



# 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) Subcommission. 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 Subcommission 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 Subcommission 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**

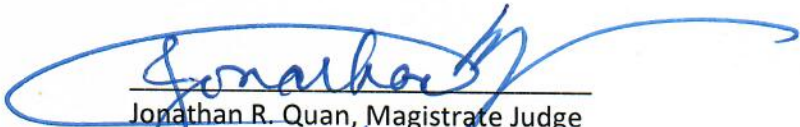
Chairman Quan thanked everyone for their continued work and said that what they are doing is very important and is very much appreciated. There being no other discussion, Mr. Monty McDowell motioned to adjourn the meeting, seconded by Attorney Randy Cunliffe. There being no opposition, the Third Plenary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

Respectfully submitted this 31<sup>st</sup> 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

## **NOTICE OF PUBLIC MEETING**

The Guam Criminal Law and Procedure Review Commission  
will conduct a plenary meeting on  
Thursday, April 6, 2023, at 12:00 pm  
in the Guam Judicial Center, 120 West O'Brien Drive, Hagåtña,  
by videoconference. A monitor will be set up for any member of  
the public who would like to observe and offer comments.  
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UCfnFCWwllp99fAeh9zi4Q4g/featured](https://www.youtube.com/channel/UCfnFCWwllp99fAeh9zi4Q4g/featured)


### **AGENDA**

- I. CALL TO ORDER
- II. PROOF OF DUE NOTICE OF MEETING     March 30, 2023, April 4, 2023
- III. DETERMINATION OF QUORUM
- IV. DISPOSAL OF MINUTES                     January 13, 2023 (ratification), February 9, 2023
- V. OLD BUSINESS
  - A. Membership Update
  - B. CLRC Website
  - C. Review of Processes for Subcommittee Review and Recommendations
- VI. NEW BUSINESS
  - A. Member Stipend Under 5 GCA § 43104
  - B. Presentation of First Quarter Report
  - C. Report by Chairpersons of the Subcommittee on Crimes Against Persons and Subcommittee on Drug & Other Criminal Offenses
  - D. Notice of Next Meeting: Thursday, June 1, 2023, Noon (Tentative)
- VII. COMMUNICATIONS
- VIII. PUBLIC COMMENT
- IX. ADJOURNMENT

Any person(s) needing special accommodations, auxiliary aids, or  
services, please contact the Executive Director Andrew Quenga at 671-475-3278.

This ad was paid for with Government of Guam funds.

Magistrate Judge Jonathan R. Quan, Chairman



**PORT OF GUAM**  
ATUORADY / PUEYTON GUAHAN  
**Jose D. Leon Guerrero Commercial Port**  
1026 Cabras Highway, Suite 201, P.O. Box 96015  
 Telephone: 671-477-5931/35 Fax: 671-477-2689/4445  
 Website: [www.portofguam.com](http://www.portofguam.com)

The Port Authority of Guam Board of Directors will hold its Regular meeting on  
**Thursday, April 6, 2023 at 3:00 p.m.**  
 Meeting will be held virtually. To view, visit: <http://www.portofguam.com/live> or  
<https://www.facebook.com/portauthorityofguam/>.

**Agenda:** I. Call to Order; II. Approval of Minutes February 23, 2023 Regular Board Meeting; III. Public Comments; IV. General Managers Report; V. Old Business: 1. Request authorization to create the positions of Chief Financial Officer and General Administration Manager (motion to approve the creation of positions transparency compliance as mandated by Title 4, GCA, §6303.1); VI. New Business: 1. Award of RFP-PAG-022-003 A&E Design & Consulting Services for the Installation of Fuel Pipeline System at F1 Pier and Golf Pier Connectivity; 2. Acceptance of Port Lease Agreement with Marianas Yacht Club for purposes of transmitting to the Governor and Legislature in accordance with Board Resolution No. 2021-03; 3. Adoption of Resolution No. 2023-01 Relative to approving the creation of Chief Financial Officer position in the classified service as authorized under Title 4, Guam Code Annotated, Sections 6303(d) and 6303.1, 4. Adoption of Resolution No. 2023-02 Relative to approving the creation of General Administration Manager position in the classified service as authorized under Title 4, Guam Code Annotated, Sections 6303(d) and 6303.1, 5. Adoption of Resolution No. 2023-03 Relative to recognizing Gary D. Kuwabara, from the Office of Local Defense and Community Cooperation, and to express our sincerest Si Yu'o's Ma'ase and deepest appreciation for his professionalism and intelligence whenever carrying out his duties, 6. Adoption of Resolution No. 2023-04 Relative to affirming that the attached document entitled The 2023 Master Plan for the Jose D. Leon Guerrero Commercial Port of Guam shall be the version that will be put forth publicly and advanced thereafter to the Governor through the Bureau of Statistics and Plans and the Guam Legislature pursuant to Sections 1205 and 1206, Article 2, Chapter 1 of Title 5, Guam Code Annotated; VII. Adjournment. For any assistance/access or individuals with disabilities who may need special accommodations, please call 671-477-5931, ext. 302/303 or [mduenas@portofguam.com](mailto:mduenas@portofguam.com).



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**INVITATION FOR BID (IFB)**  
**UOG BID NO. B23-04**  
 The University of Guam is soliciting sealed bids for:  
**"HPE WARRANTY CONTRACT"**

**ADMINISTRATION & FINANCE**  
*Consolidated Procurement Office*

Copies of the Bid Package and Instructions and Information may be obtained from:  
 OFFICE: UOG Procurement Office  
 TELEPHONE: 671-735-2925  
 FAX NO.: 671-735-3010  
 LOCATION: UOG Administration Building (ANNEX BUILDING) Mangilao, Guam  
 EMAIL: [uog.bids@triton.uog.edu](mailto:uog.bids@triton.uog.edu)

In accordance with 5 G.C.A. §5220(a), a digital copy of this solicitation shall be posted on UOG's website at <https://www.uog.edu/procurement/>. No fees shall be assessed to potential bidders or other parties for accessing or downloading a copy of this solicitation from UOG's website. Potential bidders who access or download a copy of this solicitation from requesting on UOG's website must register their contact information with UOG to ensure that they receive any notices regarding any changes or updates to this solicitation. In accordance with 5 G.C.A. §5220(b), UOG shall not be liable for failure to provide notice to any party who accesses or downloads a copy of this solicitation from UOG's website and who fails to register their contact information with UOG as required herein.

A non-refundable fee of \$25.00 is required to obtain a hard copy or CD-ROM of the bid package. Payment may be made via cash, check or credit card at the UOG Business Office, Cashier Services located at the UOG Administration Building Mon-Fri from 8 am - 4 pm. Pay by phone is available from 8 am - 4 pm. You may schedule an appointment with our cashier services at 735-2923/45/46, please reference Bid number and title when making payment. Send proof of receipt to the Procurement Office.

NOTICE: The last day for UOG to accept WRITTEN QUESTIONS and/or CLARIFICATIONS is ten (10) calendar days BEFORE the bid submission deadline Tuesday, January 17, 2023. Please adjust accordingly if deadline is extended.  
 NOTICE: THE UNIVERSITY OF GUAM WILL NOT BE ACCEPTING MULTIPLE OR ALTERNATE BIDS.

Deadline for Submission of Bid Packages is on **Thursday, April 21, 2022 on or before 2:00 P.M.** via electronic submission to electronic Bid Share folder provided by UOG Procurement Office.

/s/Thomas W. Krise, Ph.D.  
 President

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**APPLY NOW!!**

**2 - CARPENTER with min.1 yr. exp. \$15.58 PER HR**  
 Constructs, erects, installs and repairs structures and fixtures of wood, wallboard and plywood, including framework. Uses carpenter's hand tools and power tools conforming to local building codes. Reads blueprints, sketches, or building plans to determine type of work required and materials needed. Prepares layout, using ruler, framing square, and calipers. Erects framework for structure and lay subfloor board.

**3 - CEMENT MASON with min 1 yr. exp \$15.66 PER HR**  
 Smooths and finishes surfaces of poured concrete floors, walls, sidewalks, or curbs to specified textures using hand tools or power tools including floats, trowels, and screeds. Signals concrete deliverer to position truck to facilitate pouring concrete. Spreads concrete into inaccessible section of forms using rake or shovel. Levels concrete to specified depth and workable consistency using hand screed and floats to bring water to surface and produce soft topping. Lays concrete blocks and mixes cement using shovel or cement mixing machine.

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The job offer meets all EEO requirements, and initiates a temporary placement. The recruitment associated with this job offer is closely monitored by the Department of Labor. Qualified, available and willing U.S. workers are highly encouraged to apply. Should you qualify for the job and are not hired, you may appeal with the Department of Labor who will independently review matter.

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 414 W. Soledad Avenue, Suite 300 GCIC Building Hagatna, Guam  
 Or apply online at [www.hireguam.com](http://www.hireguam.com); Enter Keyword: 2023-044

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 Magistrate Judge Jonathan R. Quan, Chairman

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Magistrate Judge Jonathan R. Quan, Chairman

## Law Office of Louie J. Yanza A Professional Corporation

MVP Building  
862 South Marine Corps Drive, Suite 203  
Tamuning, Guam 96913  
Telephone: (671) 477-7059  
Facsimile: (671) 472-5487

Attorney for Petitioner Carmen Gloria Lujan

## IN THE SUPERIOR COURT OF GUAM IN THE MATTER OF THE ESTATE OF TERESITA JUDITH MESA LUJAN Deceased.

PROBATE CASE NO. PR0017-23

## NOTICE TO CREDITORS

**NOTICE IS HEREBY GIVEN** by Carmen Gloria Lujan Administratrix of the Estate of Teresita Judith Mesa Lujan deceased, to the creditors of all, and all persons having claims against said estate or against the deceased, that within sixty (60) calendar days after the first publication of this notice, they either file such claims with necessary vouchers in the office of the Clerk of the Superior Court of Guam, or exhibit them with necessary vouchers to the said Law Office of Louie J. Yanza, MVP Building 862 South Marine Corps Drive, Suite 203, Tamuning, Guam 96913 the same being the place for the transaction of the said estate.

Dated: March 17, 2023

**Law Office of Louie J. Yanza, P.C.**  
Attorney for Petitioner  
Carmen Gloria Lujan

BY: /s/ LOUIE J. YANZA

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"I Erensia, Lina'la, Espiritu'ta"

Attorneys for Petitioner

## IN THE SUPERIOR COURT OF GUAM IN THE MATTER OF THE ESTATE OF WILLIAM S. YOKOI, Deceased.

PROBATE CASE No. PR18-23

## NOTICE TO CREDITORS

**NOTICE IS HEREBY GIVEN** by the undersigned, YOVETTI S. YOKOI TAITINGFONG, Administratrix of the ESTATE OF WILLIAM S. YOKOI, deceased, to the creditors of, and all persons having claims against the deceased, that within sixty (60) days after the date of the first publication of this Notice, they file their claims with the necessary vouchers in the office of the Clerk of the Superior Court of Guam or also present them with the necessary vouchers at the place of business of DARLEEN E. HITON, ESQ., at the Law Offices of Phillips & Bordallo P.C., 410 West O'Brien Drive, Hagåtña, Guam 96910, the same being the place for the transaction of the estate.  
Dated this 23RD day of MARCH, 2023.

/s/ YOVETTIE S. YOKOI TAITINGFONG

## VANESSA L. WILLIAMS, ESQ. LAW OFFICE OF VANESSA L. WILLIAMS, P.C.

414 WEST SOLEDAD AVENUE  
GCIC BLDG., SUITE 500  
HAGATNA, GUAM 96910  
TELEPHONE: 477-1389  
EMAIL: VLW@VLWILLIAMS.LAW.COM  
Attorney for Petitioner  
Juanita C. Palomo

## IN THE SUPERIOR COURT OF GUAM

## IN THE MATTER OF THE ESTATE OF DAVID C.Q. PALOMO, Decedent.

PROBATE CASE NO.: PR0042-23

## NOTICE OF HEARING

THIS NOTICE IS REQUIRED BY LAW. YOU ARE NOT REQUIRED TO APPEAR IN COURT UNLESS YOU DESIRE.

- NOTICE IS HEREBY GIVEN** THAT JUANITA C. PALOMO has filed a Petition for Letter of Administration.
- A hearing on the petition will be heard by online remote appearance on Wednesday, April 12, 2023, at 10:30 a.m.
- To attend or to participate in the hearing, go to <https://guamcourts.org.zoom.us> and enter Meeting ID: 864 4387 2213 and Passcode: JEMI. You may also call in for the hearing; you can call into the courtroom at 671-300-6703 at the designated hearing time. For connectivity issues, you may contact Eathan Cruz at (671) 475-3106 or email [efcruz@guamcourts.org](mailto:efcruz@guamcourts.org)

Dated: March 24, 2023.

**SOPHIA SANTOS DIAZ**  
Clerk of Court  
/s/ ALICE B. MENDOZA  
Courtroom/Chamber Clerk



## INVITATION FOR BID (IFB) UOG BID NO. B23-04

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**"HPE WARRANTY CONTRACT"**

Copies of the Bid Package and Instructions and Information may be obtained from:

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FAX NO.: 671-735-3010  
LOCATION: UOG Administration Building (ANNEX BUILDING) Mangilao, Guam  
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/s/Thomas W. Krise, Ph.D.  
President

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This Advertisement is paid for by University of Guam Funds.

## ADMINISTRATION & FINANCE

Consolidated Procurement Office



**CHRISTOPHER K. FELIX,**  
CPM, CCIM, CIPS, Principal Broker

Tel: (671) 647-5003  
Fax: (671) 646-6604

## HOME

**Asan Lot:** 3.25 acres of 6 prime Asan lots for sale - five R-1 & one C zoned on Route 6 and some slightly off Route 6 with a private easement directly to each lot right up the hill from Adelup. All lots must be sold together - L203-New-1-1 (R-1 Zoned), 203-NEW-1-R1 (C Zoned), 203-NEW-2-2 (R-1 Zoned), 203-NEW-2-R2 (R-1 Zoned), 203-NEW-3 (R-1 Zoned) & 203-NEW-4 (R-1 Zoned). Total SM: 13,075SM - Property to be sold in as-is condition. All data assumed correct but must be verified by Buyer or Buyer's agent. Buyers to investigate and exercise due diligence. **Asking \$ 621,062.50**

## CONDO

**Yigo Home:** Cute 3Bd/2Ba house, sits on a half acre lot surrounded with lots of fruit bearing trees. Quiet neighborhood. Must see to appreciate the property. House is sold "As Is" condition. **Asking: \$480,000**

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# Judiciary of Guam

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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)**  
**INITIAL PLENARY MEETING**  
**FRIDAY, JANUARY 13, 2023**  
**Guam Judicial Center**  
**via Videoconference (Zoom)**

**MINUTES**

**I. CALL TO ORDER**

The Initial Plenary Meeting of the Guam Criminal Law and Procedure Review Commission (CLRC) on January 13, 2023 was called to order by Chief Justice F. Philip Carbullido at the hour of 12:00 p.m. For the record, Chief Justice Carbullido indicated that this was the first meeting of the Commission. He then introduced Attorney Andrew Serge Quenga, who he appointed as the Executive Director of the Commission, and asked him to call the roll for this meeting.

**ROLL CALL**

Executive Director Quenga began by saying that under Public Law 36-119, this Commission consists of 15 appointed or designated members from: the three branches of government, the Guam Bar Association (GBA), the Office of the Attorney General (OAG), the Public Defender Services Corporation (PDSC), the Guam Police Department (GPD) and the Department of Corrections (DOC).

**CLRC Members Roll Call:**

(CJ Appointee) Magistrate Judge Jonathan R. Quan, (Present, Judiciary of Guam)  
(CJ Appointee) Attorney Randall Cunliffe (No response)  
(CJ Appointee) Mr. Monty McDowell, (Present, Harmon)  
(Speaker Appointee) Attorney Phillip Tydingco (No response)  
(Speaker Appointee) Attorney Christine Tenorio (Present, Tiyan)  
(Speaker Appointee) Attorney Mike Phillips (No response)  
(Governor Appointee) Hon. Elizabeth Barrett-Anderson (Present, Yona)  
(Governor Appointee) Hon. Anita Sukola (Present, Tomhom)  
(Governor Appointee) Ms. Valerie Reyes (No response)  
(GBA President Appointee) Attorney Joseph McDonald (Present, Hagatna)  
(GBA President Appointee) Attorney William Brennan (Present, Hagatna)  
(Attorney General Designee) Assistant Attorney General Marianne Woloschuk (Present, Tamuning)  
(PDSC Designee) Attorney John Morrison (Present, Sinajana)  
(GPD Designee) Lt. David Brantley (no response)  
(DOC) Director Robert Camacho (no response);

Also, Present:

Andrew S. Quenga, Executive Director and Ms. Geraldine Cepeda, Compiler of Laws

Chief Justice F. Philip Cabullido, Supreme Court of Guam  
Associate Justice Robert J. Torres, Supreme Court of Guam  
Senator Frank Blas, Jr., 37<sup>th</sup> Guam Legislature  
Senator Telo Taitague, 37<sup>th</sup> Guam Legislature  
Senator San Nicolas, 37<sup>th</sup> Guam Legislature  
Senator Tom Fisher, 37<sup>th</sup> Guam Legislature  
Ms. B. Ann Keith, Administrative Hearing Officer, Judiciary of Guam  
Mr. Michael P. Quinata, Department of Corrections  
Major Antone Aguon, Department of Corrections  
Mr. John Paul Manuel  
Mr. Chirag Bhojwani  
Mr. Gerald Torres  
Mr. Ray Bonita

**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 Pacific Daily News. Acknowledgements are on file.

**III. DETERMINATION OF QUORUM**

The meeting determined a quorum with a majority of Members present. Member Lt. David Brantley (Designee of GPD Chief Stephen Ignacio) joined the meeting at 12:04 pm. Member Phillip Tydingco joined the meeting at 12:07 p.m. Member Robert Camacho joined the meeting at 12:09 p.m. Member Randy Cunliffe joined the meeting at 12:11 p.m.

Chief Justice Carbullido asked that all members turn-on their video for the meeting. He then thanked Executive Director Quenga for the roll call. Due to this being the first meeting, there were no minutes to approve.

Before continuing on with the Agenda, Chief Justice recognized the presence of Senator Frank Blas, Jr., staff from Senator Dwayne San Nicolas' Office, Senator Telo Taitague, Retired Judge Elizabeth Barrett-Anderson, Retired Judge Anita Sukola, and Senator Tom Fisher. Chief Justice Carbullido thanked Senator Frank Blas, Jr. for his foresight in introducing Bill 146 which sought to create this Commission to update Titles 8 & 9 of the Guam Code Annotated. The CLRC will conduct the first complete review of Guam's Criminal Codes and Criminal Procedure Codes in nearly 50 years. Chief Justice Carbullido stated that the work of the Commission will provide the infrastructure for the modernization of Guam's Criminal Code and complement the Judiciary's separate work towards the revision of Guam's Criminal Procedural Rules. Once this Commission completes its work, a report will be prepared and sent to the Speaker of the Legislature, the Governor and Chief Justice. The Commission has a short 24-month timeline to completely review Titles 8 & 9 of the Guam Code Annotated. The Judiciary will provide the Commission all the tools necessary to get their work done on time.



Chief Justice Carbullido stated that he appointed Attorney Serge Quenga, the former Compiler of Laws as the Executive Director and Magistrate Judge Jonathan Quan, a former prosecutor and former practitioner in private practice as the Chair of the Commission, together with the Compiler of Laws, Geri Cepeda. This team from the Judiciary will provide members with the support necessary to complete their review and present recommendations to the Legislature in 24 months, hopefully before the end of the 37<sup>th</sup> Guam Legislature. The Judiciary has also provided an office for the Commission staff at the San Ramon Building.

#### **IV. NEW BUSINESS**

##### **A. Introduction of the Commission Chairman, Executive Director and Staff**

The Chief Justice thanked the Legislature and Senator Frank Blas, Jr. for entrusting the Judiciary with this very important work. He went on to introduce the chairperson of the Commission, Magistrate Judge Jonathan Quan.

Chairperson Quan thanked Chief Justice Carbullido and then addressed the members, judicial officers, senators and all in attendance. He stated that all members were sent electronic copies of the packet for today's meeting. Everything covered at the meeting is contained in the packet. He said he was grateful that all members answered the call to serve on this Commission. Moving forward with Item IV B of the Agenda, he asked the Executive Director to introduce all members and to identify the Subcommission chairpersons.

##### **B. Introduction of Commission Members and Subcommission Chairpersons**

The Executive Director introduced the 15 members of the Guam Criminal Law and Procedure Review Commission and the authorities who appointed them as shown in the presentation materials.

Executive Director Quenga indicated that under Public Law 36-119, the Chair created four Subcommissions to focus on different areas of law (Crimes Against Persons, Crimes Relating to Property, Drugs & Other Criminal Defenses, and Criminal Procedure) and the Chair named the Chairperson and members of each Subcommission as shown in the presentation materials.<sup>1</sup>

Executive Director thanked Chief Justice Carbullido for appointing him as Executive Director of the Commission and for providing facilities at the San Ramon Building. He also thanked the Administrator of the Courts Kristina Baird, Procurement & Facilities Administrator Carl Dominguez, MIS Administrator Robert Rabago and their hard working teams. He then turned the floor back to Chairperson Quan.

Chairperson Quan stated that any member may attend any other Subcommssion meeting but may not vote, only participate. He asked that members coordinate with the chairperson of that

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<sup>1</sup> During the meeting, the Executive Director misspoke on the Chair of the Subcommission on Crimes Relating to Property. The presentation slides named the correct Chair. Corrections were noted to the members concerned after the meeting.



Subcommission. Meeting dates and times will be posted on the forthcoming Commission website being developed. He stated that Chief Justice and himself welcome all members to the Commission. There being no questions thus far, Chairperson Quan moved on to agenda item IV C.

**C. Discussion of Statutory Mandates, Goals and Objectives of the Commission**

Chairperson Quan informed the attendees of the following:

Duties of the CLRC: Public Law 36-119 mandates that the CLRC review the laws that address the criminal laws and criminal procedures of Guam and recommend enactments, amendments, and repeals to *I Liheslaturan Guahan*. Specifically, the CLRC shall conduct a comprehensive and systematic review of Guam laws, including the Guam Criminal and Correctional Code codified in Title 9 and the Guam Criminal Procedure Code codified in Title 8 of the Guam Code Annotated (GCA), and other provisions in the statutory code and session laws of Guam related to criminal law or procedure. Chairperson Quan stated that in this statutory mandated review, the CLRC shall prioritize work on Title 9 first and at the conclusion of its review, the CLRC shall submit comprehensive criminal code reform recommendations to the Chief Justice, *I Maga'hagan Guahan*, and the Speaker of *I Liheslaturan Guahan*. Thereafter, the CLRC shall, subject to additional appropriations, conduct periodic reviews of Guam's criminal laws, but not less than every five years.

Reporting Requirements: Quarterly progress reports shall be submitted to the Chief Justice, *I Maga'hagan Guahan*, and the Speaker of *I Liheslaturan Guahan*. Reports are to include comprehensive criminal code reform recommendations and proposed legislation for the revision of Title 8 and Title 9 of the GCA.

**D. Presentation of the Draft Workplan**

Executive Director Quenga stated that under the draft workplan, Subcommissions will be expected to meet and timely submit progress reports and recommendations to the Plenary Commission. Subcommissions may hold virtual or in-person meetings. A CLRC website will be developed where information will be posted on updates and schedule of meetings. The packets provided for the meeting today include Public Law 36-119, GCA Title 8 & 9, Commission roster and Subcommission roster, the draft workplan, proposed dates for 2023 and today's Powerpoint slide presentation.

Executive Director Quenga went on further to explain the CLRC Subcommission Assignments with the name of the chairperson, members and title and chapter for review. The forums are included in the draft workplan for a more thorough review. Each Subcommission will focus on an area of crime and will be provided an electronic version of the template for recommended changes, if any, and also the quarterly report template. For the review process, there will be three phases: Phase 1 – First Pass (Initial Review); Phase 2 – Second Pass (Proposed Amendments); Phase 3 – Plenary Commission Review. A Final Report will be submitted by the Plenary Commission after being voted on.

**E. Tentative Meeting Dates for 2023**

Compiler of Laws Geri Cepeda went over the tentative meeting dates scheduled for 2023 which are: February 9, April 6, June 1, August 3, October 5 and December 7.

**V. Notice of Next Meeting (Thursday, February 9, 2023) Communications**

Chairperson Quan asked that the members review the packets and to email or call him, the Executive Director or the Compiler of Laws for any clarification on this discussion. He also said that next week the chairs of the Subcommissions will be contacted and will provide more information on meetings and materials needed for review. The next CLRC Plenary Commission meeting will be on Thursday, February 9, 2023 at 12:00 p.m.

**VI. Public Comment**

Chairperson Quan asked if there were any public comments. There being none, he turned over the floor to the Chief Justice.

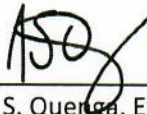
**VII. Adjournment**

In closing, the Chief Justice commented that there is a tremendous amount of work to be done and was extremely pleased with the representatives appointed by the Governor, Speaker and himself in reference to the knowledge, expertise and background. He offered to everyone that this task is possible within two years, although tedious. He asked the Executive Director to come up with statutes recently reviewed by other jurisdictions. He thanked everyone for stepping up to the plate and agreeing to participate in this undertaking which hasn't happened in over 50 years.

Chief Justice Carbullido gave Senator Frank Blas, Jr. the opportunity to give his closing comments. Senator Blas said he looked forward in the Legislature to be able to look at the recommendations to see how to improve the statutes in both the procedures and crimes. He thanked everyone and said the subject matter experts are there.


There being no other discussion, the Initial Plenary Commission Meeting of the CLRC was adjourned by Chief Justice Carbullido at 12:45 p.m.

Respectfully submitted this 9<sup>th</sup> day of February, 2023.



\_\_\_\_\_  
Andrew S. Quenga, Executive Director

As set out above, the minutes of the January 13, 2023 meeting were approved by the Commission at the February 9, 2023 meeting and ratified at the April 6, 2023 meeting.



\_\_\_\_\_  
Jonathan R. Quan, Magistrate Judge  
Chairman  
Dated: 4/12/23





# Judiciary of Guam

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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)

### SECOND PLenary MEETING

THURSDAY, FEBRUARY 09, 2023

Guam Judicial Center  
via Videoconference (Zoom)

### MINUTES

#### I. CALL TO ORDER

The Second Plenary Meeting of the Guam Criminal Law and Procedure Review Commission (CLRC) on February 09, 2023 was called to order by Chairman Jonathan R. Quan at the hour of 12:05 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.

#### ROLL CALL

CLRC Members:

Hon. Elizabeth Barrett-Anderson, Absent  
Attorney William Brennan, Present  
Director Robert Camacho, Present  
Attorney Randy Cunliffe, Present  
Chief Stephen Ignacio or Lt. David Brantley, Absent  
Deputy Director John Morrison, Present  
Attorney Joseph McDonald, Present  
Mr. Monty McDowell, Present  
Asst. Attorney General Marianne Woloschuk, Present  
Attorney Mike Phillips, Absent  
Hon. Jonathan R. Quan, Present  
Ms. Valerie Reyes, Absent  
Hon. Anita A. Sukola, Present  
Attorney Christine Tenorio, Present  
Attorney Phil Tydingco, Absent



Ex-Officio, Non-Voting Members:

Mr. Andrew S. Quenga, Executive Director, Present

Mrs. Geraldine Cepeda, Compiler of Laws, Present

Also Present:

Associate Justice Robert J. Torres, Supreme Court of Guam

Senator Frank Blas Jr., 37<sup>th</sup> Guam Legislature

Clerk of Court Hannah Arroyo, Supreme Court of Guam

Clerk of Court Sophia Diaz, Superior Court of Guam

GPD - Manny Chong

## **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 Pacific Daily News. Acknowledgements are on file.

## **III. DETERMINATION OF QUORUM**

Management Officer Valerie Cruz indicated that there were 10 commission members present during the roll call. Chairman Quan ascertained that there was a quorum and that commission business could be conducted. Executive Director Andrew Quenga concurred. Chairman Quan then recognized the presence of Chief Justice Robert J. Torres, Senator Frank Blas, Jr., Clerk of Court Hannah Arroyo, Clerk of Court Sophia Diaz, and other court members and staff.

## **IV. READING AND DISPOSAL OF MINUTES: January 13, 2023 First Plenary Meeting**

Mr. Monty McDowell moved to approve the January 13, 2023 First Plenary Meeting Minutes, as written. Attorney Randy Cunliffe seconded the motion. Chairman Quan asked those in favor to say aye and those oppose, nay. With no opposition, the motion passed and the Minutes were approved.

## **V. NEW BUSINESS**

### **A. Subcommission Chairs and Membership**

Executive Director Quenga stated that there are four (4) Subcommissions, which are: Crimes Against Persons, Drug & Other Criminal Offenses, Crimes Relating to Property, and Criminal Procedure. Executive Director Quenga noted that at the last meeting, he misspoke and misidentified one of the Subcommission chairs. It has since been



corrected as seen on the slide being presented. He also noted that Attorney Christine Tenorio is now with the Crimes Against Persons Subcommittee and Compiler of Laws Geri Cepeda is now with the Drug & Other Criminal Offenses Subcommittee. Executive Director Quenga reported that Judge Barrett-Anderson will be having her first Subcommittee meeting next Monday (2/13/23) at the San Ramon Building conference room.

**B. Authorization Process for Appointment of Subcommittee Ex-Officio Members**

Chairman Quan stated that due to requests being received by Subcommittee chairs to enlist the support of other attorneys to add additional expertise, a process has been developed and implemented to invite the support, expertise and assistance from non-members who are local attorneys or community members interested in the review of our criminal code. Chairpersons of Subcommittees will decide if additional support is needed and will request Chairman Quan and Executive Director Quenga who will in turn appoint the additional support as Ex-Officio, Non-voting Subcommittee members. Such appointees will serve in an advisory non-voting capacity. These limited appointments are based on the authority of the Commission under Title 1 GCA Section 25.03(a2) and Title 1 Section 25.05. Chairman Quan continued to say that at the request of Judge Elizabeth Barrett-Anderson, Chair of the Drug & Other Criminal Offenses Subcommittee, he and Executive Director Quenga have appointed Attorney Kat Fokas Siguenza to the Drug & Other Criminal Offenses Subcommittee as an Ex-Officio, Non-voting member. Chairman Quan thanked Attorney Siguenza for lending her expertise and efforts to Judge Barrett-Anderson's Subcommittee and to this endeavor. Chairman Quan then asked if there were any questions regarding the discussion. There being no questions, Chairman Quan went on to Item V C on the Agenda.

**C. Process for Subcommittee Review and Recommendations for Non-action, Amendment and Repeal**

Chairman Quan reported that at the last meeting, Phase 1 and Phase 2 of the Review Process in the Draft Work Plan were briefly discussed. They were included in the last meeting's packet and also included in today's meeting packet. He went over Phase 1 by saying that a Subcommittee will review statutes and determine initially whether no change to the law is recommended, or if close scrutiny is necessary to determine if an amendment or repeal will be recommended. The two Processes outlined in the packet will be used to determine this. Each Process first provides a summary of steps to be taken and a worksheet. Completed worksheets will track and document the work of each Subcommittee, and will serve as the basis for the quarterly reports due to the Governor, the Speaker and the Chief Justice, and ultimately, for the final report and recommendation due to the Legislature in two years. Should there be any questions on the Processes, members are encouraged to discuss issues with any of



the Subcommittee chairpersons. Chairman Quan stated that the Commission does want the Subcommissions to operate autonomously using the processes and guidelines as assigned chapters and statutes are reviewed. Chairman Quan further explained that the process has been made to be as simple as possible. After a statute has been reviewed by a Subcommittee, there are three choices to be made: 1) no change; 2) amendment; 3) repeal. Subcommissions will use the worksheets provided to make recommendations. The information requested in the worksheets are necessary to justify to Island leadership and for history as to why the recommendation was made. Chairman Quan invited everyone to open their packets to the Amend worksheet and to follow along as the Compiler of Laws Geri Cepeda went over a sample worksheet to amend a statute.

Compiler of Laws Geri Cepeda presented some Sources for Researching intended to assist the members in their work: Model Penal Code (pdf); the Guam Law Library which has the 1977 Criminal and Correctional Code, Drafts of the Model Penal Code, New Jersey Criminal Code and Massachusetts Criminal Code; and the Guam Law Revision Commission Recommendations (May 1975 Staff Draft). She continued by saying that there are also Online Resources such as the Massachusetts General Laws, the New Jersey General and Permanent Statutes, the Hawaii Penal Code and the Washington, D.C. Introduced bill - Revised Criminal Code Act of 2021. The Compiler of Laws explained the difference between the Proposed Statutory Amendment Worksheet and the Proposed Statutory Repeal Worksheet. She then went through the steps for a mock worksheet on the process for a Proposed Statutory Amendment. The Compiler of Laws ended her discussion and turned the floor back to Chairman Quan. Chairman Quan thanked the Compiler of Laws and stated that all the worksheets/documents will be compiled as part of the Plenary Commission's submission to the Legislature, Governor, and Chief Justice, and at the end of the 2-year process.

#### **D. Proposed Subcommittee Assignments and Timelines**

Executive Director Quenga started by going through the Subcommittee chapter assignments. The Subcommittee chairpersons were provided with a list of proposed preliminary chapter assignments for respective Subcommissions. The chapters will be provided to members at the upcoming Subcommittee working session meetings. Chapters will be added as Commission staff continues its review of the entire Guam Code Annotated for felonies and misdemeanors. Executive Director Quenga informed the members that the priority mandated by the Legislature requires the Commission to focus on first Title 9 & then Title 8, and then other statutes scattered throughout the Code. Executive Director Quenga then continued on to Item V E on the Agenda.



#### **E. Commission Reporting Requirements**

Executive Director Quenga stated that part of Item V D on the Agenda is included in the discussion on Item V E, which is the Subcommission Reports and Quarterly Reports (2023) due dates. He went on to explain that Subcommission Reports will be used as the basis for the Quarterly Reports. A report template was included in the packet for the first meeting and today's meeting as well. Quarterly Reports are due to the Chief Justice, Governor and Speaker on the dates for 2023 indicated on the slide as follows:

Subcommission Report – March 17

**1<sup>st</sup> Quarterly Report (Commission) – March 31**

Subcommission Report – June 16

**2<sup>nd</sup> Quarterly Report (Commission) – June 30**

Subcommission Report – September 15

**3<sup>rd</sup> Quarterly Report (Commission) – September 29**

Subcommission Report – December 15

**4<sup>th</sup> Quarterly Report (Commission) – December 29**

Under Commission Law, the Quarterly Reports will summarize the Commission's activities during the prior quarter, which is why the Subcommission Reports are needed two weeks before the Quarterly Reports are due. Also to be noted are that all the Subcommission Reports and Quarterly Reports will be posted on the Commission's website, which is currently being created in-house by the Judiciary's MIS team. Executive Director Quenga said that it is the Commission's full intent to be as transparent as possible, over and above what is required by the Open Government Law. All documents that are sent to and by the Plenary Commission will be accessible and all Commission Plenary Meetings are open to the public. The Guam Bar and the public at large are welcome to review the Commission's work. All comments submitted to the Commission will be considered. The Executive Director then turned the floor over to Chairman Quan. The Chairman asked if there were any questions on the Reporting Requirements? There being none, the meeting continued on to Item V F of the Agenda.

#### **F. Proposed Timelines and Proposed 2023 Meeting Schedules**

Chairman Quan began on Item V F of the Agenda by saying that the tentative schedule outlines the Commissions's upcoming Plenary Meetings and is subject to change. They are as follows:

Third Plenary Meeting	April 6
Fourth Plenary Meeting	June 1
Fifth Plenary Meeting	August 3

Sixth Plenary Meeting	October 5
Seventh Plenary Meeting	December 7

Subcommission chairs have been empowered with broad authority and autonomy in reference to the operations of their Subcommissions. Subcommission working meetings are left up to the discretion of the chairs. Requests for Ex-Officio appointments are left up to the Subcommission chairs as well. Chairman Quan informed the members that the Commission and the Judiciary will make conference rooms available for in-person meetings and will also have the ability to conduct fully virtual or hybrid meetings for the Subcommissions. Please contact Valerie Cruz (Management Officer) or Executive Director Quenga with as much advance notice as possible so that conference rooms can be reserved or virtual/hybrid meetings can be set-up.

**G. Notice of Next Meeting (April 6, 2023)**

Chairman Quan informed members that the next Plenary Meeting is scheduled for Thursday, April 6, 2023, likely at 12 noon by Zoom. It is proposed that the first Subcommission Reports will be presented by 1) the Subcommission for Crimes Against Persons and 2) the Subcommission for Drugs & Other Criminal Offenses.

**VI. Communications**

None.

**VII. Public Comment**

None.

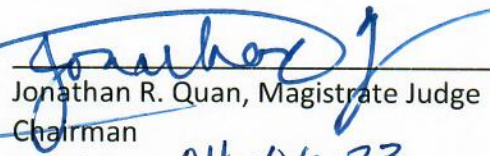
**VIII. Adjournment**

There being no other discussion, Mr. Monty McDowell moved that the meeting be adjourned. It was seconded by Attorney Randy Cunliffe. The Second Plenary Meeting of the CLRC was adjourned by Chairman Quan at 12:45 p.m.

Respectfully submitted this 6<sup>th</sup> day of April, 2023.

  
\_\_\_\_\_  
Andrew S. Quenga, Executive Director

As set out above, the minutes of the February 09, 2023 meeting were approved by the Commission at the April 06, 2023 meeting.



Jonathan R. Quan, Magistrate Judge  
Chairman  
Dated: 04-06-23





# Judiciary of Guam

Guam Criminal Law and Procedure Review Commission  
Guam Judicial Center • 120 West O'Brien Dr • Hagåtña, Gu. 96910  
Tel: (671) 475-3278 • Fax: (671) 475-3140



HON. ROBERT J. TORRES  
CHIEF JUSTICE

HON. ALBERTO C. LAMORENA, III  
PRESIDING JUDGE

HON. JONATHAN R. QUAN  
CHAIRMAN

ANDREW SERGE QUENGA  
EXECUTIVE DIRECTOR

April 03, 2023

Hon. Robert J. Torres  
Chief Justice  
Supreme Court of Guam  
120 W. O'Brien Drive  
Hagåtña, Guam 96910

RE: Criminal Law and Procedure Review Commission; Submission of First Quarter Report 2023

*Håfa Adai* Chief Justice Torres:

The Criminal Law and Procedure Review Commission (the "Commission") submits its First Quarter Report for 2023 (the "Report"), as required by 1 GCA § 25.07(a).

Should you have any questions, please contact the Commission's Executive Director, Andrew Serge Quenga, at (671) 4756-3278 or [aquenga@guamcourts.org](mailto:aquenga@guamcourts.org).

*Senseramente,*

  
\_\_\_\_\_  
Magistrate Judge Jonathan R. Quan  
Chairman

  
\_\_\_\_\_  
Andrew Serge Quenga  
Executive Director



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CHIEF JUSTICE

HON. ALBERTO C. LAMORENA, III  
PRESIDING JUDGE

HON. JONATHAN R. QUAN  
CHAIRMAN

ANDREW SERGE QUENGA  
EXECUTIVE DIRECTOR

April 03, 2023

Hon. Lourdes A. Leon Guerrero  
Governor  
Office of the Governor of Guam  
Ricardo J. Bordallo Governor's Complex, Adelup  
P.O. Box 2950  
Hagåtña, Guam 96910

RE: Criminal Law and Procedure Review Commission; Submission of First Quarter Report 2023

*Håfa Adai* Governor Leon Guerrero:

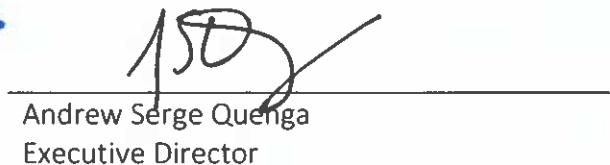
The Criminal Law and Procedure Review Commission (the "Commission") submits its First Quarter Report for 2023 (the "Report"), as required by 1 GCA § 25.07(a).

Should you have any questions, please contact the Commission's Executive Director, Andrew Serge Quenga, at (671) 4756-3278 or [aquenga@guamcourts.org](mailto:quenga@guamcourts.org).

*Senseramente,*



Magistrate Judge Jonathan R. Quan  
Chairman



Andrew Serge Quenga  
Executive Director



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HON. JONATHAN R. QUAN  
CHAIRMAN

ANDREW SERGE QUENGA  
EXECUTIVE DIRECTOR

April 03, 2023

Hon. Therese M. Terlaje  
Speaker  
*I Mina'trentai Siette Na Liheslaturan Guåhan*  
37<sup>th</sup> Guam Legislature  
Guam Congress Building  
163 Chalan Santo Papa  
Hagåtña, Guam 96910

RE: Criminal Law and Procedure Review Commission; Submission of First Quarter Report 2023

*Håfa Adai* Speaker Terlaje:

The Criminal Law and Procedure Review Commission (the "Commission") submits its First Quarter Report for 2023 (the "Report"), as required by 1 GCA § 25.07(a).

Should you have any questions, please contact the Commission's Executive Director, Andrew Serge Quenga, at (671) 4756-3278 or [aquenga@guamcourts.org](mailto:aquenga@guamcourts.org).

*Senseramente,*

  
\_\_\_\_\_  
Magistrate Judge Jonathan R. Quan  
Chairman

  
\_\_\_\_\_  
Andrew Serge Quenga  
Executive Director

**GUAM CRIMINAL LAW AND PROCEDURE REVIEW COMMISSION**  
**2023 FIRST QUARTER REPORT**

SUBMITTED TO THE  
GOVERNOR OF GUAM,  
SPEAKER OF THE GUAM LEGISLATURE, AND  
CHIEF JUSTICE OF GUAM

April 4, 2023

GUAM CRIMINAL LAW AND PROCEDURE REVIEW COMMISSION  
JUDICIARY OF GUAM  
GUAM JUDICIAL CENTER  
120 WEST O'BRIEN DRIVE  
HAGÅTÑA, GUAM 96910

GUAM CRIMINAL LAW AND PROCEDURE REVIEW COMMISSION  
2023 FIRST QUARTER REPORT

**PREFACE**

The Guam Criminal Law and Procedure Review Commission (CLRC or Commission) submits its inaugural quarterly report summarizing its activities as required by 1 GCA § 25.07(a). Because the CLRC began operations in January of 2023, quarterly reports are based on the calendar year, rather than the fiscal year. This first quarter report summarizes activities from January 1, 2023 through March 31, 2023.

**CLRC STATUTORY AUTHORITY**

The CLRC was created by *I Liheslaturan Guahan* in Public Law 36-119 (enacted Nov. 9, 2022) to conduct the first complete review of Guam's Criminal Codes of Guam and Criminal Procedure Codes since their creation by the 13<sup>th</sup> Guam Legislature in 1976. Under P.L. 36-119, the CLRC exists as a division of the Supreme Court of Guam and receives administrative support from the Judiciary of Guam. Under P.L. 36-119, the Commission is composed of 15 members representing the three branches of government, the Guam Bar Association (to include attorneys with prosecutorial and criminal defense experience), full-time and retired judicial officers, directors of government criminal justice and public safety agencies, and private individuals from community-based and public interest organizations relating to the criminal justice system. It is chaired by Superior Court Magistrate Judge Jonathan R. Quan and administered by a full-time Executive Director and one staffer. The Chairman and Executive Director have appointed three ex-officio, non-voting (auxiliary) members to assist in review.

Review by Commission members and staff will include an intensive, section-by-section review of all chapters in Titles 8 and 9, as well as chapters of other Titles that contain substantive criminal statutes. The CLRC has a 24-month timeline to conduct its review and submit its final report and recommendations.

**CLRC STAFF AND MEMBERS**

Governor's Appointees	Hon. Anita A. Sukola; Ms. Valerie Reyes <sup>1</sup>
Speaker's Appointees	Attorneys Phillip Tydingco; Michael Phillips; Christine Tenorio
Chief Justice's Appointees	Hon. Jonathan R. Quan; Attorney F. Randall Cunliffe; Mr. Monty McDowell
Guam Bar President Appointees	Attorneys Joseph B. McDonald; William B. Brennan
Statutory Members	Attorney General of Guam; Chief of Police; Director of Corrections; Executive Director of Public Defender Service Corp.
Compiler of Laws	Geraldine Cepeda
Staff	Andrew Serge Quenga, Executive Director; Valerie Cruz, Management Officer
Ex-officio (auxiliary)	Hon. Elizabeth Barrett-Anderson; Attorneys Kat Siguenza, Sean Brown, Brian Eggleston

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<sup>1</sup> Hon. Elizabeth Barrett-Anderson stepped down as an appointed member due to her prior obligations to the Criminal Injuries Compensation Commission. However, Judge Barrett-Anderson continues to contribute as a non-voting, ex-officio (auxiliary) member.

### **SIGNIFICANT CLRC ACTIVITIES JANUARY – MARCH 2023**

Under the direction of Chairman Quan, four Subcommissions (Crimes Against Persons, Crimes Relating to Property, Drug & Other Criminal Offenses, and Criminal Procedure) were created and members of the CLRC were assigned to each Subcommission. At the CLRC's first plenary meeting, a Work Plan was presented which outlined the approach to the review of statutes for consideration of amendments, repeals or no changes. Worksheets for amendments and repeals were disseminated and chapters of Title 9 Guam Code Annotated were assigned.

Review of statutes will be done in three phases. In Phase 1, Subcommissions will perform a first pass in review of existing laws and recommend changes. In this Phase 1, PL 36-119 contemplates that members will base their review of Guam criminal statutes on the Model Penal Code and U.S. jurisdictions with recently reformed or revised criminal codes such as Hawaii and the District of Columbia where recent revisions have been done. Commission staff has provided members with copies of relevant sections of laws from those authorities. In Phase 2, if a Subcommission decides to amend a statute, it will do a deeper dive for closer and more critical scrutiny of suggested changes and finalize recommended amendments. In Phase 3, Subcommissions will present their recommendations to the Plenary Commission. All members of the Plenary Commission will have the opportunity to provide comments and suggestions. The Plenary Commission will vote to accept changes or request further review.

The Commission reports the following timeline of significant events during the first quarter of 2023:

<b>DATE</b>	<b>EVENT</b>
November 9, 2022	Enactment of Public Law 36-119, the Guam Criminal Law and Procedure Review Commission Act
December 2, 2022	Appointment of Andrew S. Quenga as Acting Executive Director
December 16, 2022	Appointment of Attorneys Phillip Tydingco and Christine Tenorio as Members by Speaker Therese M. Terlaje
December 23, 2022	Appointment of Attorney Michael F. Phillips as Member by Speaker Therese M. Terlaje
December 27, 2022	Appointment of Magistrate Judge Jonathan R. Quan (Chairman), Attorney F. Randall Cunliffe and Mr. Monty McDowell as Members by then Chief Justice F. Philip Carbullido.
January 4, 2023	Appointment of Attorneys Joseph B. McDonald and William B. Brennan as Members by Guam Bar Association President Jacqueline Taitano Terlaje
January 10, 2023	Appointment of Andrew S. Quenga as Executive Director by then-Chief Justice F. Philip Carbullido



GUAM CRIMINAL LAW AND PROCEDURE REVIEW COMMISSION  
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DATE	EVENT
January 11, 2023	Appointment of Hon. Elizabeth Barrett-Anderson, Hon. Anita A. Sukola and Ms. Valerie Reyes as Members by Governor Lourdes Leon Guerrero
January 13, 2023	Initial Planning and Organization Plenary Meeting (meeting minutes are available on the CLRC webpage)
February 9, 2023	Second Plenary Meeting (meeting minutes are available on the CLRC webpage)
March 17, 2023	Submission of Subcommittee quarterly reports
March 31, 2023	Launch of CLRC webpage
March 31, 2023	End of First Quarter 2023

The Commission presents the following progress report of its four Subcommissions

SUBCOMMISSION	TITLE 9 CRIMES & CORRECTIONS Chapters Under Review	TITLE 9 CRIMES & CORRECTIONS Chapters Planned for Review
Crimes Against Persons	7, 16, 17, 19, 22, 25	25A, 26A, 31, 40, 92
Relating to Property	32, 34, 37, 42	46, 47, 48, 49
Drugs & Other Criminal Offenses	90 Articles 1, 2, 3, 4, 5	90 Articles 6, 7 58
Criminal Procedure	71, 80, 81, 82, 84, 85, 86, 87, 88, 89, 93	Title 8 review commencing

All Subcommissions have convened in working meetings during this First Quarter. Meeting dates and summarized details of each Subcommittee's review are provided in Attachment 1. Recommendations on amendments and repeals will be considered for approval at forthcoming Plenary Commission meetings.

## CONCLUSION

The Commission's work in this inaugural first quarter focused on learning, refining and beginning the review of criminal statutes. Processes and practices will continue to be refined and improved to ensure the timely completion of statutory mandates to the best of the Commission's ability.

# ATTACHMENT 1 - SUBCOMMISSION REPORTS

## Criminal Law and Procedure Revision Commission Subcommission Quarterly Report Template

**Subcommission Name:** Crimes Against Persons

**Chair:** Joseph B. McDonald

**Members:** Steve Ignacio, Stephen Hattori, Christine Tenorio (appointees)  
David Brantley, John Morrison (Designees)  
Sean Brown (ex-officio)

Dates of subcommission meetings: Jan. 23, March 2 and 17, 2023

### Past activity:

1. List of Chapter (and Article, if applicable) reviewed.  
7, 16, 17, 19, 22, 25
2. Brief summary of subcommission's findings/conclusions for each Chapter/Article, using the Excel spreadsheet for guidance.  
  
All chapters tabled pending analysis and group consensus on recommended action.
3. Brief recommendation for each Chapter/Article already reviewed.  
  
All chapters tabled pending analysis and group consensus on recommended action.

### Current and future activity:

1. List of Chapters/Articles currently under review and to be reviewed in future subcommission meetings.  
  
All chapters above. Chapters 25A, 26A, 31, 40, 92.
2. List of future subcommission meeting dates  
  
March 21, 2023. The Chair intends to have meetings every 2 weeks once a set weekday is finalized with the group.

## CLRC Subcommittee Report

Subcommittee: ☒ Persons ☐ Property ☐ Drugs & Other ☐ Procedure

Reporting period:

☒ Jan-Mar 2023 ☐ April-June 2023 ☐ July-Sept 2023 ☐ Oct-Dec 2023  
☐ Jan-Mar 2024 ☐ April-June 2024 ☐ July-Sept 2024 ☐ Oct-Dec 2024

Chair: Joseph B. McDonald

3/17/23

Members: Appointees: Steve Ignacio, Stephen Hattori, Christine Tenorio; designees David Brantley, John Morrison; ex officio Sean Brown

Dates of subcommittee meetings: 1/23/23; 3/2/23; 3/17/23

Completed and/or ongoing review of the following:

Chapter number 7 Chapter name Exemptions and Defenses

If applicable, Article number        Article name       

Recommended action: ☐ No change ☐ Amend ☐ Repeal ☒ Tabled\*

\*Reason for tabling action: Pending analysis and group consensus on recommended action.

Chapter number 16 Chapter name Criminal Homicide

If applicable, Article number        Article name       

Recommended action: ☐ No change ☐ Amend ☐ Repeal ☒ Tabled\*

\*Reason for tabling action: Pending analysis and group consensus on recommended action.

Chapter number 17 Chapter name Unborn victims of violence

If applicable, Article number        Article name       

Recommended action: ☐ No change ☐ Amend ☐ Repeal ☒ Tabled\*

\*Reason for tabling action: Pending analysis and group consensus on recommended action.

Chapter number 19 Chapter name Assault, Reckless Endangering, Terrorizing

If applicable, Article number        Article name       

Recommended action: ☐ No change ☐ Amend ☐ Repeal ☒ Tabled\*

\*Reason for tabling action: Pending analysis and group consensus on recommended action.

Chapter number 22 Chapter name Kidnapping and Related Offenses

If applicable, Article number        Article name       

Recommended action: ☐ No change ☐ Amend ☐ Repeal ☒ Tabled\*

\*Reason for tabling action: Pending analysis and group consensus on recommended action.

Chapter number 25 Chapter name Sexual offenses

If applicable, Article number \_\_\_\_\_ Article name \_\_\_\_\_

Recommended action: ☐ No change ☐ Amend ☐ Repeal ☒ Tabled\*

\*Reason for tabling action: Pending analysis and group consensus on recommended action.

Future meeting dates: 3/21/23. The Chair intends to have meetings every 2 weeks once a set weekday day is finalized with the group.

Planned review of the following:

Chapter number 25A Chapter name Solicitation of Children and Child Pornography

If applicable, Article number \_\_\_\_\_ Article name \_\_\_\_\_

Chapter number 26A Chapter name Human Trafficking and Criminal Exploitation

If applicable, Article number \_\_\_\_\_ Article name \_\_\_\_\_

Chapter number 31 Chapter name Offenses against the Family

If applicable, Article number \_\_\_\_\_ Article name \_\_\_\_\_

Chapter number 40 Chapter name Robbery

If applicable, Article number \_\_\_\_\_ Article name \_\_\_\_\_

Chapter number 92 Chapter name Infant Child's Right to Life Act

If applicable, Article number \_\_\_\_\_ Article name \_\_\_\_\_

**Criminal Law And Procedure Review Commission  
Subcommission Quarterly Report**

**Sucommission Name:** *Crimes Against Property Subcommission*

**Chair:** *Phillip Tydingco*

**Members:** *F. Randall Cunliffe, Monty McDowell, William B. Brennan*

**Dates of Subcommission Meetings:** *March 8, 2023, March 15, 2023*

**Past Activity:**

1. List of Chapter (and Article, if applicable) reviewed.
  - In Progress: 32, 34, 37
2. Brief Summary of subcommission's findings/conclusions for each Chapter/Article using the Excel Spreadsheet for guidance.
  - We are refining our Subcommittee work plan and tasks to determine how to approach assigned Chapters in most efficient manner
  - We have found that comprehensive review of statutory source material is time consuming. Some source material in the Guam Code Annotated is incomplete.
3. Brief recommendation for each Chapter/Article already reviewed.
  - In progress
  - The following statutes are identified for potential amendment: 9 G.C.A. §§ 32.40, 34.20, 34.50, 46.31(b)(1), Chapter 32

**Current and future activity:**

1. List of Chapters/Articles currently under review and to be reviewed in future subcommittee meetings.
  - Next: 46, 47, 48, 49
2. List of future subcommission meeting dates.
  - Confirmed: April 12, 2023; Tentative: April 19, 2023, May 18, 2023

## CLRC Subcommittee Report

Subcommittee: ☐ Persons ☒ Property ☐ Drugs & Other ☐ Procedure

Reporting period:

☒ Jan-Mar 2023 ☐ April-June 2023 ☐ July-Sept 2023 ☐ Oct-Dec 2023  
☐ Jan-Mar 2024 ☐ April-June 2024 ☐ July-Sept 2024 ☐ Oct-Dec 2024

Chair: Phil Tydingco

Members: F. Randall Cunliffe, Monty McDowell, William B. Brennan

Dates of subcommittee meetings: March 8, 2023 and March 15, 2023

Completed and/or ongoing review of the following:

Chapter number 32 Chapter name Financial Exploitation of the Elderly and Individuals with Disabilities

If applicable, Article number \_\_\_\_\_ Article name \_\_\_\_\_

Recommended action: ☐ No change ☐ Amend ☐ Repeal ☒ Tabled\*

\*Reason for tabling action: Refining our plan and tasks. Some GCA source material incomplete. Possible amendment of Section 32.40.

Chapter number 34 Chapter name Arson, Negligent Burning, Criminal Mischief

If applicable, Article number \_\_\_\_\_ Article name \_\_\_\_\_

Recommended action: ☐ No change ☐ Amend ☐ Repeal ☒ Tabled\*

\*Reason for tabling action: Refining our plan and tasks. Some GCA source material incomplete. Possible amendment of Section 34.50.

Chapter number 37 Chapter name Burglary and Home Invasion

If applicable, Article number \_\_\_\_\_ Article name \_\_\_\_\_

Recommended action: ☐ No change ☐ Amend ☐ Repeal ☒ Tabled\*

\*Reason for tabling action: Refining our plan and tasks. Some GCA source material incomplete.

Chapter number 46 Chapter name \_\_\_\_\_

If applicable, Article number \_\_\_\_\_ Article name \_\_\_\_\_

Recommended action: ☐ No change ☐ Amend ☐ Repeal ☒ Tabled\*

\*Reason for tabling action: Refining our plan and tasks. Some GCA source material incomplete. Possible amendment of Section 46.31(b)(1).

Chapter number \_\_\_\_\_ Chapter name \_\_\_\_\_

If applicable, Article number \_\_\_\_\_ Article name \_\_\_\_\_

Recommended action: ☐ No change ☐ Amend ☐ Repeal ☐ Tabled\*

\*Reason for tabling action: \_\_\_\_\_



Chapter number \_\_\_\_ Chapter name \_\_\_\_\_  
If applicable, Article number \_\_\_\_ Article name \_\_\_\_\_  
Recommended action: ☐ No change ☐ Amend ☐ Repeal ☐ Tabled\*  
\*Reason for tabling action: \_\_\_\_\_

Future meeting dates: April 12, 2023 (confirmed); April 19 and May 18, 2023 (tentative)

Planned review of the following:

Chapter number 47 Chapter name \_\_\_\_\_  
If applicable, Article number \_\_\_\_ Article name \_\_\_\_\_

Chapter number 48 Chapter name \_\_\_\_\_  
If applicable, Article number \_\_\_\_ Article name \_\_\_\_\_

Chapter number 49 Chapter name \_\_\_\_\_  
If applicable, Article number \_\_\_\_ Article name \_\_\_\_\_

Chapter number \_\_\_\_ Chapter name \_\_\_\_\_  
If applicable, Article number \_\_\_\_ Article name \_\_\_\_\_

Chapter number \_\_\_\_ Chapter name \_\_\_\_\_  
If applicable, Article number \_\_\_\_ Article name \_\_\_\_\_

**Criminal Law and Procedure Revision Commission  
Subcommission Quarterly Report Template**

**Subcommission Name:**     Drugs & Other Criminal Offenses

**Chair:**             Geraldine Cepeda (Acting)

**Members:**     Hon. Elizabeth Barrett-Anderson, Robert Camacho, Major Antone Aguon,  
Mark Perez, Attorney Mike Phillips, Michael Quinata, Valerie Reyes,  
Attorney Kat Siguenza.

Dates of subcommission meetings: Feb. 13 and 27, 2023; Mar. 13, 2023.

**Past activity:**

1.     List of Chapter (and Article, if applicable) reviewed.

Chapter 90, Articles 1-5

2.     Brief summary of subcommission's findings/conclusions for each Chapter/Article, using the Excel spreadsheet for guidance.

The subcommittee conducted close and extensive examination of each provision, guided by the representatives from DOC. See quarterly report form and spreadsheet attached.

3.     Brief recommendation for each Chapter/Article already reviewed.

See quarterly report form and spreadsheet attached.

**Current and future activity:**

1.     List of Chapters/Articles currently under review and to be reviewed in future subcommission meetings.

Chapter 90 Articles 6 and 7; Chapter 58.

2.     List of future subcommission meeting dates:

Mar. 27, 2023 (Monday)

### CLRC Subcommittee Report

Subcommittee: ☐ Persons ☐ Property ☒ Drugs & Other ☐ Procedure

Reporting period:

☒ Jan-Mar 2023 ☐ April-June 2023 ☐ July-Sept 2023 ☐ Oct-Dec 2023  
☐ Jan-Mar 2024 ☐ April-June 2024 ☐ July-Sept 2024 ☐ Oct-Dec 2024

Chair: Geraldine Cepeda (Acting)

Members: Hon. E. Barrett-Anderson, Dir. Robert Camacho, Maj. Antone Aguon; Mark Perez - DOC

Chief Michael Quinata, Parole Bd; Atty. Kat Fokas Siguenza; Not present: Atty Mike Phillips; Valerie Reyes

Dates of subcommittee meetings: Feb. 13, 2023; February 27, 2023; March 13, 2023

Completed and/or ongoing review of the following:

Chapter number 90 Chapter name Corrections

If applicable, Article number 1 Article name Department of Corrections

Recommended action: ☐ No change ☒ Amend ☐ Repeal ☐ Tabled\*

\*Reason for tabling action: \_\_\_\_\_

Chapter number 90 Chapter name Corrections

If applicable, Article number 2 Article name Western Interstate Corrections Compact

Recommended action: ☒ No change ☐ Amend ☐ Repeal ☐ Tabled\*

\*Reason for tabling action: \_\_\_\_\_

Chapter number 90 Chapter name Corrections

If applicable, Article number 3 Article name Interstate Compact on Juveniles

Recommended action: ☐ No change ☒ Amend ☐ Repeal ☐ Tabled\*

\*Reason for tabling action: \_\_\_\_\_

Chapter number 90 Chapter name Corrections

If applicable, Article number 4 Article name Prison Industries

Recommended action: ☐ No change ☒ Amend ☐ Repeal ☐ Tabled\*

\*Reason for tabling action: \_\_\_\_\_

Chapter number 90 Chapter name Corrections

If applicable, Article number 5 Article name Transfer Pursuant to Treaty

Recommended action: ☐ No change ☒ Amend ☐ Repeal ☐ Tabled\*

\*Reason for tabling action: \_\_\_\_\_

Chapter number \_\_\_\_\_ Chapter name \_\_\_\_\_

If applicable, Article number \_\_\_\_\_ Article name \_\_\_\_\_

Recommended action: ☐ No change ☐ Amend ☐ Repeal ☐ Tabled\*

\*Reason for tabling action: \_\_\_\_\_

Future meeting dates: March 27, 2023 (Monday)

Planned review of the following:

Chapter number 90 Chapter name Corrections

If applicable, Article number 6 Article name Civilian Corrections Reserve Program

Chapter number 90 Chapter name Corrections

If applicable, Article number 7 Article name DOC Modernization Act of 2021

Chapter number 58 Chapter name Escape and Related Offenses

If applicable, Article number \_\_\_\_\_ Article name \_\_\_\_\_

Chapter number \_\_\_\_\_ Chapter name \_\_\_\_\_

If applicable, Article number \_\_\_\_\_ Article name \_\_\_\_\_

Chapter number \_\_\_\_\_ Chapter name \_\_\_\_\_

If applicable, Article number \_\_\_\_\_ Article name \_\_\_\_\_

Chapter number	Section number	Title	Recommend: (No change/ Repeal/Amend)	Suggested changes (if any)
90	Article 1.	Department of Corrections		
	§ 90.10.	Definitions	Amend	Renumber to § 90101. Add definitions
	§ 90.15.	General Duties of Department of Corrections.	Amend	Renumber and rename to § 90102. Mission Statement. New substantive language.
	§ 90.16.	Minimum Qualifications for Department of Corrections Officers.	Amend	Renumber to § 90103. New substantive language.
	§ 90.16.1	Annual Corrections Officer Recruits Training Cycle	Amend	Renumber to § 90104. New substantive language.
	§ 90.20.	Corrections Advisory Council Established.	Repeal	
	§ 90.25.	Director to Establish Prisons.	Amend	Incorporate with § 90105. General Powers and Duties of Director
	§ 90.27.	Prison May Serve as Overflow Lock-Up.	Amend	Renumber to § 90106. Delete existing language.
	§ 90.30.	Rules, Regulations & Disciplinary Rules Authorized.	Amend	Incorporate with § 90105. General Powers and Duties of Director
	§ 90.35.	Director to Control Organization of DOC; Appoint Staff.	Amend	Incorporate with § 90105. General Powers and Duties of Director
	§ 90.40.	General Duties of Director of Corrections.	Amend	Renumber and rename to § 90105. General Powers and Duties of Director. New substantive language.
	§ 90.41.	Inmate Commissary.	Amend	Renumber to § 90115
	§ 90.42.	Operation of Inmate Commissary.	Amend	Renumber to § 90116. New substantive language.
	§ 90.43.	Corrections Commissary Fund.	Amend	Renumber to § 90117. New substantive language.
	§ 90.44.	Inmate Phone Access Act of 2021.	Amend	Renumber to § 90118. New substantive language, delete existing language.
	§ 90.45.	Authorization to Transfer Prisoners to Federal Correctional Institutions.	Amend	Renumber to § 90107
	§ 90.46.	Emergency Transfers of Inmates.	Amend	Renumber to § 90108



	§ 90.47.	Inmate Transfer: Non-Emergency.	Amend	Renumber and rename to § 90109 Non-Emergency Transfers of Inmates
	§ 90.47.01.	Same: Disciplinary Transfer.	Amend	Renumber and rename to § 90110 Disciplinary Transfers of Inmates
	§ 90.47.02.	Same: Non-disciplinary Transfer.	Amend	Renumber and rename to § 90111 Non-Disciplinary Transfers of Inmates
				Renumber and rename to § 90112 Procedures for Transfers of Inmates. New substantive language, delete existing language.
	§ 90.47.03.	Same: Procedures for Transfers.	Amend	
	§ 90.47.05.	Same: Basis of Determination.	Repeal	
	§ 90.47.04.	Same: Appeal from Determination.	Repeal	
	§ 90.48.	Nursing Mothers-Accommodations.	Amend	Renumber to § 90114
	§ 90.49.	Corrections Revolving Fund	Amend	Renumber to § 90113
90	Article 2.	Western Interstate Corrections Compact		
	§ 90.50.	Purpose of Article.	Amend	Renumber to § 90201
	§ 90.51	Compliance to §§ 90.46-90.48.	Amend	Renumber to § 90202
	§ 90.52.	Compact Stated.	Amend	Renumber to § 90203
		Director, Department of Corrections May Commit Prisoner Outside of Guam Pursuant to Terms of Compact.	Amend	Renumber to § 90204. Change references from Prisoner to Inmate
	§ 90.54.	All Agencies of Government of Guam Shall Enforce Compact.	Amend	Renumber to § 90205
	§ 90.56.	Director, Department of Corrections May Hold Hearings as Required by Compact.	Amend	Renumber to § 90206
	§ 90.58.	Governor May Contract to Implement Compact.	Amend	Renumber to § 90207
	§ 90.60.	Guam to Provide Transportation to Guam Resident Ending Sentence Out-of-Guam.	Amend	Renumber to § 90208
	§ 90.62.	Severability.	Amend	Renumber to § 90209
	§ 90.64.			

	§ 90.66.	Effective Date.		Amend	Renumber to § 90210
90	Article 3.	Interstate Compact on Juveniles			
					Move to Title 19, Chapter 20 Department of Youth Affairs, as a new article. Note there is a an updated compact. <a href="https://www.juvenilecompact.org/compact-statute">https://www.juvenilecompact.org/compact-statute</a>
	§ 90.80.	Purpose of Article: Title.		Amend	
		Governor to Execute Compact: Compact Stated.		Amend	Move to Title 19, Chapter 20 Department of Youth Affairs, as a new article. Note there is a an updated compact.
	§ 90.82.				
		Chief Judge of Superior Court to be Compact Administrator: Duties.		Amend	Move to Title 19, Chapter 20 Department of Youth Affairs, as a new article. Note there is a an updated compact.
	§ 90.84.				
				Amend	ADD § 90301 et seq. New Interstate Corrections Compact <a href="https://apps.csg.org/ncic/PDF/Interstate%20Corrections%20Compact.pdf">https://apps.csg.org/ncic/PDF/Interstate%20Corrections%20Compact.pdf</a>
90	Article 4.	Prison Industries			
	§ 90.90.	Prison Industries, Established.		Amend	Renumber to § 90401
	§ 90.91.	Prison Industries Revolving Fund.		Amend	Renumber to § 90402
90	Article 5.	Transfer Pursuant to Treaty			
	§ 90.100	Untitled.		Amend	Move to Article 1. Rename and renumber
90	Article 6.	Civilian Corrections Reserve Program.			
	§ 90.201.				
	§ 90.202.				
	§ 90.203.				
	§ 90.204.				
	§ 90.205.				
	§ 90.206.				
	§ 90.207.				
	§ 90.208.				
	§ 90.209.				

[illegible]

**Criminal Law and Procedure Revision Commission  
Subcommission Quarterly Report**

**Subcommission Name:** Subcommission on Criminal Procedure

**Chair:** Hon. Anita A. Sukola

**Members:** Marianne Woloschuk, Serge Quenga, Brian Eggleston

**Dates of subcommission meetings:** March 16, 2023

**Past activity:**

1. List of Chapter (and Article, if applicable) reviewed.

This subcommission is primarily responsible for review of Title 8 (the Criminal Procedure Code). As the CLRC is mandated to prioritize the review of Title 9, the Chairman requested our review of the following chapters Title 9 Chapters: 71, 80, 81, 82, 84, 85, 86, 87, 88, 89, 93.

2. Brief summary of subcommission's findings/conclusions for each Chapter/Article, using the Excel spreadsheet for guidance.

Please refer to the attached quarterly report form and spreadsheet tracker.

3. Brief recommendation for each Chapter/Article already reviewed.

Please refer to the attached quarterly report form and spreadsheet tracker.

**Current and future activity:**

1. List of Chapters/Articles currently under review and to be reviewed in future subcommission meetings.

This Subcommission will begin reviewing Title 8 and any other chapters in Title 9 at the request of the Chairman.

2. List of future subcommission meeting dates.  
Our next meeting is scheduled for March 31, 2023 and every two weeks thereafter.



CLRC Subcommission Report

Subcommittee: ☐ Persons ☐ Property ☐ Drugs & Other ☒ Procedure

Reporting period:

☒ Jan-Mar 2023 ☐ April-June 2023 ☐ July-Sept 2023 ☐ Oct-Dec 2023  
☐ Jan-Mar 2024 ☐ April-June 2024 ☐ July-Sept 2024 ☐ Oct-Dec 2024

Chair: Hon. Anita Sukula

Members: Marianne Woloshuk, Serge Quenga, Brian Eggleston (ex-officio, auxiliary)

Dates of subcommittee meetings: March 16, 2023 (Sukola, Woloshuk, Eggleston, Quenga)

Completed and/or ongoing review of the following: All chapters below are in Title 9 GCA.

Chapter number 71 Chapter name Gun-Free School Zone Act of 2004

If applicable, Article number      Article name     

Recommended action: ☐ No change ☐ Amend ☐ Repeal ☒ Tabled\*

\*Reason for tabling action: Firearms involved. Recommend review by CAP, with GPD.

Comments and recommendations will be shared with CAP.

Chapter number 80 Chapter name Disposition of Offenders

If applicable, Article number      Article name     

Recommended action: ☐ No change ☐ Amend ☐ Repeal ☒ Tabled\*

\*Reason for tabling action: Involves Corrections. Recommend review by DOCO, with DOC.

Comments and recommendations will be shared with DOCO.

Chapter number 81 Chapter name Reduction of Sentences

If applicable, Article number      Article name     

Recommended action: ☐ No change ☐ Amend ☐ Repeal ☒ Tabled\*

\*Reason for tabling action: Involves Corrections. Recommend review by DOCO, with DOC.

Comments and recommendations will be shared with DOCO.

Chapter number 82 Chapter name Loss and Restoration of Rights Incident to Conviction or Imprisonment

If applicable, Article number      Article name     

Recommended action: ☐ No change ☐ Amend ☐ Repeal ☒ Tabled\*

\*Reason for tabling action: Involves Corrections. Recommend review by DOCO, with DOC.

Comments and recommendations will be shared with DOCO.

Chapter number 84 Chapter name Rehabilitation and Development Program

If applicable, Article number      Article name     

Recommended action: ☐ No change ☐ Amend ☐ Repeal ☒ Tabled\*

\*Reason for tabling action: Involves Corrections. Recommend review by DOCO, with DOC.

Comments and recommendations will be shared with DOCO.

Chapter number 85 Chapter name Territorial Parole Board

If applicable, Article number \_\_\_\_\_ Article name \_\_\_\_\_

Recommended action: ☐ No change ☐ Amend ☐ Repeal ☒ Tabled\*

\*Reason for tabling action: Involves Corrections. Recommend review by DOCO, with DOC.

Continued in Part 2 of 2.

Comments and recommendations will be shared with DOCO.

Future meeting dates: March 31, 2023 and every two weeks thereafter.

Planned review of the following: Will begin review of Title 8.

Chapter number \_\_\_\_\_ Chapter name \_\_\_\_\_

If applicable, Article number \_\_\_\_\_ Article name \_\_\_\_\_

Chapter number \_\_\_\_\_ Chapter name \_\_\_\_\_

If applicable, Article number \_\_\_\_\_ Article name \_\_\_\_\_

Chapter number \_\_\_\_\_ Chapter name \_\_\_\_\_

If applicable, Article number \_\_\_\_\_ Article name \_\_\_\_\_

Chapter number \_\_\_\_\_ Chapter name \_\_\_\_\_

If applicable, Article number \_\_\_\_\_ Article name \_\_\_\_\_

Chapter number \_\_\_\_\_ Chapter name \_\_\_\_\_

If applicable, Article number \_\_\_\_\_ Article name \_\_\_\_\_

Subcommission on Criminal Procedure 1st Quarterly Report March 17, 2023 (Part 2 of 2)

CLRC Subcommission Report

Subcommittee: ☐ Persons ☐ Property ☐ Drugs & Other ☒ Procedure

Reporting period:

☒ Jan-Mar 2023 ☐ April-June 2023 ☐ July-Sept 2023 ☐ Oct-Dec 2023  
☐ Jan-Mar 2024 ☐ April-June 2024 ☐ July-Sept 2024 ☐ Oct-Dec 2024

Chair: Hon. Anita Sukula

Members: Marianne Woloshuk, Serge Quenga, Brian Eggleston (ex-officio, auxiliary)

Dates of subcommittee meetings: March 16, 2023 (Sukola, Woloshuk, Eggleston, Quenga)

Completed and/or ongoing review of the following: All chapters below are in Title 9 GCA.

Chapter number 86 Chapter name Compensation for Damages from Criminal Activities

If applicable, Article number      Article name     

Recommended action: ☐ No change ☐ Amend ☒ Repeal ☐ Tabled\*

\*Reason for tabling action: Chapter has no content. Recommend removal by COL (if possible) or repeal by Legislature.

Chapter number 87 Chapter name Victim Notification

If applicable, Article number      Article name     

Recommended action: ☐ No change ☐ Amend ☒ Repeal ☐ Tabled\*

\*Reason for tabling action: Chapter has no content. Recommend removal by COL (if possible) or repeal by Legislature.

Chapter number 88 Chapter name Criminal Justice Substance Act

If applicable, Article number      Article name     

Recommended action: ☐ No change ☐ Amend ☐ Repeal ☒ Tabled\*

\*Reason for tabling action: Involves Corrections. Recommend review by DOCO with DOC.

Comments and recommendations will be shared with DOCO.

Chapter number 89 Chapter name Crimes Against Minors and Sex Offender Registry

If applicable, Article number      Article name     

Recommended action: ☐ No change ☐ Amend ☐ Repeal ☒ Tabled\*

\*Reason for tabling action: Involves sex offenders and electronic monitoring. Recommend review by all CAP, DOCO, Chair.

Comments and recommendations will be shared with all concerned members.

Chapter number 93 Chapter name Criminal Sexual Conduct Assessment and Rehabilitation Act

If applicable, Article number      Article name     

Recommended action: ☐ No change ☐ Amend ☐ Repeal ☒ Tabled\*

\*Reason for tabling action: Involves sex offenders. Recommend review by CAP and DOCO.

Comments and recommendations will be shared with CAP and DOCO.

Chapter number \_\_\_\_ Chapter name \_\_\_\_\_

If applicable, Article number \_\_\_\_ Article name \_\_\_\_\_

Recommended action: ☐ No change ☐ Amend ☐ Repeal ☐ Tabled\*

\*Reason for tabling action: \_\_\_\_\_

Future meeting dates: March 31, 2023 and every two weeks thereafter.

Planned review of the following: Will begin review of Title 8.

Chapter number \_\_\_\_ Chapter name \_\_\_\_\_

If applicable, Article number \_\_\_\_ Article name \_\_\_\_\_

Chapter number \_\_\_\_ Chapter name \_\_\_\_\_

If applicable, Article number \_\_\_\_ Article name \_\_\_\_\_

Chapter number \_\_\_\_ Chapter name \_\_\_\_\_

If applicable, Article number \_\_\_\_ Article name \_\_\_\_\_

Chapter number \_\_\_\_ Chapter name \_\_\_\_\_

If applicable, Article number \_\_\_\_ Article name \_\_\_\_\_

Chapter number \_\_\_\_ Chapter name \_\_\_\_\_

If applicable, Article number \_\_\_\_ Article name \_\_\_\_\_



## Subcommission on Criminal Procedure 1st Quarterly Report

Chapter number	Section number	Title	Recommend: (No change/ Repeal/Amend) Table	Suggested changes (if any)
71		The Guam Gun-Free School Zone Act of 2004	Table	Firearms involved. Recommend review by CAP, with GPD. Comments and recommendations will be shared with CAP.
80		Disposition of Offenders	Table	Involves Corrections. Recommend review by DOCO, with DOC. Comments and recommendations will be shared with DOCO.
81		Reduction of Sentences	Table	Involves Corrections. Recommend review by DOCO, with DOC. Comments and recommendations will be shared with DOCO.
82		Loss and Restoration of Rights Incident to Conviction or Imprisonment	Table	Involves Corrections. Recommend review by DOCO, with DOC. Comments and recommendations will be shared with DOCO.
84		Rehabilitative and Development Program	Table	Involves Corrections. Recommend review by DOCO, with DOC. Comments and recommendations will be shared with DOCO.
85		Territorial Parole Board	Table	Involves Corrections. Recommend review by DOCO, with DOC. Comments and recommendations will be shared with DOCO.
86		Compensation for Damages from Criminal Activities	Repeal	Chapter has no content. Recommend removal by COL (if possible) or repeal by Legislature.
87		Victim Notification	Repeal	Chapter has no content. Recommend removal by COL (if possible) or repeal by Legislature.
88		Criminal Justice Substance Abuse Act	Table	Involves Corrections. Recommend review by DOCO with DOC. Comments and recommendations will be shared with DOCO.
89		Crimes Against Minors and Sex Offender Registry	Table	Involves sex offenders and electronic monitoring. Recommend review by all CAP, DOCO, Chair. Comments and recommendations will be shared
93		Criminal Sexual Conduct Assessment And Rehabilitation Act	Table	Involves sex offenders. Recommend review by CAP and DOCO. Comments and recommendations will be shared with CAP and DOCO.



# **GUAM CRIMINAL LAW AND PROCEDURE REVIEW COMMISSION**

Third Plenary Meeting  
April 6, 2023, 12:00 p.m.  
By Videoconference



# Agenda

- I. CALL TO ORDER
- II. PROOF OF DUE NOTICE OF MEETING
- III. DETERMINATION OF QUORUM
- IV. DISPOSAL OF MINUTES
- V. OLD BUSINESS
  - A. Membership update
  - B. CLRC website
  - C. Review of processes for Subcommittee review and recommendations
- VI. NEW BUSINESS
  - A. Member stipend under 5 GCA § 43104
  - B. Presentation of First Quarter Report.
  - C. Report by Chairpersons of the Subcommittee on Crimes Against Persons and Subcommittee on Drug & Other Criminal Offenses
  - D. Notice of next meeting: Thursday, June 1, 2023, Noon (Tentative)
- VII. Communications
- VIII. Public Comment
- IX. Adjournment



# Membership Update

## Subcommissions

### Crimes Against Persons

Attorney Joseph McDonald,  
Chair

GPD Chief Steve Ignacio

Attorney Stephen Hattori

Attorney Christine Tenorio

### Crimes Relating to Property

Attorney Phil Tydingco, Chair

Mr. Monty McDowell

Attorney Randy Cunliffe

Attorney William Bucky Brennan

### Drug and Other Criminal Offenses

Compiler of Laws Geri Cepeda, Acting  
Chair

Attorney Michael Phillips

Ms. Valerie Reyes

Acting DOC Director Joseph Carbullido

Vacant

### Criminal Procedure

Hon. Anita A. Sukola, Chair

AAG Marianne Woloscuk

Executive Director Serge Quenga





# Subcommission Ex-Officio Members

Hon. Elizabeth Barrett-Anderson (Drugs & Other Criminal Offenses)

Attorney Kat Siguenza (Drugs & Other Criminal Offenses)

Attorney Sean Brown (Property)

Attorney Brian Eggleston (Criminal Procedure)



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## Criminal Law and Procedure Review Commission

### CREATION AND MANDATES

The Guam Criminal Law and Procedure Review Commission (the "Commission") was created by *Liheslaturan Guåhan* in Public Law 36-119 (enacted Nov. 9, 2022) to conduct the first complete review of Guam's Criminal Codes of Guam and Criminal Procedure Codes since their creation by the 13th Guam Legislature in 1976. Under P.L. 36-119, the Commission exists as a division of the Supreme Court of Guam and receives administrative support from the Judiciary of Guam. The Commission is composed of 15 members representing the three branches of government, the Guam Bar Association (to include attorneys with prosecutorial and criminal defense experience), full-time and retired judicial officers, directors of government criminal justice and public safety agencies, and private individuals from community-based and public interest organizations relating to the criminal justice system. The Commission is Chaired by Superior Court Magistrate Judge Jonathan R. Quan and administered by a full-time Executive Director and one staffer.

Under its enabling statute, the Commission will conduct a comprehensive and systematic review of the Criminal and Correctional Code in Title 9 and the Criminal Procedure Code in Title 8 of the Guam Code Annotated ("GCA") as well as criminal statutes throughout the GCA. Following its review, the Commission will recommend enactments, amendments, and repeals to *Liheslaturan Guåhan*.

### MEMBERS AND STAFF

Chairman: Magistrate Judge Jonathan R. Quan  
Executive Director: Andrew Serge Quenga  
Compiler of Laws: Geraldine A. Cepeda  
Management Officer: Valerie Cruz

#### Subcommissions

##### Crimes Against Persons

Attorney Joseph B. McDonald, Chair  
Attorney Christine Santos Tenorio  
PDSC Executive Director Stephen Hattori (PDSC Deputy Director John Morrison, Designee)  
GPD Chief Stephen Ignacio (Lt. David Brantley, Designee)  
Attorney Sean E. Brown (Ex-officio, auxiliary)

##### Crimes Relating to Property

Attorney Phillip James Tydingco, Chair  
Mr. Monty McDowell  
Attorney F. Randall Cunliffe  
Attorney William B. Brennan

##### Drug & Other Criminal Offenses

Compiler of Laws Geraldine A. Cepeda (Acting Chair)  
Attorney Michael F. Phillips  
DOC Director Robert Camacho (Maj. Antone F. Aguon, Designee)

<http://www.guamcourts.org/>



# Process to Recommend Amending or Repealing a Statute

## Amend

1. Present Current Statute
2. Present Proposed Amendment
3. State the Reason for the Amendment
4. Review Existing Case Law
5. Review Statutory Source
6. Document Model Penal Code Review
7. Review Hawaii, D.C or other Revised Codes
8. List Affected Statutes
9. Submit Amendment to Plenary Commission

## Repeal

1. Present Current Statute
2. State Reason for the Repeal
3. Review Existing Case Law
4. Review Statutory Source
5. Model Penal Code Review
6. Review Hawaii, D.C. or other Revised Codes
7. List Affected Statutes
8. Submit Repeal to Plenary Commission



# Member Stipend

## **5 GCA § 43104. Uniform Compensation for Boards and Commissions.**

(a) A member of a board or commission shall be compensated in the amount of Fifty Dollars (\$50.00) for attending a board or commission meeting, such compensation not to exceed One-Hundred Dollars (\$100.00) per month. Civil Service Commissioners shall, without limitation, each receive Fifty Dollars (\$50.00) for every meeting attended to adjudicate appeals, complaints, grievances or other disputes, or to perform rule-making functions as provided in statute, rule or regulation.

(b) Effective October 1, 1995, all members of any boards or commissions of the government of Guam, except for the Territorial Board of Education, who serve on the board or commission in the capacity of a full-time, salaried elected official or as a full-time, salaried, appointed official of the government of Guam shall not be entitled to receive a stipend for attendance at board or commission meetings.



# First Quarter Report

- January 1, 2023 to March 31, 2023
- Statutory Authority, Membership, Mandates
- Significant Activities
- Subcommittee Progress and Reports





# Subcommission Chair Reports

- Subcommission on Crimes Against Persons  
Attorney Joseph B. McDonald, Chair
- Subcommission on Drug & Other Criminal  
Offenses  
Compiler of Laws Geraldine A. Cepeda, Acting Chair



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



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*Thank you!*