

GUAM CRIMINAL LAW AND PROCEDURE REVIEW COMMISSION
2023 SECOND QUARTER REPORT

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

JULY 10, 2023

GUAM CRIMINAL LAW AND PROCEDURE REVIEW COMMISSION
JUDICIARY OF GUAM
GUAM JUDICIAL CENTER
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PREFACE

The Guam Criminal Law and Procedure Review Commission (CLRC or Commission) submits its second 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 second quarter report summarizes activities from April 1, 2023 through June 30, 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 13th 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.

CLRC STAFF AND MEMBERS (updated)

Governor’s Appointees	Hon. Anita A. Sukola, Ms. Valerie Reyes, vacant ¹
Speaker’s Appointees	Attorney Phillip Tydingco, Attorney Michael Phillips, Attorney Christine Tenorio
Chief Justice’s Appointees	Hon. Jonathan R. Quan, Attorney F. Randall Cunliffe, Mr. Monty McDowell
Guam Bar President Appointees	Attorney Joseph B. McDonald, Attorney William B. Brennan
Statutory Members (or Designees)	Attorney General of Guam (Designee AAG Marianne Woloschuk), Chief of Police (Designee Lt. David Brantley), Director of Corrections (Designee Major Antone F. Aguon), Executive Director of Public Defender Service Corp (Designee Deputy Director John Morrison)
Compiler of Laws	Attorney Geraldine Cepeda
Staff	Attorney Andrew Serge Quenga (Executive Director), Valerie Cruz, (Management Officer)
Ex-officio (auxiliary)	Hon. Elizabeth Barrett-Anderson, Attorney Kat Siguenza, Attorney Sean Brown, Attorney Brian Eggleston, Attorney Leonardo Rapadas

¹ Awaiting the Governor’s appointment of her third member position left vacant after Judge Barrett-Anderson stepped down as an official member due to her membership on the Criminal Injuries Compensation Commission.

SIGNIFICANT CLRC ACTIVITIES APRIL – JUNE 2023

1. The CLRC held its third Plenary Meeting on April 6, 2023. The agenda and meeting packet for this meeting are available on the CLRC website (<http://www.guamcourts.org/Criminal-Law-and-Procedure-Review-Commission/Criminal-Law-and-Procedure-Review-Commission.html>). Video of the April 6 meeting is available on the Judiciary of Guam YouTube page. During that meeting, Subcommissions presented summaries of their reviews of statutes as stated in the CLRC First Quarter Report.
2. Subcommissions continued their review of statutes during several working session meetings during the months of April and May, 2023:
 - Subcommission on Criminal Procedure met on April 11 and 20; and on May 5 and 18.
 - Subcommission on Crimes Against Persons met on April 4, 12 and 26; and on May 11 and 16
 - Subcommission on Crimes Relating to Property met on April 19.
 - Subcommission on Crimes on Drugs & Other Criminal Offenses has not met since the death of Member Robert Camacho.
3. The CLRC's work was severely affected by Typhoon Mawar, which struck our island on May 24, 2023, and resulted in damage to physical structures due to high winds, rain and flooding, and the interruption of power, water, and telecom utilities. Most of the island did not have power for weeks, and some areas still do not have telecom access. Recovery is still ongoing for the community, including Subcommission members, who had to address typhoon recovery matters in their homes and families, as well as professionally. Most members are practicing attorneys, who had to focus on their own work, cases, and clients, while members from law enforcement agencies understandably faced more exigent and urgent operational matters arising from post-typhoon recovery.

These circumstances unfortunately interrupted the review of criminal laws by our Commission members, as Subcommissions have not been able to meet in working sessions since the storm. Typhoon Mawar also forced cancellation of the CLRC's Fourth Plenary Meeting that was scheduled for June 8, 2023. The CLRC will renew its efforts with working sessions at the earliest dates possible.
4. The CLRC continues efforts to enlist the support of ex-officio members with experience in the practice of law and criminal law. On April 16, Attorney Leonardo Rapadas of the Alternate Public Defender joined Attorney Kathy Fokas Siguenza, Attorney Sean Brown and Attorney Brian Eggleston as Ex-officio Members of the CLRC.

CONCLUSION

Although the work of Commission Members in the second quarter of 2023 was interrupted by Typhoon Mawar, the CLRC will get back on track during the third quarter to ensure the timely completion of statutory mandates to the best of the Commission's ability.