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The Denver Post**Adams to appeal dropped charges**

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Section: Denver & The West

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George Lane Denver Post Staff Writer

BRIGHTON - The Adams County District Attorney's office is preparing to appeal a decision to dismiss charges against a 16-year-old charged with accessory to murder because he allegedly helped another teenager throw the body of 12-year-old Mayra Lopez into a trash bin after the other youth had raped and killed her.

The charge that could have sent David Arledge to an adult prison for up to eight years was ordered dropped Dec. 16 by Adams County District Judge Philip Roan as the result of a change in judges and a waiver of speedy trial that Roan found invalid. Arledge allegedly helped James Richard Bastin, now 18, throw the middle-school student's body into the trash bin behind a Northglenn supermarket after Bastin had killed the girl in a nearby park Aug. 26, 1992.

Bastin was found guilty in an April jury trial and sentenced to life in prison by District Judge Thomas Ensor.

During the Bastin trial, Ensor was interviewed by a local television station.

Jim Castle, Arledge's attorney, later charged that remarks the judge made during that interview created "an appearance of a bias" against his client and asked that Ensor disqualify himself as trial judge.

Ensor at first refused to remove himself as trial judge but later agreed to step down if Arledge would waive his right to speedy trial, according to court documents.

Under Colorado law a person has a right to trial within six months of entering a plea on charges unless that right is waived. **Castle**, according to court documents, argued that it was improper for the judge to make the waiver a condition of recusing himself.

But, the defense attorney reluctantly agreed to the waiver and then successfully argued against it when the case was reassigned to Roan last month.

Assistant District Attorney Steve Bernard said the appeal of Roan's dropping of the charges must be filed within 45 days of the Dec. 16 action and that that appeal is being prepared.

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