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SUPERIOR COURT
OF GUAM

IN THE SUPERIOR COURT OF GUAM

PEOPLE OF GUAM,

vs.

LUKE ALLEN PANGELINAN TAITANO,
Defendant.

CRIMINAL CASE NO.: CF0366-21

**DECISION AND ORDER RE:
DEFENDANT TAITANO'S MOTION TO
SEVER**

INTRODUCTION

This matter came before the Honorable John C. Terlaje upon Defendant Luke Allen Pangelinan Taitano's ("Defendant Taitano") Motion to Sever, filed October 4, 2024. The People of Guam ("People") are represented by Assistant Attorney General Christine S. Tenorio. Defendant Taitano is represented by Attorney William C. Bischoff of the Public Defender's Office. The People did not file a response to the Motion to Sever. After reviewing the Motion, the pleadings on the record, and the relevant law, the Court now issues this DECISION and ORDER GRANTING Defendant Taitano's Motion to Sever.

I. BACKGROUND

Defendant Taitano is charged with four charges in the current case. The Third and Fourth charges in the Indictment, Possession of a Controlled Substance and Child Abuse, arise from a vehicle pullover on July 23, 2021. The First and Second charges, being First and Second Degree Criminal Sexual Conduct, arise from events that allegedly occurred between November 1, 2017 and December 31, 2018 in a different location. There is at least a three-year gap between these

charges, and the alleged facts and circumstances of the Third and Fourth charges are entirely different from those in First and Second charges. The alleged victims in the Third and Fourth charges of the indictment are separate from the alleged victim in the First and Second charges, who was not present for the vehicle pullover on July 23, 2021.

II. LAW AND DISCUSSION

The law gives this Court the discretion to sever charges. Under 8 G.C.A. § 63.35, severance is allowed “[i]f it appears that a defendant or the government is prejudiced by a joinder of offenses ...in an indictment or information or by such joinder for trial together, the court may order an election or separate trials of counts...or provide whatever other relief justice requires.” The Court agrees with Defendant Taitano that there is no practical or logical reason why the Third and Fourth charges herein should be tried together with the First and Second charges as the charges are not intertwined. As argued by Defendant, the lack of overlapping evidence means that no evidence would end up being presented twice, and so the People would not be prejudiced by having trial on the Third and Fourth charges severed from trial on the First and Second Charges. Further, there is a risk that the defendant may be prejudiced by bringing all four charges together because they are unrelated and the jury may distrust Taitano as a result of the sheer number of charges being tried at one time.

III. CONCLUSION AND ORDER

Based on the foregoing, the Court GRANTS Defendant Taitano's Motion to Sever.

SO ORDERED Nov. 18, 2024.

SERVICE VIA EMAIL

I acknowledge that an electronic copy of the original was e-mailed to:

AG or PDSC

Date: 11/18/24 Time: 10:03am

Antonia Cruz
Deputy Clerk, Superior Court of Guam


HON. JOHN C. TERLAJE
Judge, Superior Court of Guam