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SUPERIOR COURT  
OF GUAM

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**IN THE SUPERIOR COURT OF GUAM**

7	PEOPLE OF GUAM,	)	CRIMINAL CASE NO. <b>CF0334-23-01</b>
8		)	GPD REPORT NO. 23-10760
9	vs.	)	
10		)	
11	<b>THERESA MARIE AFLLEJE BLAS,</b>	)	<b>DECISION AND ORDER GRANTING</b>
12	DOB: 07/08/1971	)	<b>MOTION FOR LEAVE OF COURT</b>
13	Defendant.	)	

**INTRODUCTION**

This matter came before the Honorable Maria T. Cenzone on June 7, 2024, for a hearing on the People’s Motion for Leave of Court to file a Motion for Reconsideration and the People’s Motion for Leave of Court to file a Motion to Disqualify Defense Counsel (“the Motions” or “the Motion”). Defendant Theresa Marie Afilleje Blas (“Defendant”) was present and represented by defense counsel Thomas J. Fisher. Acting Chief Prosecutor Gloria Ann Rudolph was present on behalf of the People of Guam (“the People”). After the hearing, the Court took the Motion under advisement pursuant to CVR 7.1(e)(6)(D) of the LOCAL RULES OF THE SUPERIOR COURT OF GUAM. For the purpose of efficient judicial economy and in consideration of the Defendant’s assertion of her speedy trial rights, the Court issues its Decision and Order for both Motions.

After having received and reviewed the papers, arguments, and the file herein, the Court issues the following Decision and Order **GRANTING** the People leave of court to file their respective motions in this matter.

## PROCEDURAL AND FACTUAL BACKGROUND

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2 This matter began on May 11, 2024, upon the People’s filing of the Magistrate’s Complaint  
3 charging defendant of the following offenses: the fourth charge of Promoting Major Prison  
4 Contraband (As a Second Degree Felony) and the fifth charge of Promoting Major Prison  
5 Contraband (As a Misdemeanor). Subsequently on May 19, 2023, the People filed the Indictment  
6 charging the Defendant of the same offenses. At her arraignment, the Defendant asserted her  
7 speedy trial rights on September 6, 2023.  
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9  
10 On November 3, 2023, the Defendant filed a Motion to Disqualify a Prosecutor, and the  
11 People timely opposed the motion on November 17, 2023. On April 3, 2024, the Court issued its  
12 Decision and Order granting Defendant’s Motion to Disqualify a Prosecutor. The People filed  
13 subsequent Motions for Leave of Court to file a Motion to Disqualify Defense Counsel on April  
14 5, 2024, and to file a Motion for Reconsideration on April 8, 2024. The Defendant timely filed  
15 their oppositions to the Motion for Reconsideration on April 16, 2024, and to the Motion to  
16 Disqualify Defense Counsel on May 3, 2024.  
17

## LAW

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19 Guam law provides the procedure upon which motions may be made before the court. “Any  
20 defense, objection, or request which is capable of determination without the trial of the general  
21 issue may be raised before trial by motion. Motions may be written or oral at the discretion of the  
22 judge.” 8 GCA § 65.15. The court has the discretion to allow filings of motions beyond set time  
23 limits previously ordered by the court. *See* 8 GCA § 65.45. Whether the court grants requests to  
24 file a late motion is dependent upon the balancing of preserving due process and the circumstances  
25 of the case as presented by the moving party for the court’s consideration. *See Ungar v. Sarafite*,  
26 376 U.S. 575, 589, 590 (1964) (“There are no mechanical tests for deciding when a denial of a  
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28

1 continuance is so arbitrary as to violate due process. The answer must be found in the  
2 circumstances present in every case, particularly in the reasons presented to the trial judge.”)

### 3 DISCUSSION

4 The People request leave of court to file their respective motions on the following grounds.  
5 For their Motion of Reconsideration, the People assert that the Guam Supreme Court’s recent  
6 Declaratory Judgment<sup>1</sup> on the powers available to the Attorney General to appoint special  
7 prosecutors affects the Court’s analysis contained within the Court’s Decision and Order  
8 disqualifying Special Assistant Attorney General Joseph B. McDonald. *See Min. Entry, Mot. Hrg.*  
9 (June 7, 2024). Further, the People assert several grounds in their pleadings for leave of court, one  
10 of which pertains to the Court’s misapplication of existing Guam law, while another pertains to  
11 the Court’s first impression of the issue. *See People Mot. for Leave of Court to File Motion for*  
12 *Reconsideration* (Apr. 8, 2024). For their Motion to Disqualify Defense Counsel, the People argue  
13 that the same analysis that led to the Court’s holding in its Decision and Order should also apply  
14 to Defendant’s defense counsel and, therefore, leave of court is necessary to file such a Motion.  
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18 The Defendant opposes the People’s request for leave of court to file both Motions on the  
19 grounds that the People should not have the opportunity to relitigate a decision by this Court. *See*  
20 *Min. Entry, Mot. Hrg.* (June 7, 2024). The Defendant submits to the discretion of this Court.  
21

22 The Court issued its Amended Criminal Trial Scheduling Order [Asserted] on April 3, 2024,  
23 ordering that no motions are to be filed without leave of court. *See Amended Criminal Trial*  
24 *Scheduling Order [Asserted]*, (Apr. 3, 2024). The Court is empowered discretion by 8 GCA §  
25 65.45 to grant motions for leave of court for parties to file motions outside of the time limits set  
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28 <sup>1</sup> Supreme Court Case No. CRQ24-001. In Re. Request of Lourdes A. Leon Guerrero, I Maga’Hågan Guåhan, Relative to the Duties of the Attorney General of Guam to Executive Branch Agencies.

1 by this Court. In consideration of the pleadings set forth by the People and the Defendant, the  
2 Court finds good cause to permit the People to file their respective motions as indicated in their  
3 pleadings.  
4

5 **CONCLUSION**

6 **IT IS THEREFORE ORDERED** as follows:

- 7 1. The Court **GRANTS** the People's Motions for Leave of Court to file their respective  
8 Motion for Reconsideration and Motion to Disqualify Defense Counsel.  
9
- 10 2. The Court **ORDERS** the following Briefing Schedule upon the parties:
- 11 • The People's Motion for Reconsideration and Motion to Disqualify Defense  
12 Counsel are each DUE by Close of Business on July 5, 2024.
  - 13 • Defendant's Opposition Responses are DUE by Close of Business on July 19, 2024.
  - 14 • The People's Replies to Defendant's Opposition Responses are DUE by Close of  
15 Business on July 26, 2024.
  - 16 • The Court shall determine whether oral argument on the Motions is necessary upon  
17 the closing of the pleadings and review of the submissions.  
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19 **SO ORDERED** this JUN 19 2024  
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23 **HONORABLE MARIA T. CENZON**  
24 Judge, Superior Court of Guam  
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