

TERRITORY OF GUAM
THE STATE OF THE JUDICIARY

BY

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PRESIDING JUDGE OF THE SUPERIOR COURT OF GUAM

TO

THE NINETEETH GUAM LEGISLATURE

25 AUGUST 1988

ELEVENTH STATE OF THE JUDICIARY ADDRESS

GOOD EVENING.

SPEAKER QUITUGUA, GOVERNOR ADA, LIEUTENANT GOVERNOR BLAS, SENATORS OF THE NINETEENTH GUAM LEGISLATURE, JUDGE DUENAS, JUDGES OF THE SUPERIOR COURT, BISHOP APURON, MEMBERS OF THE CONSULAR CORPS, MY DEAR FRIENDS, LADIES AND GENTLEMEN.

IT IS AN HONOR AND A PLEASURE TO APPEAR ONCE AGAIN BEFORE YOU TODAY IN MY CAPACITY AS PRESIDING JUDGE OF THE SUPERIOR COURT. TODAY, I AM HERE TO DELIVER THE ELEVENTH ANNUAL ADDRESS ON THE STATE OF THE JUDICIARY.

I AM REPORTING ON THE ACTIVE CASELOAD AND THE VARIOUS ACTIVITIES OF THE JUDICIARY IN THE PAST YEAR. I ALSO HOPE TO IMPRESS UPON YOU SOME OF MY GOALS AND OBJECTIVES CONCERNING WHAT WE --- THE JUDICIARY, THE EXECUTIVE, AND THE LEGISLATURE --- CAN ACCOMPLISH TOGETHER TO IMPROVE THE THE JUDICIAL SYSTEM OF OUR COMMUNITY.

AS PRESIDING JUDGE OF THE SUPERIOR COURT FOR ALMOST TWO MONTHS, I HAVE HAD TIME TO EVALUATE THE OPERATIONS OF THE SUPERIOR COURT OF GUAM. I AM PLEASED TO REPORT THAT THE MORALE AMONG COURT EMPLOYEES IS HIGH, AND I AM PARTICULARLY IMPRESSED BY THE ABILITY AND INTELLIGENCE OF THE MEN AND WOMEN WORKING IN THE VARIOUS DIVISIONS OF THE COURT. I THANK THEM FOR THEIR

DEDICATION AND HARD WORK, WORK WHICH HAS MADE THE SUPERIOR COURT OF GUAM THE EFFICIENT INSTRUMENT OF JUSTICE THAT IT HAS BECOME TODAY. FOR EXAMPLE, DURING THIS LAST YEAR, WORK FLOW STUDIES UNDERTAKEN IN THE CLERK'S OFFICE REFLECT THAT THE TIME TAKEN TO PROCESS PAPERS WAS REDUCED FROM ONE WEEK - TO JUST ONE OR TWO DAYS.

THE COURT APPEARS TO BE HANDLING ITS WORK LOAD EFFECTIVELY AND EFFICIENTLY, AND WE WILL CONTINUE TO SEEK WAYS TO IMPROVE THE OPERATIONS OF THE COURT SYSTEM.

IN RECENT YEARS MUCH HAS BEEN ACCOMPLISHED TO MODERNIZE AND IMPROVE THE GUAM JUDICIARY. THE CALENDARING OF CASES IS BEING COMPUTERIZED. THE BOARD OF LAW EXAMINERS HAS BEGUN TO ADMINISTER FORMAL BAR ENTRANCE EXAMS. THE TERRITORIAL LAW LIBRARY OPENED IN 1979 AND HAS BEEN GREATLY EXPANDED. AN ALTERNATIVE SENTENCING OFFICE WAS ESTABLISHED, OFFERING CREATIVE PROGRAMS TO HELP REHABILITATE HABITUAL DRUG USERS AND ALCOHOLICS. UNDER THE AUSPICES OF THE DEPARTMENT OF EDUCATION, A MOCK TRIAL PROGRAM FOR HIGH SCHOOL STUDENTS WAS INSTITUTED. NOT LONG AGO, AN ETHICS PROSECUTOR WAS HIRED BY THE GUAM BAR ASSOCIATION TO POLICE THE STANDARDS OF PRACTICING ATTORNEYS ON GUAM. THE RULES OF CIVIL PROCEDURE ARE BEING REEVALUATED AND REWRITTEN BY A COMMITTEE OF THE GUAM BAR ASSOCIATION, CHAIRED BY JUDGE JANET HEALY WEEKS. THE RULES OF CIVIL PROCEDURE ARE CURRENTLY SPREAD BETWEEN VARIOUS CODES AND COURT RULES: THE

CODE OF CIVIL PROCEDURE, THE PROBATE CODE, THE SUPERIOR COURT RULES OF CIVIL PROCEDURE, AND THE SUPERIOR COURT RULES OF COURT.

IN 1987, SIX JUDGES ALONE WERE ABLE TO HEAR A STAGGERING TOTAL OF 16,274 CASES.

FILINGS FOR BOTH CRIMINAL FELONIES AND MISDEMEANORS DECLINED IN 1987. AMONG THE 534 CRIMINAL FELONY CHARGES BROUGHT IN 1987, 83 WERE FOR DELIVERY OF A CONTROLLED SUBSTANCE; 51 WERE FOR CRIMINAL SEXUAL CONDUCT; 36 FOR AGGRAVATED ASSAULT; AND 109 FOR EITHER BURGLARY, THEFT OR ROBBERY. AS FOR CRIMINAL MISDEMEANORS, AMONG THE 1,416 CHARGES BROUGHT BEFORE THE COURT IN 1987, 488 WERE ALLEGED DRIVING WHILE INTOXICATED OR RECKLESS DRIVING; 156 WERE FOR THEFT; AND 132 FOR ASSAULT.

AN INCREASING NUMBER OF YOUTHFUL OFFENDER ACTIONS ARE COMING BEFORE THIS COURT. IN FACT, FILINGS INCREASED MORE THAN 60% FROM LAST YEAR. AMONG THE 581 YOUTHFUL OFFENDER CHARGES BROUGHT BEFORE THE COURT IN 1987, 126 WERE FOR HARASSMENT, 58 WERE FOR BURGLARY, 54 FOR ASSAULT AND 43 WERE POSSESSION OF LESS THAN ONE OUNCE OF MARIJUANA.

FROM A FISCAL POINT OF VIEW, I AM PLEASED TO REPORT THAT THE COURT HAS MANAGED FOR NOW TO LIVE WITHIN ITS FY 1987 BUDGET OF \$5 MILLION. PART OF THIS WAS DUE TO CAREFUL ADMINISTRATION, AND THE FACT THAT PUBLIC LAW 19-3 REPROGRAMMED MONEY FROM MISCELLANEOUS TO PERSONNEL SERVICES. THIS ENABLED THE COURT TO FUND LUMP SUM ACCRUED ANNUAL LEAVE FOR EMPLOYEES WHO RETIRED, AS WELL AS OFF-ISLAND TRAVEL AND CONTRACTUAL OBLIGATIONS. ALSO

APPROVED DURING FY 1987 WAS A SUPPLEMENTAL REQUEST OF \$225,133 TO PAY FOR RECLASSIFICATION OF COURT EMPLOYEES. THE LEGISLATURE HAS ALWAYS BEEN VERY SENSITIVE TO THE NEEDS OF THE JUDICIARY, AND FOR THIS WE THANK YOU.

TO FURTHER IMPROVE THE FINANCIAL ACCOUNTING OF OUR COURT SYSTEM I REQUEST THAT THE LEGISLATURE PASS BILL NUMBER 850, AN ACT TO SEGREGATE SUPERIOR COURT MONEY USED FOR JURY EXPENSE INTO A SEPARATE FUND; AND BILL NUMBER 851 AN ACT TO SEGREGATE SUPERIOR COURT MONEY USED TO COMPENSATE ATTORNEYS APPOINTED TO REPRESENT THE INDIGENT INTO A SEPARATE TRUST FUND. THIS LEGISLATION WILL RECTIFY THE ACCOUNTING PRACTICE WHICH WAS UNCOVERED DURING A 1985 TOUCHE ROSS AUDIT. CURRENTLY, FUNDS EARMARKED FOR JURY EXPENSES AND FOR COMPENSATION OF COUNSEL RETAINED BY THE COURT TO REPRESENT INDIGENT PERSONS ARE COMMINGLED WITH THE COURT'S GENERAL FUND OPERATIONS ACCOUNT. LIKE ALL OTHER COURT FUNDS THEY AUTOMATICALLY LAPSE AT THE END OF THE EACH FISCAL YEAR. THE PROBLEM IS THAT AT THE CLOSE OF EACH FISCAL YEAR THESE FUNDS ARE OFTEN ENCUMBERED BUT NOT DISBURSED. BILLS NUMBER 850 AND 851, INTRODUCED BY SENATOR PILAR LUJAN, WOULD REMEDY THIS PROBLEM BY SEGREGATING THESE MONIES INTO SEPARATE TRUST FUNDS, THUS ENSURING A SMOOTHER AND MORE EQUITABLE IMPLEMENTATION OF THE COURT'S STATUTORY AND CONSTITUTIONAL DUTIES TO PROVIDE FOR TRIAL BY JURY AND FOR COUNSEL TO THE INDIGENT.

TRAFFIC COURT UNDER JUDGE JOAQUIN MANIBUSAN ASSESSED TRAFFIC FINES IN 1987 AMOUNTING TO MORE THAN \$650,000. OTHER FEES AND FINES BROUGHT IN OVER \$530,000 -- WHILE INTEREST INCOME CAME TO APPROXIMATELY \$80,000. THESE FUNDS WERE SPENT AS FOLLOWS: A LITTLE OVER \$240,000 WAS DISBURSED TO THE TERRITORIAL LAW LIBRARY AS MANDATED BY PUBLIC LAW 14-155 -- WHILE THE BALANCE OF APPROXIMATELY \$993,000 WAS DEPOSITED IN THE JUDICIAL BUILDING FUND PURSUANT TO PUBLIC LAW 17-82.

YOU ARE ALL AWARE OF THE TERRITORY'S PRESSING NEED FOR A NEW JUDICIAL BUILDING. THE OLD COURTHOUSE WAS BUILT TO HANDLE A MUCH SMALLER COURT. PRESENTLY, TWO OF OUR JUDGES AND MUCH OF OUR SUPPORT STAFF WORK IN LEASED OFFICE SPACE ACROSS THE STREET FROM THE COURTHOUSE. OUR IMPORTANT WORK IS OFTEN INTERRUPTED BY ELECTRICAL OVERLOADS AND THE BUILDING REQUIRES AN INCREASING NUMBER OF PLUMBING REPAIRS. THE OLD COURTHOUSE LACKS ADEQUATE FACILITIES FOR PRISONER SEGREGATION AND CONTAINS ONLY ONE SMALL JURY DELIBERATION ROOM. ONE DELIBERATION ROOM CAN NO LONGER MEET THE NEEDS OF A COURT WHICH CONDUCTS PROCEEDINGS IN FIVE GENERAL TRIAL COURTROOMS SPREAD OUT OVER TWO BUILDINGS.

HOWEVER, PLANS FOR THE DESIGN, FINANCING, AND CONSTRUCTION OF A NEW JUDICIAL COMPLEX ARE WELL UNDERWAY. THE NEW COMPLEX WILL HOUSE THE SUPERIOR AND SUPREME COURTS OF GUAM, THE ATTORNEY GENERAL'S OFFICE, THE PUBLIC DEFENDER'S OFFICE, AND THE TERRITORIAL LAW LIBRARY.

HANIL DEVELOPMENT Co., THE LOWEST BIDDER AMONG THE COMPANIES VYING TO CONSTRUCT THE NEW COMPLEX, GRACIOUSLY AGREED TO EXTEND THE ORIGINAL DEADLINE FOR FINAL CONTRACT EXECUTION FROM AUGUST 12 TO AUGUST 26. BECAUSE OF THEIR COOPERATION AND PATIENCE THE DELAYS IN APPROVAL FOR THE COMPLEX WILL NOT RESULT IN SUBSTANTIAL SETBACKS IN EITHER TIME OR MONEY. WE ALSO APPRECIATE THAT THE FARMER'S HOME ADMINISTRATION HAS EXPEDITED AND FACILITATED THE LOAN AGREEMENT. AND WE ALSO THANK SENATOR PILAR LUJAN FOR INTRODUCING THE NECESSARY LEGISLATION PROVIDING LEGISLATIVE CONCURRENCE FOR THE LOAN, AND SENATOR FRANK SANTOS FOR INTRODUCING THE FLOOR AMENDMENT TO BILL 296 WHICH WAS ADOPTED EARLIER THIS WEEK THROUGH LEGISLATIVE OVERRIDE. BILL 296 IS NOW PUBLIC LAW 19-19.

THANKS TO THE SUPPORT AND EFFORT AND CONCURRENCE OF THE LOAN FROM BOTH THE GOVERNOR AND THE LEGISLATURE, WE EXPECT THE GROUND BREAKING FOR THE NEW JUDICIAL COMPLEX TO BE HELD WITHIN A MONTH. COMPLETION IS SCHEDULED FOR THE FALL OF 1990.

TURNING NOW TO SOME OF OUR MORE IMPORTANT COURT DECISIONS. SINCE THE LAST STATE OF THE JUDICIARY SOME LANDMARK RULINGS WERE HANDED DOWN WHICH MAY AFFECT THE TERRITORY FOR YEARS TO COME. IN NELSON AND WOLF VS. ADA, JUDGE SIGUENZA RULED THAT THE THEN TERRITORIAL BOARD OF EDUCATION WAS ESTABLISHED CONTRARY TO THE ORGANIC ACT WHICH VESTS THE GOVERNOR -- AS OPPOSED TO THE "GOVERNMENT OF GUAM" -- WITH ADMINISTRATION OF

EDUCATION UNTIL SUCH TIME AS LOCAL ENABLING LEGISLATION IS ENACTED. IN IGNACIO VS. FIREMAN'S FUND INSURANCE COMPANY, JUDGE WEEKS FOUND THAT THE SUPERIOR COURT OF GUAM HAS CONCURRENT JURISDICTION WITH THE DISTRICT COURT OF GUAM OVER ADMIRALTY AND MARITIME MATTERS. IN THE PEOPLE VS. BURKE ET AL., JUDGE ABBATE RULED THAT THE ATTORNEY GENERAL'S OFFICE MAY NOT, AS A GENERAL PRACTICE, CONTRACT WITH PRIVATE ATTORNEYS TO PROSECUTE CRIMINAL CASES -- WHILE JUDGE CRUZ IN IN THE INTEREST OF A.M.P. EMPHASIZED THE SPECIAL TREATMENT WHICH THIS TERRITORY ACCORDS TO MINORS ACCUSED OF COMMITTING CRIMES. RECENTLY, IN PEOPLE V. CHARGUALAF, JUDGE DIAZ HAS ORDERED THAT THE YOUTH CORRECTION ACT, ENACTED OVER 20 YEARS AGO TO PROVIDE ALTERNATIVE PROGRAMS FOR TREATING YOUTHFUL OFFENDERS, MUST FINALLY BE IMPLEMENTED.

PERHAPS THE MOST SIGNIFICANT DECISION, HOWEVER, CAME OUT OF THE NINTH CIRCUIT COURT OF APPEALS IN SAN FRANCISCO. IN PEOPLE VS. YANG, THE COURT HELD THAT IT WOULD NO LONGER TREAT DISTRICT COURT APPELLATE DIVISION INTERPRETATIONS OF GUAM LAW WITH THE DEFERENCE ACCORDED IT IN THE PAST. AS A RESULT, THE NINTH CIRCUIT WILL REVIEW DE NOVO ALL QUESTIONS OF GUAM LAW COMING UP FROM THE APPELLATE DIVISION. THIS DECISION EFFECTIVELY STRIPS THE APPELLATE DIVISION OF ITS STATUS AS THE PRIMARY INTERPRETER OF GUAM LAW.

ALTHOUGH THE GOVERNOR AND LEGISLATURE HAVE IN THE PAST WORKED STEADFASTLY TO PROTECT AND STRENGTHEN THE CIVIL RIGHTS OF THE PEOPLE OF GUAM, THE QUEST FOR JUSTICE IN OUR TERRITORY HAS YET TO BE ACHIEVED.

FOR OVER 30 YEARS A SERIES OF COURT CASES HAS ELABORATED AND SOLIDIFIED A HOST OF IMPORTANT RIGHTS FOR DEFENDANTS -- FROM STRONG GUARANTEES OF EFFECTIVE COUNSEL TO FREEDOM FROM SELF INCRIMINATION AND UNREASONABLE SEARCHES AND SEIZURES. THESE PROTECTIONS ARE IMPORTANT AND OUR JUDICIAL SYSTEM CORRECTLY AND RIGHTFULLY ENSURES THAT THE ACCUSED IS PRESUMED INNOCENT UNTIL PROVEN GUILTY BY A JURY OF HIS PEERS AND RECEIVES A FAIR TRIAL.

HOWEVER, THERE SEEMS TO BE A PERCEPTION BY THE PUBLIC, RIGHTLY OR WRONGLY, THAT EFFORTS TO INSURE THE RIGHTS OF CRIMINAL DEFENDANTS HAVE GONE TOO FAR AND THAT THE PRACTISE OF PLEA BARGAINING IS "THE LAST STRAW." PEOPLE ARE SAYING, "ENOUGH IS ENOUGH, WE CAN'T TAKE IT ANYMORE." MANY FEEL VULNERABLE AND HELPLESS AS PLEA BARGAINING RESULTS IN CHARGES BEING REDUCED TO SUCH AN EXTENT THAT "THE PUNISHMENT NO LONGER FITS THE CRIME."

PLEA BARGAINING IN FACT IS PERMITTED UNDER CHAPTER 60 OF OUR CRIMINAL PROCEDURE CODE AND THE COURT IS THE FINAL ARBITER OF WHETHER TO ACCEPT OR TO DENY PLEA AGREEMENTS. IF THE COURT FEELS THAT THERE WAS AN IMPROPRIETY OR AN INJUSTICE IN A

PARTICULAR PLEA, THAT PLEA SHOULD BE AND MUST BE REJECTED BY THE COURT.

PLEA BARGAINING MAY BE USEFUL TO THE GOVERNMENT BECAUSE, AS YOU ARE WELL AWARE, THE GOVERNMENT MUST PROVE ITS CASE BEYOND A REASONABLE DOUBT. THUS, IF THE GOVERNMENT LATER DISCOVERS THAT IT IS NOT ABLE TO MARSHAL SUFFICIENT EVIDENCE TO PROVE THE CHARGES SET FORTH AN INDICTMENT, BY PLEA BARGAINING IT MAY BE ABLE TO INSURE A CONVICTION, ALBEIT ON LESSER CHARGES AND JUSTICE TO SOME EXTENT MAY HAVE BEEN SERVED. PLEA BARGAINING IS ALSO VALUABLE IN CRACKING COMPLEX CASES. FOR INSTANCE, ONE DEFENDANT MAY BE ALLOWED TO PLEAD GUILTY TO LESSER CHARGES AND, IN RETURN, WILL COOPERATE WITH THE GOVERNMENT, SUPPLYING EVIDENCE AND TESTIMONY AGAINST CO-DEFENDANTS.

INCREASED USE OF PLEA BARGAINING IS ONE EXAMPLE OF THE MANY CHANGES WHICH HAVE TRANSFORMED OUR CRIMINAL JUSTICE SYSTEM. UNFORTUNATELY, PLEA BARGAINING AND OTHER ASPECTS OF OUR SYSTEM IN MANY INSTANCES ARE PERCEIVED TO SERVE THE INTERESTS OF THE LAWYERS AND THE JUDGES AND THE DEFENDANTS, WHILE TREATING THE VICTIMS WITH INSTITUTIONALIZED DISINTEREST AND BENIGN NEGLECT.

VICTIMS ARE NOT ROUTINELY NOTIFIED OF TRIAL COURT PROCEEDINGS: THEY ONLY LEARN OF SUCH DEVELOPMENTS THROUGH THE MEDIA, OR THROUGH THEIR OWN PERSONAL EFFORTS, LIKE TAKING OFF FROM WORK, EVEN DRAGGING THEMSELVES OUT OF THEIR HOSPITAL BEDS TO COME TO COURT. THEY USUALLY HAVE TO PAY THE BILLS FOR THEIR OWN INJURIES SINCE THERE ARE FEW COMPENSATION PROGRAMS. A

VICTIM MIGHT UNEXPECTEDLY ENCOUNTER IN PUBLIC HIS OR HER ASSAILANT WHO HAD BEEN RELEASED ON BAIL WITHOUT THE VICTIM'S KNOWLEDGE -- AFTER ALL NO ONE HAD TO TELL THE VICTIM, SO NO ONE DID.

I AM NOT HERE TODAY TO ADVOCATE THAT THE RIGHTS OF DEFENDANTS SHOULD BE DIMINISHED: BUT RATHER TO INSURE THAT THE SYSTEM AFFORDS TO VICTIMS THE DIGNITY AND RESPECT THEY DESERVE. VICTIMS COURAGEOUS ENOUGH TO COME FORWARD TO REPORT CRIMES AND COOPERATE WITH POLICE AND PROSECUTORS SHOULD NOT AND MUST NOT BE REVICTIMIZED BY AN UNFEELING SYSTEM THAT SEEMINGLY DEFENDS ONLY THE RIGHTS OF DEFENDANTS. THE SYSTEM CANNOT OPERATE WITHOUT THE COOPERATION OF VICTIMS AND CITIZENS IN GENERAL WHO WILL REPORT CRIMES AND TESTIFY IN COURT. ONLY A SYSTEM THAT TREATS VICTIMS FAIRLY CAN EXPECT TO OPERATE EFFECTIVELY ENOUGH TO ENSURE JUSTICE AND SAFETY TO OUR CITIZENRY.^{1/}

TODAY, I STRONGLY RECOMMEND THAT THIS AUGUST BODY PLACES HIGH ON ITS LEGISLATIVE POLICY AGENDA THE RIGHTS OF CRIME VICTIMS IN OUR TERRITORY. THERE ARE CURRENTLY SEVERAL PIECES OF LEGISLATION THAT ADDRESS THE RIGHTS OF CRIME VICTIMS.

^{1/} CRIME VICTIMS RIGHTS, DON SIEGELMAN, JOURNAL OF STATE GOVERNMENT (1987)

FIRST IS BILL NUMBER 183, INTRODUCED BY SENATOR JERRY RIVERA. BILL 183 PROVIDES THAT VICTIMS RECEIVE ADVANCE NOTICE WHEN THEIR ASSAILANT OR THE PERSON CONVICTED OF HARMING THEM IS RELEASED FROM PRISON: BE IT BECAUSE THE ASSAILANT'S SENTENCE IS SUSPENDED, OR HE IS RELEASED ON PROBATION, OR PAROLE, OR IS RELEASED FINALLY UPON COMPLETION OF SENTENCE. WE RECOMMEND THAT NOTIFICATION IS ALSO PROVIDED IN ADVANCE FOR PRETRIAL BAIL HEARINGS. BILL 183 MANDATES GOVERNMENT OFFICIALS TO DO SOMETHING WHICH IS IN FACT MERELY A BASIC COURTESY THAT SHOULD BE AFFORDED AS OF RIGHT TO VICTIMS --- THOSE PERSONS HURT THE MOST BY CRIME. ALREADY THE ATTORNEY GENERAL'S OFFICE AND THE TERRITORIAL PAROLE BOARD HAVE SHOWN THIS COURTESY TOWARDS VICTIMS BY INSTITUTING LIMITED NOTIFICATION POLICIES. THIS PROUD EXAMPLE OF RESPECTFUL TREATMENT TOWARD CRIME VICTIMS WHICH SOME OF OUR DEDICATED PUBLIC OFFICIALS HAVE FOLLOWED ON THEIR OWN INITIATIVE SHOULD HENCEFORTH BE CODIFIED, PUT ON THE BOOKS, AND EXPANDED.

ANOTHER PIECE OF LEGISLATION IS EMBODIED IN TWO VERY SIMILAR, BUT EQUALLY GOOD BILLS, BILLS NUMBER 534 AND 460, INTRODUCED BY SENATORS BAMBA, DUENAS, NELSON AND LUJAN. THESE BILLS WOULD REESTABLISH THE CRIMINAL INJURIES COMPENSATION COMMISSION. ALTHOUGH PERSONS WHO COMMIT CRIMES MAY BE PUNISHED, THE VICTIMS OF THOSE CRIMES ARE SELDOM COMPENSATED. SEVERAL YEARS BACK PUBLIC LAW 16-86 PROVIDED FOR A CRIMINAL INJURIES COMPENSATION COMMISSION. UNFORTUNATELY THE COMMISSION

OFTEN LACKED SUFFICIENT NUMBER OF MEMBERS TO CONSTITUTE A QUORUM AND NEVER HAD A FULL SEVEN MEMBERS. I UNDERSTAND THAT GOVERNOR ADA WAS PREPARED TO APPOINT ADDITIONAL MEMBERS TO THE COMMISSION, AND THE SEVERAL ACTIVE COMMISSION MEMBERS UNDER THE LEADERSHIP OF ATTORNEY JERRY HOGAN WERE READY AND EAGER TO BEGIN WORK, WHEN ON THE LAST DAY OF 1986 THE COMMISSION EXPIRED PURSUANT TO A 5 YEAR SUNSET PROVISION CONTAINED IN P.L. 16-86. MORE THAN \$10,000 COLLECTED UNDER THE PROVISIONS OF THE OLD LAW IS STILL BEING HELD TO COMPENSATE ELIGIBLE VICTIMS, BUT UNTIL LEGISLATION IS ENACTED TO FORM THE COMMISSION AGAIN THIS MONEY WILL NOT BE DISBURSED NOR THE VICTIMS REIMBURSED.

A THIRD PROPOSED REFORM, INTRODUCED BY SENATOR JERRY RIVERA, IS BILL NO. 631 REGARDING PRETRIAL RELEASE CONDITIONS. UNDER CURRENT LAW, IN PRESCRIBING CONDITIONS FOR PRETRIAL RELEASE OF PERSONS ACCUSED OF CRIME, THE COURT BY STATUTE MAY ONLY IMPOSE CONDITIONS WHICH WILL ASSURE THAT THE ACCUSED WILL APPEAR IN COURT. AND THE COURT LACKS DISCRETION TO DENY RELEASE BASED ON POTENTIAL DANGER TO THE VICTIM AND/OR TO THE COMMUNITY POSED BY PERSONS ACCUSED OF VIOLENT CRIMES. BILL 631 WILL ALLOW THE COURT TO DENY PRETRIAL RELEASE IF A DEFENDANT POSES A DANGER TO THE COMMUNITY OR TO THE VICTIMS.

ASIDE FROM CRIMINAL MATTERS, ON THE CIVIL SIDE THE QUEST TO RECTIFY INEQUITIES HAS IN SOME AREAS ACTUALLY RESULTED IN MORE INEQUITIES.

MINIMAL COST AND SHOULD THEREFORE BE ENCOURAGED. WE SUPPORT THE INTENT OF SENATOR DON PARKINSON'S BILL NUMBER 888, ASIDE FROM THE THE SPECIFIC DOLLAR AMOUNTS AND CERTAIN PROVISIONS CONCERNING UNLAWFUL DETAINER ACTIONS.

THE GOAL OF ENSURING JUSTICE AND FAIRNESS FOR OUR COMMUNITY MUST BE A HIGH PRIORITY. LEGISLATION THAT I HAVE SUGGESTED TODAY SHOULD BE A STEP TOWARD THE RIGHT DIRECTION. A STEP TOWARDS FINE-TUNING THE SCALES OF JUSTICE TO THAT EQUITABLE BALANCE WHERE THE RIGHTS OF THE ACCUSED ARE PROTECTED, WHILE VICTIMS TOO ARE TREATED WITH THE RESPECT AND DIGNITY WHICH IS THEIR DUE. TO FURTHER ENSURE THAT JUSTICE IS INDEED SERVED WE NEED THE CONTINUED SUPPORT OF THE EXECUTIVE AND LEGISLATIVE BRANCHES TO MAINTAIN THE COURT'S OPERATIONAL CAPABILITY TO ADMINISTER JUSTICE FOR ALL CITIZENS OF OUR COMMUNITY.

I LOOK FORWARD TO WORKING IN CLOSE COOPERATION WITH MY FORMER COLLEAGUES IN THE LEGISLATURE AND THE EXECUTIVE BRANCH. I SINCERELY WELCOME SUGGESTIONS FROM ALL MEMBERS OF THE COMMUNITY CONCERNING HOW THE SUPERIOR COURT MIGHT BE MADE INTO AN EVEN MORE EFFICIENT AND, MORE RESPONSIVE BRANCH FOR THE PEOPLE OF THE TERRITORY OF GUAM.

THANK YOU VERY MUCH, SI YUUS MAASE, MARAMING SALAMAT PO!
GOOD NIGHT.