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SUPERIOR COURT
OF GUAM



5 **IN THE SUPERIOR COURT OF GUAM**

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7 PEOPLE OF GUAM,) CRIMINAL CASE NO. **CF0478-24-01**
8 vs.)) GPD Report Nos. 24-15755/24-15766/24-15778/
9)) 24-15878
10 FRANCES JANET SAHAGON CRUZ,))
11 DOB: 12/11/1985)) DECISION & ORDER
12)) RE. MOTION TO DISQUALIFY
Defendant.)) CURTIS C. VAN DE VELD AS SPECIAL
13)) ASSISTANT ATTORNEY GENERAL
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This matter came before the Honorable Alberto E. Tolentino on November 13, 2025, for a Motion Hearing. Defendant Frances Janet Sahagon Cruz ("Defendant") was present with counsel Attorney Terence Timblin. Assistant Attorney General Curtis Van de Veld was present for the People of Guam ("People"). Following the hearing, the court took the matter under advisement pursuant to Supreme Court of Guam Administrative Rule 06-001, CVR 7.1(e)(6)(A) and CR1.1 of the Local Rules of the Superior Court of Guam. Having duly considered the parties' briefings, oral arguments, and the applicable law, the court now issues this Decision and Order **DENYING** the Motion to Disqualify Curtis C. Van de Veld as Special Assistant Attorney General.

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BACKGROUND

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3 Based on events that occurred on or about July 6, 2024, the Defendant was charged with
the following offenses:

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5 1. COMPLICITY TO COMMIT AGGRAVATED MURDER (As a 1st Degree
6 Felony);
7 2. COMPLICITY TO COMMIT FIRST-DEGREE ROBBERY (As a 1st Degree
8 Felony);
9 3. COMPLICITY TO COMMIT SECOND-DEGREE ROBBERY (As a 2nd
Degree Felony);
10 4. COMPLICITY TO COMMIT THEFT OF PROPERTY (As a 2nd Degree
Felony); and
5. POSSESSION OF A SCHEDULE II CONTROLLED SUBSTANCE (As a 3rd
Degree Felony).

11 Indictment (July 18, 2024). In anticipation of jury selection and trial, the court granted the co-
12 Defendant David Quichocho Uncango Jr.'s Motion to Sever, which the Defendant joined in. *See*
13 Mot. Hr'g Mins. at 2:13:15PM (Aug. 22, 2024).

14 The Defendant later filed her Motion to Disqualify Special Assistant Attorney General
15 Curtis C. Van de Veld. *See generally* Mot. Disqualify (July 3, 2025). Although Attorney Curtis
16 C. Van de Veld filed his Opposition to the Motion to Disqualify ("Opposition") on behalf of the
17 Office of the Attorney General of Guam ("OAG"), he formally entered his appearance as Special
18 Prosecutor on September 11, 2025. *See* Ppl.'s Opp'n (July 16, 2025); *see also* Entry of
19 Appearance (Sep. 11, 2025).

20 On November 13, 2025, the parties were before the court to address oral arguments on the
21 Defendant's Motion to Disqualify. After hearing all arguments, the court took the matter under
22 advisement.

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DISCUSSION

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25 In Guam, "[t]he current standard for attorney disqualification is whether an attorney's
26 continued representation of a party or participation in an action violates or significantly risks

1 violating the Guam Rules of Professional Conduct.” *Barrett-Anderson v. Camacho*, 2018 Guam
2 20 ¶ 20. “[D]isqualification is a drastic course of action that should not be taken simply out of
3 hypersensitivity to ethical nuances or the appearance of impropriety. *Id.* ¶ 14. (quoting *Roush v.*
4 *Seagate Tech., LLC*, 58 Cal. Rptr. 3d 275, 281 (Ct. App. 2007)). However, disqualification is
5 appropriate for “inevitable and material conflicts.” *Id.* ¶ 17.

6
7 The moving party has the burden to establish the “necessary factual prerequisite” for
8 disqualification. *Bottoms v. Stapleton*, 706 N.W.2d at 418; *accord Haraguchi v. Superior Court*,
9 182 P.3d 579, 582 (Cal. 2008) (“defendants bear the burden of demonstrating a genuine conflict;
10 in the absence of any such conflict, a trial court should not interfere with the People’s prerogative
11 to select who is to represent them.”); *In re Texas Windstorm Ins. Ass’n*, 417 S.W.3d 119, 129
12 (Tex. Ct. App. 2013) (“When a movant seeks disqualification based on an alleged violation of a
13 disciplinary rule, he must carry the burden to establish the violation with specificity.”).

14
15 The Defendant argued that Attorney Van de Veld’s representation in this case as a Special
16 Assistant Attorney General violates Guam Rules of Professional Conduct (“GRPC”) 1.7(a) based
17 on alleged financial incentives received. *See* Def.’s Mot. Disqualify at 2–4. GRPC Rule 1.7(a)
18 provides, as follows:

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20 **Rule 1.7: Conflict of Interest: Current Clients.**

21 (a) Except as provided in paragraph (b), a lawyer shall not represent a
22 client if the representation involves a concurrent conflict of interest. A
23 concurrent conflict of interest exists if:

24 (1) the representation of one client will be directly adverse to another
25 client; or
26 (2) there is a significant risk that the representation of one or more
27 clients will be materially limited by the lawyer’s responsibilities to
another client, a former client or a third person or by a personal interest
of the lawyer.

28 Guam Rules Prof’l Conduct 1.7(a).

1 During the Motion Hearing, Attorney Van de Veld confirmed on the record that he is no
2 longer contracted as a Special Assistant Attorney General with the Office of the Attorney General.
3 *See Mot. Hr'g Mins. at 11:37:04 – 41:40AM (Nov. 13, 2025).* Rather, he is a full-time employee
4 with the office as an Assistant Attorney General. *Id.* Based on this representation and Attorney
5 Van de Veld's subsequent appearances as an Assistant Attorney General in other matters before
6 this court, the court finds that the issue of Attorney Van de Veld's conflict of interest as a Special
7 Assistant General is rendered moot by his full-time employment with the Office of the Attorney
8 General.

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CONCLUSION

For reasons stated above, the court hereby **DENIES** the Motion to Disqualify Curtis C. Van de Veld as Special Assistant Attorney General.

SO ORDERED this FEB 19 2026.



HONORABLE ALBERTO E. TOLENTINO
Judge, Superior Court of Guam

On 2/19/2026, an electronic copy of the original was e-mailed to:

DAG & TIMBLIN

Date: 2/19/2026 Time: 12:31

Reinita M. Lindlau

