -- his --

19 MR. BREWER. Judge, I'm going to object. If we
20 could be a little more clear about this. Who are we talking
21 -- who was he talking to giving the initial story?

22 THE COURT: Could you staple down a time and a
23 place?

24 BY MR CARLYON.

25 Q. Well, you had him there roughly 10:30 at the Saint

1 Johns Clinic conducting this interview of him What was the
2 initial story that he was giving?

3 THE COURT: Okay. You're not referring to his
4 discussions with Commander Avila the night before?

5 MR. CARLYON: Story of when he got home on the 5th of
6 November of the occurrences around that time and his discovery
7 of the bodies. Is that sufficient for the Court?

8 THE COURT: Okay. But you're not talking about the
9 discuss -- his contact with Commander Avila previously?

10 MR. CARLYON: No. I'm talking about his contact at
11 the Romero home on the 5th --

12 THE COURT: Solely with this witness?

13 MR. CARLYON: -- around the five o'clock time
14 period.

15 THE COURT I know. His, Christian's. Didn't he
16 discuss this previously with Commander Avila?

17 MR. CARLYON: Right. I'm not asking about the
18 conversation the night before. That's another conversation on
19 the 6th

20 THE COURT: That's what I wanted to clear. Okay
21 All right. That's clear

22 Is it clear to you what he's referring to?

23 THE WITNESS: Yes, sir, it is. Yeah

24 THE COURT Okay. Please proceed

25 //

1 DIRECT EXAMINATION (Continued)

2 BY MR. CARLYON:

3 Q What was his initial --

4 A We asked him to just tell us from the beginning He
5 told us that his mother Tiffany is not there on Mondays and
6 Wednesdays. She works until 5:00. And so he got off the bus
7 and walked around the neighborhood

8 Q. What time does he usually get off the bus? Were you
9 able to determine that?

10 A. I think it's approximately 3 00, but we have not
11 checked the bus schedule to determine that yet

12 Q. And you were able to determine that that Dad and Tim
13 got off about 4:20 or so?

14 A. I think they got off, but they got home around 5 00

15 Q. Around 5:00? So you were asking him what happened
16 in that --

17 A. Uh-huh.

18 Q. -- hour and a half, two-hour period --

19 A. Yes

20 Q. -- and what did he say he was doing?

21 A. Yes, sir. He said he was just walking around --

22 Q. And he --

23 A. -- the neighborhood.

24 Q. And then I assume he told you he finally got home?

25 A. Yes

1 Q And what did he say found when he got home?

2 A He said that he saw Tim's body laying outside. He
3 entered the house calling for his dad, walked upstairs and saw
4 his dad's body laying on the stairs.

5 Q. And did he say what he did next?

6 A. He said he nudged it with his foot.

7 Q. Did he say if he stayed there or did something else?

8 A. He said he stayed there for -- he said 30 minutes.

9 And then he left residence and went to a neighbor's house
10 where there was another young man, and he spoke to him and
11 told him that his father was dead and his father's friend was
12 dead

13 Q. And this whole interview with you and Christian and
14 Commander Avila was recorded both digitally -- digitally, both
15 video and audio?

16 A. Yes, sir.

17 Q. Did that story ring true to you?

18 A. No, sir.

19 Q. Did you and Commander Avila follow up with
20 questions?

21 A. Yes, sir.

22 Q. And at this point in time, you were aware of the
23 phone conversation between the victim Tim and his wife?

24 A. Yes, sir.

25 Q. Did you start to bring that information out and ask

1 him stuff?

2 A Yes, sir; we did.

3 Q Did things change then with him?

4 A. Yes. His -- his story started to change.

5 Q. Can you tell us here in the course of this interview
6 on the 6th, the permeations of his interview and what he's
7 saying and how it's changing?

8 A. Well, I asked him why -- we didn't tell him who said
9 it, but we -- I asked him why someone would say they heard his
10 voice from inside the house -- or heard his voice calling
11 Tim's name And he said he did call Tim's name from a couple
12 of houses down

13 And when -- he said he was walking towards the
14 residence saying, "Tim, are you home? Tim, are you home?"

15 Q. He talked about a car too; didn't he?

16 A He did see the car.

17 Q What car was it that he described?

18 A. It was the truck. It was Tim's truck out in front
19 of the residence.

20 Q Didn't he also describe a car leaving the area
21 rapidly?

22 A Yes, sir; he did. He described a white car leaving
23 the area.

24 Q. And he said it was -- did he describe anything
25 particular about the car that would make it stand out?

1 A Actually he -- he told us about the wheels on the
2 car, and he was pretty descriptive of the wheels

3 Q That's to the effect that there was no rims on the
4 back?

5 A No rims, right.

6 Q But he also described how the car went past him, but
7 he couldn't see the front wheels; he could only see the back
8 wheels on both sides?

9 A. I -- I don't remember --

10 Q. That's fine

11 A. -- completely that part.

12 Q It's on the tape if we --

13 A. I'd have to it again. Okay

14 Q. Okay So his story is changing about when he saw
15 Tim?

16 A. Yes

17 Q How was it his story was changing?

18 A Well, we had asked him if he had said anything And
19 then we brought up the noise -- or, you know, his voice, you
20 know, why his voice. Every scenario he would give was
21 slightly different.

22 Q. At another point in time when you had him on, you
23 realized that you had him there at some point in time. It
24 changed considerably because he had come straight home then
25 instead of walking, correct?

1 A Right.

2 Q What was his story when he changed at this point
3 that he came straight home from school?

4 A. We asked him -- we told him we took his clothes, and
5 he was asked about gunshot residue and explained And we
6 asked if there would be any on his clothing.

7 One of the other statements he had made is not
8 seeing the gun. And then he changed his story that he saw the
9 gun.

10 Q. You just used "gunshot residue." That's not how you
11 explained it to him, correct?

12 A. It -- it -- wasn't. We were explaining I don't
13 know if we used the word "smoke," but we were explaining more
14 to a 10-year-old.

15 Q. Eight-year-old --

16 A. A eight-year-old.

17 Q. Somebody his age?

18 A. (No audible response.)

19 Q. And did he end up telling you that he thought there
20 might be some -- we'll use the term "gunshot residue" just
21 because we understand that easier.

22 A. Uh-huh.

23 Q. Did he start to say why there might be something on
24 him?

25 A. Yes, he did. He said when he entered the house,

1 there was a lot of smoke in the house, and -- and -- he also
2 told us that he did pick up the gun and -- and put it in a
3 closet. And the smoke would've caused it to be on his
4 clothing.

5 Q Did you kind of explain that that probably wouldn't
6 do it?

7 MR. BREWER: Objection, foundation

8 THE COURT: I missed the question.

9 MR. CARLYON: And didn't you explain that just
10 walking in the smoke wouldn't do it? I think that's how I
11 phrased it

12 THE COURT: Overruled. Go ahead.

13 THE WITNESS: Yes. That was explained to him. And
14 we asked if he would have a little or a lot, and he said a
15 lot.

16 BY MR. CARLYON:

17 Q Did he explain how he'd get a lot if he just walked
18 through the smoke before?

19 A Yes.

20 Q How did he say he got a lot?

21 A That he may have fired the gun.

22 Q Did he say -- who at first did he say he fired the
23 gun at?

24 A I believe at first he told us he fired the gun at
25 Tim.

1 Q Did he tell you before that that he fired a shot at
2 the fleeing car?

3 A. Yes, sir, he did He -- he did tell us he -- he
4 fired a shot.

5 Q. Have you reviewed this interview at all since it was
6 recorded, or are you just going from your memory of two days
7 --

8 A. I reviewed three-quarters of it today, this morning

9 Q. So first he was shooting at the fleeing car?

10 A. Yes, sir.

11 Q. And did he ever indicate that he heard any gunshots
12 before he came down?

13 A I don't recall him saying he heard gunshots

14 Q Did he say where he was in the house when all this
15 must've been occurring?

16 A His -- his story changed that he entered the home
17 after he saw Tim's body, picked up the gun and shot at the
18 fleeing car.

19 Q And then his story evolved some more --

20 A Yes sir

21 Q -- at this point in time? But at this point in time
22 with his story, his dad is shot on the stairwell, and Tim's
23 shot and laying outside, correct --

24 A Yes.

25 Q -- shooting at the fleeing car?

1 A. Yes.

2 Q. And then has his story changed to him actually then
3 shooting Tim?

4 A. Yes. I -- I asked him if there was any chance that
5 the gun went off accidentally at -- and accidentally shot Tim.

6 Q. What'd he say?

7 A. And he said yes, he thought it did.

8 Q. And was that when Tim was outside walking?

9 A. You know, I -- I don't --

10 Q. If you don't recall, that's --

11 A. I don't recall

12 Q. At some point in time, did the story evolve again
13 that he shot Tim and his dad after they had already been shot?

14 A. Yes, sir.

15 Q. Tell me that part of the story.

16 A. He told us that he shot his dad once to put him out
17 of his misery because he had already been shot by the people
18 coming into -- the bad guys coming into the house. And then
19 he told us he shot Tim for the same reason.

20 Q. Did he also describe their bodies were twitching at
21 that time?

22 A. Yes, sir.

23 Q. Did the story continue to evolve?

24 A. Yes, sir.

25 Q. And part of that is because you'd said that the

1 bullets were the same for all the wounds and not just from his
2 gun that he supposedly got later?

3 A Yes, sir.

4 Q How did his story change then?

5 A. That he may have shot his dad the first time and
6 then shot his dad the second time.

7 Q. And shot Tim?

8 A. And -- and shot Tim.

9 Q. Did you ask him if he might've been mad at his dad?

10 A Yes, sir.

11 Q. What'd he say about that?

12 A He said he was mad at his dad.

13 Q. Why?

14 A. He said the evening before, that he didn't bring
15 some papers home from school, and his dad was very angry and
16 had his mother Tiffany spank him five swats

17 Q. The gun that was used?

18 A Yes, sir.

19 Q. Describe it.

20 A. I've seen a picture of the gun

21 MR. BREWER: I'm going to object on foundational
22 grounds.

23 THE COURT: I'm sorry?

24 BY MR CARLYON:

25 Q. Did you seen the gun?

1 MR. BREWER: Object on foundational grounds.

2 THE WITNESS: No, sir; I haven't.

3 THE COURT: Okay. Where was the gun found; that
4 sort of thing, but --

5 MR. CARLYON: I'll get it from Rodriguez.

6 THE COURT: I'm sorry?

7 MR. CARLYON: I'll get it from Rodriguez It'd be a
8 lot easier.

9 THE COURT: Okay. Does this witness have first-hand
10 knowledge of --

11 MR. CARLYON: The gun itself?

12 THE COURT: Yeah.

13 MR. CARLYON: No

14 THE COURT Okay

15 MR. CARLYON: She said no. That's why I'll get it
16 out of Rodriguez. I could hearsay it in.

17 THE COURT: Okay. Well, I had three people talking
18 at once. It was a little hard to follow.

19 MR. CARLYON: Right It'll probably be easier to
20 get it out of Rodriguez.

21 THE COURT: Okay.

22 DIRECT EXAMINATION (Continued)

23 BY MR. CARLYON:

24 Q Did Christian describe having to reload the gun?

25 A Yes, sir.

1 Q Why did he have to reload the gun?

2 A. Because it only does one single shot at a time

3 Q. So he had to reload between each one?

4 A. Yes, sir.

5 Q Did he describe whose gun it was?

6 A. He said it was his gun.

7 Q And he talked about hunting with it?

8 A Yes, sir

9 Q The Romero residence, you gave a physical address
10 here in Saint Johns. To your knowledge, is that within the
11 jurisdiction of this Juvenile Court?

12 A. Yes, sir.

13 Q. You've been describing a conversation you had with
14 Christian Romero Do you see that person in the courtroom
15 today?

16 A Yes, sir.

17 Q. Would you identify him for the record, please?

18 A Yes, sir. He's sitting over at the table over here.

19 MR. CARLYON: Is that adequate, Your Honor?

20 THE COURT: I'm sorry?

21 MR. CARLYON: Is that adequate description?

22 THE COURT: That's entirely adequate.

23 BY MR CARLYON:

24 Q. Did he talk about -- when he finally got around --
25 when he finally got around to admitting to killing both his

1 dad and Tim, is that when he finally got emotional, as you
2 described?

3 A. I believe he got emotional when he was talking about
4 his dad being angry with him.

5 Q Did he get emotional again after he finally
6 confessed?

7 A. Not emotionally crying, but just kind of wrapping
8 himself in, putting his hood up and kind of cuddling up.

9 Q. So when you say putting the hood up.. ?

10 A. Covering up his face and just kind of clinging --

11 Q And he brought his legs up to him?

12 A Yes, sir.

13 MR. CARLYON: That's all the questions I have for
14 this witness, Your Honor

15 THE COURT Cross-examine, Mr Brewer?

16 MR. BREWER: Thanks, Judge.

17 CROSS-EXAMINATION

18 BY MR BREWER:

19 Q I guess I'll jump into it this way. What evidence
20 do you have apart from the confession that would link the
21 juvenile to this crime?

22 A The phone call that Tim was having with his wife at
23 -- within minutes of the -- of the crime.

24 Q Did she -- did you interview her?

25 A No, sir, I did not.

1 Q You don't have any knowledge whether or not she knew
2 the characteristics of Mr. Romero voice?

3 A No, sir. I was told that all second-hand.

4 Q And with regard to that information, did she
5 indicate she heard gunshots?

6 A No, sir.

7 Q And given the timeframe you later believe -- heard,
8 would there have been gunshots during the time there was a
9 phone call being made?

10 A No, sir And I was told this second-hand from
11 Sergeant Rodriguez; that she just stated Tim told her
12 something was wrong in the house and he had to hang up the
13 phone and go in the house, and she could hear Christian's
14 voice in the background calling him into the house.

15 Q Okay And your information, based on further
16 investigation, would lead you to believe at that point in time
17 there had already been a shot fired at that point, right?

18 A Not -- I --

19 Q Well, based on what your understanding of the case
20 is --

21 A Uh-huh.

22 Q -- wasn't the father killed first?

23 A Yes.

24 Q And so presumably, if he was calling Tim in, that
25 act would've already been completed?

1 A Yes, sir

2 Q So there would've been some level of gunshots either
3 heard by the person on the phone or heard by Tim?

4 A Yes, sir.

5 Q What other evidence do you have apart from the boy's
6 admission?

7 A I wasn't with the DPS Crime Lab yesterday We're
8 still putting that together I -- what I've been dealing with
9 has not been the evidence except what I specifically took off
10 the bodies yesterday.

11 Q Okay. With regard to the number of times indicated
12 in the admission of each shot, how many times were each
13 individual shot according to the alleged admission?

14 A Two.

15 Q And according to your review of the bodies, was that
16 consistent or inconsistent?

17 A Inconsistent.

18 Q Inconsistent?

19 A Yes, sir.

20 Q And with regard to your statement regarding the
21 residue that you said may be found on his clothing, has that
22 been tested?

23 A No, sir.

24 Q Has that -- has -- were clothes collected off of --

25 A Yes, sir.

1 Q -- Mr. Romero? And those clothes were collected
2 when?

3 A Yesterday morning.

4 Q And that would've been the 6th?

5 A Yes, sir

6 Q And the alleged offense occurred on the 5th?

7 A Yes, sir

8 Q Did you do any swab of his hands to check for
9 residue for gun powder?

10 A No, sir.

11 Q Did you -- are you aware of whether anyone did do
12 that?

13 A No, sir

14 Q And do you have a brief understanding of gun powder
15 residue and how that --

16 A Yes, sir.

17 Q -- works? And if someone's shooting a handgun or
18 any kind of gun --

19 A Uh-huh

20 Q -- there's a good likelihood that residue would be
21 on their hands?

22 A Yes, sir.

23 Q And at this point in time, there -- that evidence
24 will not be there. Is that a fair statement?

25 A Yes, sir.

1 Q So we will not know whether or not his hands
2 actually had gun powder residue or not?

3 A Yes, sir.

4 Q Did you -- did you check the registry to determine
5 who this gun -- who was the owner of this gun was?

6 A No, sir.

7 Q You just went on what he -- what the alleged
8 admission was, right?

9 A Yes, sir.

10 Q And he indicated to you that it was his gun?

11 A Yes, sir.

12 Q And are you aware of whether or not juveniles can
13 own guns?

14 A I'm aware that they can't --

15 Q Would it --

16 A -- own guns

17 Q And is there a way, in your training and experience,
18 to determine who is in fact the registered owner of a gun?

19 A You don't have to register your guns in the State of
20 Arizona.

21 Q Okay But is there a way where that process can be
22 done? Right, that can be documented?

23 A I -- I have been told by a member of the family that
24 the gun belonged to his father.

25 Q Okay Have you spoke to anyone that would suggest

1 to you that he had a knowledge or ability to use this weapon?

2 A Yes, sir.

3 Q And who did you speak with?

4 A I spoke to his mother Eryn.

5 Q And is that his biological mother?

6 A Yes, it is.

7 Q Okay. And in that discussion, was there a
8 demonstration or at least discussion that she indicated he
9 could use that weapon?

10 A Yes

11 Q And that is in a report somewhere?

12 A That report isn't written in entirety yet, sir

13 Q Okay There are a lot more reports than what I
14 have, fair to say?

15 A It would be not written We've got them all tape-
16 recorded, and -- and we're just -- we have to do our -- our
17 writing off of them.

18 Q Okay. So whatever -- whatever is written, I have?

19 A Yes, sir.

20 Q And as far as other investigation that's going on,
21 there is presumably going to be more paperwork?

22 A Yes, sir.

23 Q Including CDs of interviews?

24 A Yes, sir

25 Q Would -- the people that you interviewed, were they

1 all recorded?

2 A Some of the door-to-door statements were not. The
3 ones directly across the street were recorded. And then most
4 of them, though, other than the neighbors, yes, have been
5 recorded.

6 Q Okay. And would you characterize yourself as the
7 case officer in this case?

8 A It's a joint case. I'm joint case officer.

9 Q With who?

10 A Sergeant Rodriguez

11 Q And any other information or evidence that would
12 link Mr Romero to these offenses other than what you've
13 talked about and other than the admission -- alleged?

14 A Not that I can think of right now, sir.

15 Q Was the gun collected?

16 A Yes, sir

17 Q Were the shells collected?

18 A Yes, sir

19 Q Did you or would it have been your job to do swabs
20 for DNA or fingerprints on the shell casings or the --

21 A No, sir.

22 Q That's not your job?

23 A No, sir.

24 Q Did you or someone that you were with collect those
25 -- collect those shell casings?

1 A I believe the DPS Crime Lab collected them.

2 Q Okay. And how long are we talking about from the
3 time of this first call to the time they were there to collect
4 them? How much time has passed between that time?

5 A Approximately 19 hours.

6 Q And during that period of time, you indicated there
7 were a lot of -- lot of law enforcement activity going on in
8 the house, around the house and whatnot?

9 A Very little in the house Around the house was
10 taped off.

11 Q Okay You -- when you arrived on the scene, Mr
12 Romero was not there, right?

13 A He was there.

14 Q He was there?

15 A Yes, sir.

16 Q And when you arrived, you indicated that for safety
17 reasons you stood back, correct?

18 A Yes, sir.

19 Q And did you have your weapon drawn at that point?

20 A No, sir.

21 Q And you didn't know at that point in time whether
22 something was still happening or it'd already happened or
23 anything like that; is that right?

24 A Yes, sir

25 Q And security wouldn't suggest that you would have

1 your weapon drawn?

2 A I clipped -- unclipped my gun, but there were two
3 children, and I didn't know if this was a drug overdose. I
4 mean, we just didn't know.

5 Q What was the other child -- who was the other child?

6 A Austin Davis, I believe

7 Q And where does he fit into this?

8 A Christian went to Austin's house after he left his
9 residence and told Austin that his father and his father's
10 friends were dead -- his father's friend was dead.

11 Q How far away was Austin's house?

12 A I did not go over and interview from Austin's house.
13 I do not know where that house is.

14 Q And this person supposedly heard a statement by the
15 juvenile, and you have yet to interview him?

16 A No, sir. He -- we have a witness statement from
17 Austin

18 Q Okay And that statement has not been provided?

19 A No, sir.

20 Q And in a written statement, presumably he put his
21 address on there?

22 A Yes, sir

23 Q And that would then tell you --

24 A It would --

25 Q -- how far that was?

1 A -- yes, sir.

2 Q And do you know whether or not Austin's parents were
3 home at the time?

4 A They were not home. Austin called his father.

5 Q Are you familiar with the -- I guess the decibel
6 sound of this type of weapon when it's fired? Do you have any
7 idea about that --

8 A Not --

9 Q -- how loud it is?

10 A Not this type of a weapon, no.

11 Q You indicated the only people that heard shots were
12 across the street; is that right?

13 A Yes, sir.

14 Q And what are their names?

15 A I don't remember, sir.

16 Q But that's documented?

17 A Yes, sir.

18 Q And those folks wrote out a witness statement, or
19 were they --

20 A Written --

21 Q -- interviewed?

22 A I interviewed them. I also took a recorded
23 interview of them, and I got a written statement from them

24 Q And they indicated -- are these adults?

25 A Yes, sir.

1 Q And did you -- in relationship to the time where
2 they heard these shots --

3 A Uh-huh.

4 Q -- supposedly, how long was it before you
5 interviewed them?

6 A Thirty minutes.

7 Q Okay. Was there anything about them that would
8 suggest that they were unable to properly --

9 MR CARLYON Hearsay.

10 BY MR BREWER:

11 Q -- I mean, were they under the influence of
12 anything; had they been drinking; any notations like that?

13 A I -- I did not smell any alcohol.

14 Q Any signs and symptoms of any kind of drug?

15 A No, sir

16 Q On the first -- when you arrived on the scene
17 initially --

18 A. Yes, sir.

19 Q. -- you did not go into the residence? Is that a
20 fair statement?

21 A No -- that's a fair statement

22 Q Did you ever go into the residence?

23 A Not until yesterday afternoon.

24 Q Okay. And when you went into the residence, DPS had
25 already been there?

1 A Yes, sir.

2 Q Officer Rodriguez had gone into the residence,
3 right?

4 A Yes, sir

5 Q And what other officers had gone into the residence
6 while you were there?

7 A Early on, no one.

8 Q Okay How about that date?

9 A I -- I saw Chief Roy Melnick entering that
10 residence, and I believe it's Richard Guinn enter with Roy
11 Melnick. He was collecting physical evidence.

12 Q Okay. And were these DPS guys?

13 A No, sir. Well, our Chief in the Saint John's Police
14 Department and Officer -- Deputy Guinn from the Sheriff's
15 Department.

16 Q Okay. So there were a variety of agencies
17 collecting evidence?

18 A Yes, sir.

19 Q Okay

20 A And, sir, I don't believe they were taking evidence.
21 I think they just took pictures. I don't think evidence was
22 being collected at this point. That was saved for DPS.

23 Q Okay. And do you know what provisions they made, if
24 any, prior to entering the residence as far as, you know,
25 putting stuff over their heads so their hair doesn't fall

1 down, you know, not stepping on the blood, whatever else could
2 happen? In other words, do you know whether or not they made
3 any provisions?

4 A Sir, I do not know.

5 Q And upon your review of the body that was out on the
6 porch, you indicated, after later review, you believe there
7 were two shots to the chest; is that right?

8 A I believe we -- we were pinpointing through several
9 layers of clothing that there were two; possibly three.

10 Q Okay. And how many officers were there going
11 through that, looking for the -- how many shots -- how many --
12 how many entrance or exit, whatever you were looking for on
13 him?

14 A Myself and Sergeant Rodriguez. The -- the DPS Crime
15 Lab was there. They were there and -- and took physical
16 evidence as it was removed from the bodies. We just did a
17 cursory -- waiting for the autopsy, just a cursory; what we
18 could see with our eyes

19 Q Okay And this was prior to their clothing removed?

20 A Yes, sir.

21 Q Did you ever view them with their clothes removed?

22 A No, sir. We did not remove their clothing.

23 Q Oh, you did not remove their clothing?

24 A No, sir; we didn't.

25 Q Would that have been sent down to the autopsy folks,

1 or would that be DPS that did that?

2 A No The -- the clothing has not been removed
3 It'll be removed at the autopsy.

4 Q Okay. And as far as when you were observing and
5 looking for the -- looking at the bodies, did -- were you
6 gloved up? Did you ever --

7 A Yes, sir.

8 Q Was everyone else gloved up?

9 A Yes, sir.

10 Q The -- and I may have asked you this.

11 A That's okay.

12 Q If I did, I'm sure I'll get an objection The
13 weapon was taken -- seized, right?

14 A Yes, sir

15 Q And --

16 A I didn't see it seized, so. But, yes --

17 Q Okay.

18 A -- the weapon was seized.

19 Q By someone other than yourself?

20 A Yes

21 Q And probably not Rodriguez, or would he have
22 collected it?

23 A I was under the impression the DPS Crime Lab did,
24 but I couldn't swear to that I wasn't there

25 Q Was the weapon found where the alleged admission

1 said it was?

2 A No.

3 Q Where was it found?

4 A On top of a wire dog kennel inside the front door of
5 the residence

6 Q Okay. But that was collected to your -- to your
7 knowledge?

8 A Yes, sir

9 Q And you had no -- you didn't do any DNA swabs or any
10 --

11 A No, sir

12 Q -- kind of fingerprint analysis on that?

13 A Unh-unh No, sir.

14 Q And as far as your entire investigation, did you do
15 any kind of DNA collection or fingerprint analysis on anything
16 --

17 A No, sir.

18 Q -- not analysis, taking -- collecting of
19 fingerprints?

20 A No, sir.

21 Q Would Rodriguez have done any? Are you aware of
22 whether or not Rodriguez did any DNA collection or fingerprint
23 collection of any item of evidence?

24 A No, sir

25 Q And you indicated that one of the other officers --

1 I believe it was -- for lack of a better word, the head honcho
2 of your organization went in and took photographs, or did they
3 take evidence? I wasn't clear on that.

4 A I don't believe any evidence was taken. I never saw
5 anything in anyone's hands except a camera.

6 Q Okay. But you're aware photographs were taken?

7 A Yes, sir.

8 Q And were they taken by DPS Crime Lab as well, or do
9 you know that?

10 A Yes. They were taken by DPS Crime Lab. I did speak
11 to them about it.

12 Q And do you have any idea how many photographs were
13 taken?

14 A I don't have any idea.

15 Q Did you interview anyone that indicated they saw Mr
16 Romero shoot anybody?

17 A No, sir.

18 Q Did you interview anybody that saw Mr. Romero at the
19 residence when or prior to these individuals being shot?

20 A No, sir.

21 Q Where this home is in relationship to connecting
22 homes or close homes --

23 A Uh-huh.

24 Q -- how -- what kind of distance are we talking about
25 between one and the other?

1 A Distances are very hard for me to judge. I would
2 say 40 yards to the front door of the residence across the
3 street to the front door. To the side, it's not very far; 20
4 yards to the side of the residence.

5 Q And just so I know what your 40 yards means, how far
6 are we talking at the end of this courtroom here?

7 A Possibly 25 yards.

8 Q Okay. And so across the street was 40 yards from
9 step to step?

10 A Yes, sir.

11 Q How about sideways? How far from the house to the
12 neighboring house to the side; either one?

13 A The one on the -- it would be the west side of the
14 residence is -- actually there's a street, 15th Place West
15 And across to that door, I would say 40 to 50 -- possibly 40
16 -- 40 yards.

17 Q Okay. And would it be similar to the alternate side
18 of the house; the other house on the other side of the -- of
19 the residence?

20 A That one on the east side, I believe would only be
21 like 25.

22 Q Okay. Now, you indicated you interviewed both those
23 homes, right? You interviewed folks in both those homes?

24 A No, sir I -- I took the home on the east side, I
25 took the home across the street, and then back behind that

1 home, the next home, and then back behind that home, the next
2 home.

3 Q Okay. Do you know whether or not anybody
4 interviewed the side to, I guess, the east?

5 A Yes, sir; they did. We divided it up --

6 Q Okay

7 A -- and I don't know who got what. I just know what
8 I was -- what I went to do for my part

9 Q But as far as your information, you would be told if
10 interviews produced information --

11 A Yes, sir.

12 Q -- that would suggest they heard a gun?

13 A I was given all the statements from everyone
14 interviewed

15 Q Okay And just so I'm clear then, from the entire
16 investigation --

17 A Uh-huh.

18 Q -- of all the interviews around, all the areas of
19 this residence --

20 A Uh-huh.

21 Q -- only one person or one -- was it one person, two
22 people?

23 A Two people --

24 Q Two people --

25 A -- heard the shots