



# NEWS RELEASE

## APACHE COUNTY SUPERIOR COURT

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December 8, 2008

### Counsel Provides Court With Case Status

**ST. JOHNS** – Judge Michael P. Roca presided over a Status Conference this morning in Case Number JV-2008-065. Counsel made several requests of the court in addition to providing information concerning the status of the case. The juvenile waived his presence at the hearing. Action taken and items discussed include:

- Defense counsel's request to withdraw their nomination of Dr. Daniel Juliano to perform a competency evaluation of the juvenile was granted. The defense has elected to make redactions to an earlier evaluation by Dr. Daniel Cady for submission to the court and prosecution. The judge has ruled that secondary dissemination of the report is prohibited.
- In response to concerns raised by defense counsel over the disclosure of forensic evidence, the Judge ordered that all forensic evidence be disclosed by the end of January, 2009. The State assured the court that the DPS Crime Lab recognizes this case as high profile and has prioritized their work on it.
- The Motion for Appointment of a Therapist for the Juvenile was not granted. The court expressed concern over the language and some provisions of the proposed order. Counsel were requested to confer and determine whether an agreeable alternative can be found.
- Defense counsel is to provide the court with the name and cost of an expert in confessions by the end of the week.
- When asked to rule on the pending Motion to Dismiss, the court indicated it would not address substantive issues while the issue of competency remains unresolved and ordered staying all proceedings until competency is addressed. Discovery, interviews and examinations will continue during the stay.

- The court reconvened in chambers to discuss future furlough requests.
- An additional Status Hearing was set for Monday, December 22, 2008 at 9:00 a.m.

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