



Judiciary of Guam

Administrative Office of the Courts
Guam Judicial Center • 120 West O'Brien Dr • Hagåtña, Gu. 96910
Tel: (671) 475-3544 • Fax: (671) 475-3184



HON. ROBERT J. TORRES
CHIEF JUSTICE

HON. ALBERTO C. LAMORENA, III
PRESIDING JUDGE

DANIELLE T. ROSETE, ESQ.
ADMINISTRATOR OF THE COURTS

GUAM CRIMINAL LAW AND PROCEDURE REVIEW COMMISSION (CLRC)
THIRD PLENARY MEETING
THURSDAY, APRIL 06, 2023
Guam Judicial Center
via Videoconference (Zoom)

MINUTES

I. CALL TO ORDER

The Third Plenary Meeting of the Guam Criminal Law and Procedure Review Commission (CLRC) on April 06, 2023 was called to order by Chairman Jonathan R. Quan at the hour of 12:00 p.m. He noted for the record that this meeting was being recorded on Zoom and live on the Judiciary's YouTube channel. Due notice was provided for this meeting.

II. PROOF OF DUE NOTICE OF MEETING

Due publication of the five-day and 48-hour Notices of Meeting of the Guam Criminal and Procedure Review Commission, as required under the Open Government Law, were published in the Guam Daily Post. Acknowledgements are on file.

III. DETERMINATION OF QUORUM ROLL CALL

CLRC Members:

Hon. Jonathan R. Quan, Present, Hagatna

Hon. Anita A. Sukola, Present, Tamuning

Attorney William Bucky Brennan, Absent

DOC Designee Major Antone Aguon, Present, Mangilao

Chief of Police Stephen Ignacio or GPD Designee Lt. David Brantley, Absent

Attorney Joseph B. McDonald, Absent

Attorney Randy Cunliffe, Present, Hagatna

Mr. Monty McDowell, Present, Harmon

PDSC Designee Attorney John Morrison, Present, Sinajana

AG Designee Asst. AG Marianne Woloschuk, Present, Tamuning

Attorney Mike Phillips, Absent

Ms. Valerie Reyes, Absent

Attorney Christine Tenorio, Present, Tamuning

Attorney Phil Tydingco, Present, Hagatna

Ex-Officio, Non-Voting Members:

Executive Director Andrew S. Quenga, Present, Hagatna

Compiler of Laws Geraldine Cepeda, Present, Hagatna

Management Officer Valerie Cruz began the roll call. Members were present as indicated above. Chairman Quan ascertained a quorum of nine members present and concurred by Executive Director Quenga. Chairman Quan held a moment of silence to honor Department of Corrections Director Robert Camacho.

IV. DISPOSAL OF MINUTES: Ratification of January 13, 2023 First Plenary Meeting & Approval of February 09, 2023 Second Plenary Meeting

Chairman Quan requested ratification of the minutes of the January 13, 2023 First Plenary Meeting due to a technical issue with the livestreaming of the February 9, 2023 Plenary Meeting. Mr. Monty McDowell moved to approve the minutes. Hon. Anita Sukola seconded the motion. With no opposition, the motion passed.

The Minutes for the February 09, 2023 Meeting were presented for approval. Mr. Monty McDowell motioned to approve the minutes and seconded by Compiler of Laws Geraldine Cepeda. With no opposition, the motion passed.

V. OLD BUSINESS

A. Membership

Chairman Quan announced one membership change. Compiler of Laws Geri Cepeda is serving as Acting Chair of the Drug & Other Criminal Offenses (DOCO) Subcommittee. Hon. Elizabeth Barrett-Anderson stepped down from her appointment due to being a member of the Criminal Injuries Compensation Commission and the statutory prohibition against serving on two commissions. However, she continues on the DOCO Subcommittee as an ex-officio nonvoting member. CLRC will be advised when the Governor makes another appointment to fill her vacancy.

Chairman Quan presented an updated list of Subcommittee Ex-Officio members: Hon. Elizabeth Barrett-Anderson (Drugs & Other Criminal Offenses), Attorney Kat Siguenza (Drugs & Other Criminal Offenses), Attorney Sean Brown (Crimes Relating to Property), and Attorney Brian Eggleston (Criminal Procedure).

B. CLRC Website

Executive Director Quenga announced the launch of the CLRC webpage thanks to the Court's MIS Division, specifically, Ms. Amber Toves.

C. Review of Processes for Subcommittee Review and Recommendations

Compiler of Laws Geri Cepeda summarized the Amend and Repeal Process as a process meant to guide and not prescribe. In cases where there would be a wholesale or dramatic change or wholesale repeal of a chapter or article, simply attaching the amended chapter or article as a whole rather than individual sections would be the most expedient. The COL Office and Guam Law Library stands ready to help the Subcommissions and the entire Commission in their work. Chairman Quan added that the COL said the forms were created to guide the Subcommissions, so if there were any portions that the Subcommissions did not know, it was fine to put down “was not able to locate or cannot be found.” Chairman Quan further stated that the input provided was more important than filling out every item and that the forms were just guidance and to fill in what can be filled. The Executive Director also offered his assistance to any of the Subcommissions.

VI. NEW BUSINESS

A. Member Stipend Under 5 GCA § 43104

Executive Director Quenga stated that members were requested to submit W-9 forms in order for \$50 stipend payments to be made as required by 5 GCA § 43104. Executive Director Quenga stated per the statute, members serving in their official capacity as a government of Guam official or employee are not entitled to receive the stipend.

B. Presentation of First Quarter Report

Chairman Quan indicated the meeting packet includes the CLRC’s First Quarterly Report to the Governor, Speaker and Chief Justice as required by Public Law 36-119. This report was submitted on April 03, 2023 and provides information on the Subcommissions’ progress during the first quarter of 2023, which is from January 01, 2023 to March 31, 2023. Chairman Quan stated this is the first ever quarterly report, so it is limited to the reporting of the progress of each Subcommittee and significant CLRC activities. There are no conclusions or decisions in this report. Discussions about and approval of Subcommittee recommendations will be done at forthcoming plenary meetings. This report will be available on the CLRC webpage.

C. Report by Chairpersons of the Subcommittee on Crimes Against Persons and Subcommittee on Drug & Other Criminal Offenses

Chairman Quan stated that it is anticipated there will be reports from two Subcommittee chairs at each plenary meeting.

Geraldine Cepeda, acting Chairperson for the Subcommittee on Drugs and Other Criminal Offenses presented on the progress of her Subcommittee. The Acting Chair reported that the DOCO Subcommittee, under the direction of former Chair Barrett-Anderson, began their work on Chapter 90. They feel the loss of Director Robert Camacho due to his dedication to Corrections and the idea of rehabilitation. They are at the point of getting Chapter 90 ready for the Commission's voting. COL Geri Cepeda invited those interested to join their Subcommittee meetings. Chairman Quan asked how DOCO was handling the total revamp of Chapter 90 using the forms. The Acting Chair replied that DOCO will modernize and consolidate Chapter 90 and then attach it as a whole with the repeal and amend worksheets. Judge Barrett-Anderson echoed the COL's comments about Director Camacho and said that he knew that statute in and out. Judge Barrett-Anderson commended the DOC staff for their work and that the Subcommittee will be able to present the review of Chapter 90. Responding to a question from a member, on Youth Offender Sentencing, Judge Barrett-Anderson stated that it is in the DYA statute.

Chairman Quan stated that the Subcommittee on Crimes Against Persons' report will be tabled to the next meeting since Attorney McDonald was not present. He commented that all the Subcommittees are working hard and thanked everyone for their time and effort. He went on to thank the Compiler of Laws and Judge Barrett-Anderson for their presentation. At the next Plenary Meeting, the Crimes Relating to Property, Criminal Procedure, as well as the tabled Crimes Against Persons Subcommittees reports will be presented.

D. Notice of Next Meeting: Thursday, June 1, 2023, Noon (Tentative)

Chairman Quan announced that the tentative date for the next Plenary Meeting has been changed from Thursday, June 01, 2023 to Thursday, June 08, 2023 due to recent obligations for himself. Going forward, Chairman Quan indicated that he will have a physical location for the Plenary Meetings if anyone wants to attend in-person at his Courtroom in the Judicial Center. Zoom will still be available as well as broadcasting in the Atrium. There will also be live-streaming via YouTube.

VII. Communications

None.

VIII. Public Comments

None.

IX. Adjournment

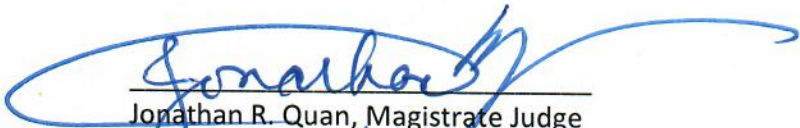
Chairman Quan thanked everyone for their continued work and said that what they are doing is very important and is very much appreciated. There being no other discussion, Mr. Monty McDowell motioned to adjourn the meeting, seconded by Attorney Randy Cunliffe. There being no opposition, the Third Plenary Meeting of the CLRC was adjourned by Chairman Quan at 12:33 p.m.

Respectfully submitted this 31st day of August, 2023.



Andrew S. Quenga, Executive Director

As set out above, the minutes of the April 06, 2023 meeting were approved by the CLRC at the August 31, 2023 meeting.



Jonathan R. Quan, Magistrate Judge
Chairman
Dated: 8/31/23