

LOCAL RULES OF THE
SUPERIOR COURT OF GUAM

MR 1.4 Appendix A

**NOTICE OF CONVERSION OF CASE TO COLLECTION
COURT DOCKET under 9 GCA § 80.56**

To: Clerk of the Superior Court of Guam

Re: Referral of Criminal Fine/Restitution to Collection Court Docket

Date: [To be submitted within 90 days prior to expiration of probation]

YOU ARE HEREBY NOTIFIED pursuant to Miscellaneous Rule 1.4(A) of the Local Rules of the Superior Court of Guam, that the above referenced criminal case

1. Has outstanding fines unpaid in the amount of \$ _____.
2. Has outstanding restitution unpaid in the amount of \$ _____.
3. All other conditions of release or probation have been satisfied or are no longer at issue. Counsel for indigent defendant has been relieved of his/her appointment as counsel.
4. The term of probation will expire on the _____ day of _____, 20____.

YOU ARE THEREFORE DIRECTED to transfer this case to an ancillary criminal collections case with a new caption which shall be “RS 0__ - _____,” indicating that it is a criminal case with an unresolved fine or restitution issue.

Submitted this _____ day of _____, 20____.

() _____
() Probation Officer (or)
JUDGE OF THE SUPERIOR COURT

LOCAL RULES OF THE
SUPERIOR COURT OF GUAM

MR 1.4 Appendix B

IN THE SUPERIOR COURT OF GUAM

PEOPLE OF GUAM	)	RS-0__ - _____
	)	
Plaintiff,	)	(Criminal Case No. CF/CM _____)
	)	
vs.	)	
	)	COLLECTION ORDER
	)	
Respondent,	)	
_____	)	

Pursuant to Miscellaneous Rule 1.4(a) of the Local Rules of the Superior Court of Guam, the Court hereby ORDERS the Defendant the following:

1. Defendant _____ in the above-captioned case is hereby ordered to pay the amount of \$_____ per month to the Financial Management Division of the Superior Court. Payments are due on the first day of every month.
2. Such payments will be applied to his/her outstanding () fine () restitution in the above referenced criminal case.
3. If this Defendant does not make this payment by the first of each month as ordered, s/he is ordered to appear before the Honorable Alberto E. Tolentino, Magistrate Judge of the Superior Court of Guam on the _____ day of _____, at _____ o'clock ____ .m. and on the same day of the month of every month thereafter, until payments are brought current or the terms of this Collection Order are modified.

THE DEFENDANT, BY SIGNING HIS/HER NAME BELOW, ACKNOWLEDGES THAT S/HE HAS READ THIS ORDER AND UNDERSTANDS IT. IF DEFENDANT HAS QUESTIONS ABOUT THIS ORDER, THE DEFENDANT WILL CALL: _____.

Defendant's name (printed): _____

Defendant's signature: _____

SO ORDERED this _____ day of _____, 20__.

Judge/Magistrate Judge
Superior Court of Guam

LOCAL RULES OF THE
SUPERIOR COURT OF GUAM

ATTACHMENT “A”

**STANDARD OPERATING PROCEDURES FOR
VIDEO CONFERENCING IN MAGISTRATE HEARINGS**

The use of videoconferencing in magistrate hearings will be governed by MR 3.1 of the Local Rules of the Superior Court of Guam.

Pre-Hearing Procedures

- The Attorney General’s office (“AG”) will submit a Confirmation Listing to the Clerk’s office and the Department of Corrections Hagåtña Detention Facility (DOC) which provides the names of the detainees who will appear before the court.
- The AG will file six (6) copies of each complaint with the Intake Clerk. If there is more than one defendant, the AG will provide two (2) additional copies per defendant.
- The Intake Clerk will stamp file original complaints and copies, and assign a case number. *See Attachment B.*
- The Intake Clerk will forward the file to the Clerk.
- The Clerk will number each magistrate complaint on the bottom left hand corner in the order to be heard.
- The Clerk will fax one (1) copy of each complaint to DOC.
- Marshal will notify DOC at least thirty minutes prior to judge taking the bench.
- DOC will provide a copy of the complaint to each detainee prior to the magistrate hearing.

Post-Hearing Procedures

- Judge orders that the detainee be released from confinement.
- Judge will sign Order of Conditional Release and Appearance Bond (OCR).
- Clerk will make four (4) copies of signed OCR.
- Clerk will prepare and process OCR. *See Attachment B.*
- Marshal will bring the original and copies of OCR to DOC for the detainee to initial that he or she understands the conditions of his or her release.
- Marshal will return original OCR and three (3) copies to Clerk.
- Judge orders that the detainee remain in custody.
- Judge will sign the Commitment Order.
- Clerk will make one (1) copy of the Commitment Order.
- Clerk will prepare and process Commitment Order. *See Attachment B.*
- Marshal will bring the Commitment Order to DOC.

**LOCAL RULES OF THE
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Interpreted Proceedings

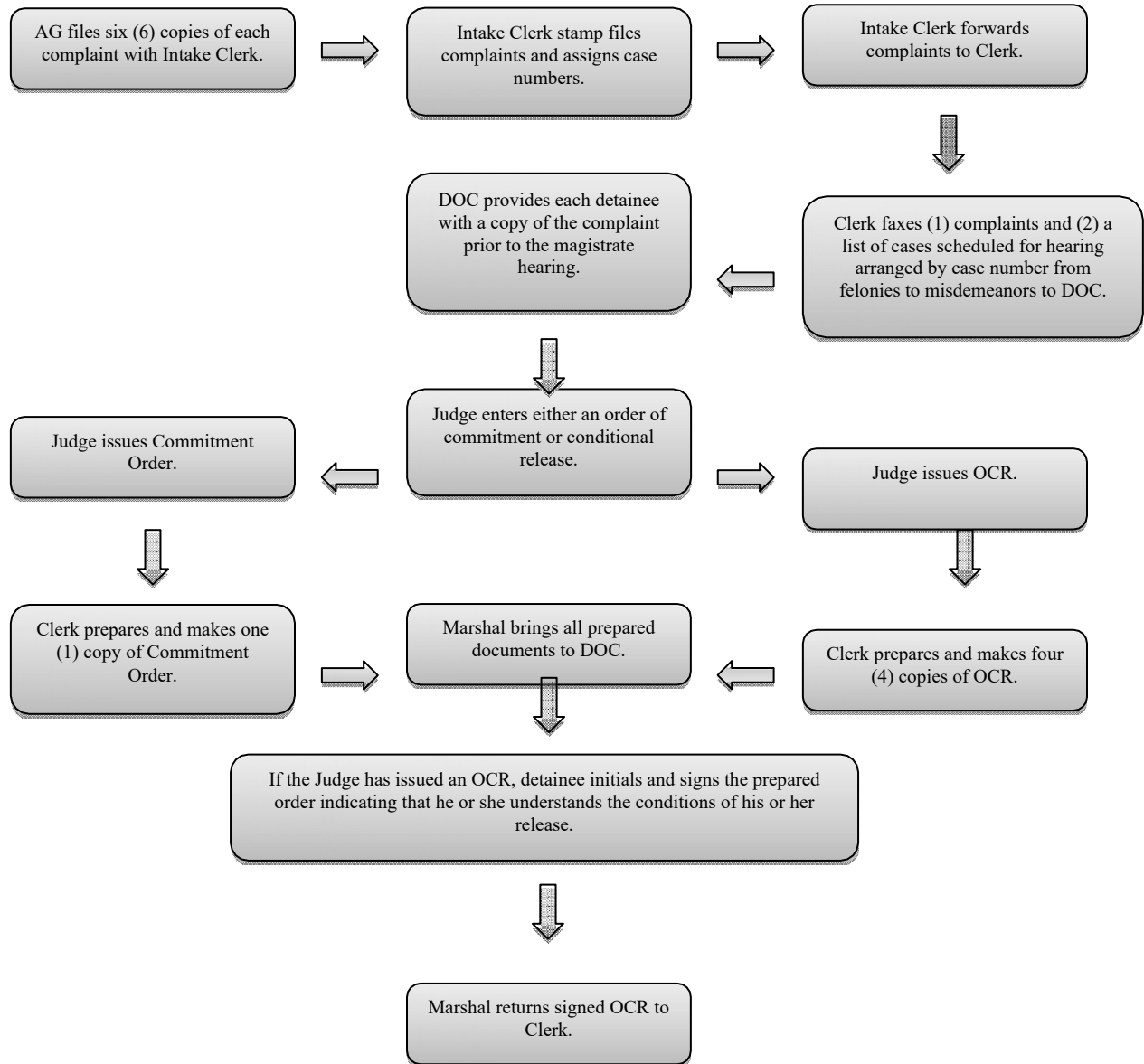
- The court may order that the interpreter be located next to the detainee during the hearing. Generally, however, the interpreter will be located in the courtroom.
- If an interpreter is necessary to explain the conditions of release contained in an OCR, one will be made available to meet with the detainee via videoconferencing after all of the hearings have been concluded. Alternatively, an interpreter will be made available to meet with the detainee at DOC.

Retained Counsel

- If the detainee has retained counsel who wishes to be present during the hearing, counsel has the option of appearing in either the courtroom or at DOC.

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ATTACHMENT “B”
FLOWCHART



CONTACT NUMBERS:

CONTACT

TELEPHONE

Magistrate Judge Tolentino

300-7089

Hagåtña Detention Facility

475-0180

Mangilao Detention Facility (Female)

734-4035 / 734-3981

Mangilao Detention Facility (High Risk Males)

734-3981

LOCAL RULES OF THE
SUPERIOR COURT OF GUAM

ATTACHMENT "C"

IN THE SUPERIOR COURT OF GUAM

THE PEOPLE OF GUAM,

Plaintiff,

vs.

Defendant(s).

) CRIMINAL CASE NO. _____

)

)

)

)

)

)

)

)

)

**ORDER OF CONDITIONAL RELEASE
AND APPEARANCE BOND**

IT IS HEREBY ORDERED that Defendant is released from custody under the following conditions:

☐ 1. **BAIL:** \$ _____ Cash/Secured - Unsecured/Personal Recognizance (PR) Bond must be posted before Defendant is released, which amount shall be forfeited if Defendant fails to make any court appearance or violates any of the terms of this Release Order.

☐ 2. **APPEARANCE:** Defendant is ordered to appear next on _____, at _____, and shall appear at all further criminal trial proceedings.

☐ 3. **NO CONTACT/STAY AWAY:** Defendant is ordered to stay away from, and have no contact with the victim(s), either in person, through a third party, by telephone or letter, email, text or any electronic devices, including any specified witness or witnesses, _____ Defendant shall stay away from the victim(s), his/her/their residence, dwelling, place of employment, school, day care center, establishment, or any family or social function. Upon becoming aware of the victims' presence, or planned presence, Defendant is ordered to immediately leave the function, or establishment.

☐ 4. **NO THREATS/ASSAULT/HARASSMENT:** Defendant is restrained from threatening to commit or committing acts of family violence against, or from harassing, annoying, or molesting the victim(s), or other family or household members, or any person named in the complaint or indictment or in this order.

☐ 5. **THIRD PARTY CUSTODIAN:** (1) _____ (2) _____ is/are appointed Third Party Custodian(s), whose residence is _____ and having agreed to supervise the defendant in accordance with the conditions contained herein; to use every effort to assure the appearance of the defendant at all scheduled hearings before the Court, and to notify the Court immediately in the event the defendant violates any condition of his/her release or disappears. Defendant shall reside with Third Party Custodian(s) and must be accompanied by the Third Party Custodian(s) at all times.

Signature (1) _____ (2) _____

☐ 6. **HOUSE ARREST:** Defendant is under house arrest and may not leave the above residence except for court appearances, to meet with defense counsel or the Probation Officer, to attend religious services, for emergency medical treatment, employment, or _____.

☐ 7. **CURFEW:** Defendant shall obey the following curfew: _____.

☐ 8. **FIREARMS:** Defendant shall not possess any firearms, or other deadly weapons. Any and all firearms or weapons, including identification card(s), must be removed from the Defendant's residence and surrendered to the Probation Office. Probation or the Police are authorized to search Defendant's person, residence, or vehicle for firearms/weapons.

☐ 9. **ALCOHOL/DRUGS:** Defendant shall not possess, use, and/or consume any alcoholic beverages and/or illegal controlled substances. Defendant shall submit to random/weekly alcohol and/or drug testing at the request of the Probation Office. Failure to submit to such testing will be considered a violation. Probation or the Police authorized to search Defendant's residence, vehicle, or person for alcoholic beverages and/or illegal controlled substances. Defendant shall not enter any alcohol establishment.

☐ 10. **CO-DEFENDANTS/FELONS:** Defendant shall have no contact with co-defendant(s) either in person, by telephone, by letter, email, text or any electronic devices, through a third party, or any other method. Defendant shall not associate with any known felons.

☐ 11. **REPORTING:** Defendant shall report to the Probation Office ☐ in person, ☐ by telephone: ☐ Weekly; ☐ Monthly.

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☐ 12. **TRAVEL:** Defendant must turn in his/her passport to the Probation Office. Defendant cannot leave Guam without permission of this Court.

☐ 13. **OTHER REQUIREMENTS:** _____.

☐ 14. **DEFENDANT SHALL OBEY ALL FEDERAL AND LOCAL LAWS, AND ABIDE BY ALL REASONABLE TERMS SET OUT BY PROBATION. DEFENDANT SHALL REPORT TO PROBATION OFFICE IN PERSON BEFORE 4:00 PM ON THE NEXT WORKDAY FOLLOWING THEIR RELEASE FROM CUSTODY.**

TO ALL PEACE OFFICERS: This Order shall be enforced by all peace officers.

SO ORDERED: _____.

JUDGE, SUPERIOR COURT OF GUAM

All conditions imposed by this Order are effective immediately. These conditions shall remain in effect until the Defendant is either sentenced, acquitted, or the charge is dismissed. Defendant shall acknowledge that he has read, understands, and has signed the conditions specifically ordered. ***Any violation of paragraphs 3, 4, and 8 shall constitute a misdemeanor punishable by imprisonment of up to one (1) year or a fine of \$1,000.00, or both. 9 GCA § 30.40 (2005).*** Violation of this order, may subject Defendant to federal charges and punishment. 18 U.S.C.A. §§ 2261(a)-(b), 2261A, 2262(a)-(b). This Order is enforceable in all 50 States, the District of Columbia, Tribal Lands, and U.S. Territories. 18 U.S.C.A. § 2265. It is unlawful for any person subject to an order for protection or convicted of a misdemeanor crime of domestic violence to ship, transport, possess, or receive firearms or ammunition. 18 U.S.C.A. § 922.

I understand the methods and conditions of my release which have been checked above, the penalties and forfeitures applicable in the event I violate any condition of fail to appear as required.

I agree to comply fully with each of the obligations imposed on my release and to notify the Court promptly in the event I change the address indicated below.

I have received a copy of this order and I understand that a violation of this order is a Contempt of Court and shall cause me to be arrested and be subject to possible further criminal charges and/or revocation of my pre-trial release.

Defendant's Name: _____

Residential Address: _____

City, State, and Zip Code: _____

Telephone No.: _____

DATE

SIGNATURE OF DEFENDANT

Hagåtña, Guam)

Subscribed and sworn to before me this _____ day of _____, 20__.

Deputy Clerk / Deputy Marshal

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

SUPERIOR COURT OF GUAM	[Reserved for Court stamp file]
MEDIATION CERTIFICATION MR 4.1 Form B1	
Plaintiff(s):	CASE NUMBER(S):
Defendant(s):	

I hereby certify that I have:

(1) Read the Judiciary of Guam's Brochure entitled, "How Mediation Can Work for You," and the Local Rules of Court for the Superior Court of Guam regarding Court Ordered Mediation, found at MR 4.1;

(2) Provided my client with a copy of the Judiciary of Guam's Brochure, and discussed mediation with my client as an alternative to proceeding with litigation; and

(3) Considered whether this case might benefit from mediation, or any other alternative dispute resolution options.

DATED:

[Name of Counsel]
Counsel for:

LOCAL RULES OF THE
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SUPERIOR COURT OF GUAM	[Reserved for Court stamp file]
ORDER FOR MEDIATION MR 4.1 Form B2	
Plaintiff(s):	CASE NUMBER(S):
Defendant(s):	

☐ The Court has determined this matter appropriate for mediation.

☐ The parties have mutually agreed or stipulated to refer this matter to mediation.

Now Therefore It Is Ordered, that this matter be referred to the following mediation service provider:

☐ Inafa' Maolek 297 West O'Brien Dr., Hagatna, Guam 96910 (475-1977)

☐ Pacific Arbitration & Mediation Services, Inc. ("PAMS"), 238 Archbishop Flores St., Ste. 801, Hagåtña, GU 96910 (472-2089)

☐ Other:

It is Further Ordered that the parties immediately contact the mediation service provider to make arrangements for scheduling mediation. While this matter remains referred to mediation it is:

☐ Stayed in its entirety;

☐ Stayed, in part, as follows: _____

Names and contact information of attorneys and self-represented litigants participating in mediation:

A Hearing on Status of Mediation within sixty (60) days of this Order is set for:

_____.

SO ORDERED this:_____.

JUDGE, Superior Court of Guam

LOCAL RULES OF THE
SUPERIOR COURT OF GUAM

SUPERIOR COURT OF GUAM	[Reserved for Court stamp file]
STATEMENT REQUESTING RELIEF FROM ORDER FOR MEDIATION MR 4.1 Form B3	
Plaintiff(s): Defendant(s):	CASE NUMBER(S):

Relief from Order For Mediation is hereby requested. The reasons supporting this request are as follows:

(PROVIDE FACTS AND ARGUMENTS)

Dated: _____

[Name of Counsel]

Counsel for:

LOCAL RULES OF THE
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SUPERIOR COURT OF GUAM	[Reserved for Court stamp file]
ORDER FOR RELIEF FROM ORDER FOR MEDIATION MR 4.1 Form B4	
Plaintiff(s): Defendant(s):	CASE NUMBER(S):

THE COURT, having reviewed the Statement Requesting Relief from Order for Mediation filed by a party herein, and based on said application, **HEREBY ORDERS** that this matter is removed from mediation and reactivated on the docket.

A hearing is therefore set in this matter for _____ day of _____ 20 at _____ o'clock _____. m. All previous stay orders are vacated.

SO ORDERED this: _____.

JUDGE, Superior Court of Guam

LOCAL RULES OF THE
SUPERIOR COURT OF GUAM

SUPERIOR COURT OF GUAM	[Reserved for Court stamp file]
STATEMENT OF FINANCIAL INDIGENCE MR 4.1 Form B5	
Plaintiff(s):	CASE NUMBER(S):
Defendant(s):	

I, _____, **DECLARE UNDER PENALTY OF PERJURY**, the following:

- 1) That I am a party to these proceedings, and I am not represented by an attorney, or am represented by pro bono counsel or by a legal services organization for which I pay no attorney fees;
- 2) That I qualify for financially indigent status pursuant to Local Rule of the Superior Court of Guam MR 1.1 which places an impediment on my participation in mediation services;
- 3) That I submit herewith, attached hereto, my completed MR 1.1 Financial Declaration as required for purposes of the Court's review; and
- 4) I request an accommodation be made for my participation in mediation.

Dated: _____

Declarant
[] Plaintiff
[] Defendant

Financial Declaration attached

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

FINANCIAL DECLARATION

IN SUPPORT OF REQUEST FOR LEGAL COUNSEL WITHOUT PAYMENT OF FEE
IN THE UNITED STATES TERRITORY OF GUAM: ☐ Family Court ☐ Superior Court ☐ Supreme Court

IN THE CASE OF:

vs.

PERSON REPRESENTED (show your full name):

SOCIAL SECURITY NUMBER:

CHARGE/OFFENSE (describe if applicable & check box):

☐ Felony

☐ Misdemeanor

DOCKET NUMBER

1 ☐ Defendant - Adult 4 ☐ Provocation Violator
2 ☐ Defendant - Juvenile 5 ☐ Habeas Petitioner
3 ☐ Appellant (if so, was 6 ☐ Other (specify)
counsel previously appointed
for you ☐ Yes ☐ No

ANSWERS TO QUESTIONS REGARDING ABILITY TO PAY

EMPLOYMENT

Are you now employed? ☐ Yes ☐ No ☐ Self Employed. Name and address of employer:

IF YES, how much do you earn per month?

IF NO, give month and year of last employment. How much did you earn per month? \$

If married, is your spouse employed? ☐ Yes ☐ No IF YES, how much does your spouse earn per month? \$

If a minor under age 21, what is your parents' or guardian's approximate monthly income? \$

**OTHER
INCOME**

Have you received within the past year any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, retirement or annuity payments, spousal support payments, or other sources? ☐ Yes ☐ No

	RECEIVED	SOURCES
IF YES, GIVE THE AMOUNT \$		
RECEIVED & IDENTIFY \$		
THE SOURCES \$		

Are you currently receiving welfare benefits?
of any kind? ☐ Yes ☐ No IF YES, give the
amount per month and describe the benefit.

AMOUNT	TYPE OF BENEFIT
\$	

CASH

Have you any cash on hand or money in savings or checking accounts? ☐ Yes ☐ No IF YES, state total amount \$

PROPERTY

Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? ☐ Yes ☐ No

IF YES, GIVE VALUE AND DESCRIBE	VALUE	DESCRIPTION
\$		

DEPENDENTS

MARITAL STATUS

☐ Single
☐ Married
☐ Widowed
☐ Separated or Divorced

Total No. of
Dependents:
()

List persons you actually support and your relationship to them.

**DEBTS &
MONTHLY
BILLS**

APARTMENT
OR HOME

Creditors (List all creditors including banks,
loan companies, charge accounts, etc.

Total Debts

Monthly Payments

	\$	\$
	\$	\$
	\$	\$

I declare under penalty of perjury, the foregoing is true and correct. In addition, by my signature below, I hereby agree to make available to the courts of Guam any and all documents within my possession, or within the possession for the Department of Revenue and Taxation, relating to my financial status.

SIGNATURE OF DEFENDANT (or person to be represented):

WARNING: A FALSE OR DISHONEST ANSWER TO A QUESTION IN THIS DECLARATION MAY BE PUNISHABLE BY FINE OR IMPRISONMENT, OR BOTH. See Title 9, Guam Code Annotated, Sections 52.15 and 52.20.

LOCAL RULES OF THE
SUPERIOR COURT OF GUAM

SUPERIOR COURT OF GUAM	[Reserved for Court stamp file]
ORDER REGARDING INDIGENT STATUS MR 4.1 Form B6	
Plaintiff(s):	CASE NUMBER(S):
Defendant(s):	

_____, a party in this matter, has filed a Statement of Financial Indigence. Based on said statement and its accompanying Financial Declaration,

THE COURT HEREBY FINDS that:

- ☐ The party is indigent, and therefore **ORDERS** the following accommodation(s):
- ☐ The indigent party shall pay _____% of mediation service fees.
 - ☐ The indigent party shall not be required to pay.
 - ☐ The first four (4) hours of mediation services shall be free of cost to the indigent party.
 - ☐ Mediation is hereby dismissed.
 - ☐ Other: _____
- ☐ The party is not indigent.

SO ORDERED this:_____.

JUDGE, Superior Court of Guam

LOCAL RULES OF THE
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SUPERIOR COURT OF GUAM	[Reserved for Court stamp file]
ORDER TO SHOW CAUSE REGARDING FAILURE TO MEDIATE MR 4.1 Form B7	
Plaintiff(s):	CASE NUMBER(S):
Defendant(s):	

TO:

YOU ARE HEREBY ORDERED TO APPEAR AND SHOW CAUSE WHY the Court should not hold you in contempt and sanction you for failing to participate in court ordered mediation.

YOUR APPEARANCE IS REQUIRED on _____ day of _____, 20__ , at _____. Failure to appear at the hearing as herein required may result in the Court taking action against you, to include possible contempt of Court, and/or payment of costs and fees incurred by the mediator as a result of your failure to attend mediation as well as other costs and fees of the parties who appeared for the scheduled mediation.

SO ORDERED this:_____.

JUDGE, Superior Court of Guam

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

SUPERIOR COURT OF GUAM	[Reserved for Court stamp file]
MEDIATOR'S STATEMENT MR 4.1 Form B8	
Plaintiff(s):	CASE NUMBER(S):
Defendant(s):	

Mediation was conducted in this matter with the following results:

- ☐ The parties have reached a written agreement as to all or some of the claims.
- ☐ The parties have agreed that a Stipulated Judgment shall be entered confirming their agreement(s).
- ☐ The parties have requested dismissal of the complaint initiating the case.
- ☐ The parties have agreed to terminate the mediation.
- ☐ The parties have stipulated to extend mediation by thirty (30) days pursuant to MR 4.1.17.
- ☐ Other (insert relevant summary explanation in space below):

DATED: _____

Mediation Service Provider

Address: _____

Contact: _____

LOCAL RULES OF THE
SUPERIOR COURT OF GUAM

SUPERIOR COURT OF GUAM	[Reserved for Court stamp file]
STIPULATED JUDGMENT UPON MEDIATION MR 4.1 Form B9	
Plaintiff(s): Defendant(s):	CASE NUMBER(S):

The Parties herein, by and through their respective counsels, having engaged in successful mediation as ordered by the Court, do hereby mutually stipulate and agree that this JUDGMENT be entered as follows:

[INSERT LANGUAGE OF JUDGMENT]

[Name of Counsel]
Counsel for:

[Name of Counsel]
Counsel for:

SO ORDERED this:_____.

JUDGE, Superior Court of Guam