

NEWS RELEASE

APACHE COUNTY SUPERIOR COURT

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November 19, 2008

Pre-Adjudication Hearing Conducted

ST. JOHNS – A Pre-Adjudication hearing was held in Case Number JV-2008-065 this afternoon, November 19th, in the Superior Court, Judge Michael P. Roca, presiding. The results follow:

- Defense counsel's Motions for Jury Trial and Court Reporter were denied.
- Defense counsel has been granted two additional weeks to provide disclosure to the State.
- Defense counsel will designate an additional evaluator by the end of the week.
- The parties have stipulated to the provisions of the physical examination of the juvenile which shall include x-rays and examination by a pediatrician. Palm, foot and fingerprints will also be collected along with hair and saliva samples.
- The Court noted that competency needs to be addressed and resolved and that time to determine competency will be excluded.
- The defense will collect the educational and medical records of the juvenile as soon as possible.
- The Judge stated his intention to abide by the Legislature's definition of Public Records. The Judge ordered that written transcripts be substituted for DVDs or audio CD's and any other graphically represented media. The original media will be retained in the prosecution's file. A separate order will be prepared.
- The State was granted permission to set up a public access Web site for dissemination of Public Records. The site will be linked to the Court's site that is already in place.

- Defense counsel has exercised its right to request that the State file any Motion to Transfer within fifteen days.
- A Request for a 48-hour furlough over the Thanksgiving holiday was granted to the juvenile. An order of protection shall be in place during this time prohibiting the juvenile and family from be contacted or harassed by anyone.
- A request to provide the juvenile with counseling services was granted. The Court has ordered that the counselor's testimony will not be admissible.
- The Judge scheduled a Status Conference for Monday, December 8, 2008 at 9:00 a.m. The juvenile will not be present for the hearing.