

# SUPREME COURT OF GUAM

## ADMINISTRATIVE RULE NO. 07-001

### RELATIVE TO AMENDING SUPREME COURT OF GUAM ADMINISTRATIVE RULE 05-02 REGARDING ASSIGNMENT OF CRIMINAL CASES WHERE A DEFENDANT'S MENTAL STATE IS AT ISSUE

On October 14, 2005 this Court adopted Administrative Rule 05-02 ("AR 05-02 ") which amended Administrative Rule 05-01 ("AR 05-01 ") for a one year period ending October 15, 2006 regarding Superior Court of Guam case assignments in order to establish procedures for the assignment of criminal cases where a defendant's mental state is at issue. A copy of AR 05-02 is attached hereto as Exhibit A for reference.

On October 13, 2006 this Court adopted Administrative Rule 06-002 extending the effective period of AR 05-02 until October 15, 2007.

It has come to this Court's attention that the changes to AR 05-01 brought about by AR 05-02 will operate more efficiently if altered slightly. Specifically, Paragraph II of AR 05-02 named a specific judge to handle the relevant cases and set a specific hearing schedule for relevant cases. This Court finds that specific changes to Paragraph II of AR 05-02 as well as a clarification regarding certain language of AR 05-02 are necessary in order to maximize the efficiency of AR 05-01.

THEREFORE, PARAGRAPH II OF AR 05-02 IS AMENDED AND RESTATED AS FOLLOWS:

- II. Hearing Schedule: Hearings in cases regarding the mental state of defendants shall be assigned to Family Court I. A standard schedule regarding when hearings shall be held in such matters shall be established at the discretion of the Superior Court Judge holding the Family Court I Specialty Court slot. So long as a defendant and his or her counsel consent, staffing for cases in which a defendant has been adjudicated as Not Guilty By Reason of Mental Disease or Defect pursuant to Article 2 of Chapter 7 of Title 9 of the Guam Code Annotated shall occur at a time to be established at the discretion of the Superior Court Judge holding the Family Court I Specialty Court slot.

FURTHERMORE, any reference to Judge Katherine Maraman within AR05-02 shall now be read as stating: "the Superior Court Judge holding the Family Court I Specialty Court slot."

Adopted this 6<sup>th</sup> day of February, 2007, *nunc pro tunc* to February 1, 2007.



F. PHILIP CARBULLIDO

Chief Justice



ROBERT J. TORRES

Associate Justice



ELIZABETH BARRETT-ANDERSON

Justice Pro Tempore

# SUPREME COURT OF GUAM

## ADMINISTRATIVE RULE NO. 05-02

### RELATIVE TO AMENDING SUPREME COURT OF GUAM ADMINISTRATIVE RULE 05-01 REGARDING SUPERIOR COURT OF GUAM CASE ASSIGNMENTS TO SPECIFICALLY ADDRESS ASSIGNMENT OF CRIMINAL CASES WHERE A DEFENDANT'S MENTAL STATE IS AT ISSUE

The Criminal Justice Diversion Workgroup, a multi-organizational effort consisting of several representatives from each of the three Branches of the Government of Guam and chaired by a representative of the Department of Mental Health and Substance Abuse, recommends that the Judiciary of Guam begin hearing cases where a defendant's mental state is at issue using a therapeutic court model.

The Judiciary of Guam is working with the Criminal Justice Diversion Workgroup to create a Mental Health Court.

As an interim measure, the Workgroup recommends that one judge hear the cases and that hearings occur on the same day at the same time each week, with each specific case being heard every other week.

THEREFORE, ADMINISTRATIVE RULE 05-01 IS HEREBY AMENDED TO INCORPORATE THEREIN THE FOLLOWING PROCEDURES:

- I. Effective Date: This amendment of Supreme Court of Guam Administrative Rule 05-01 shall be effective on October 15, 2005, and shall remain in effect for a period of one (1) year thereafter, unless sooner repealed or amended, following which the original language of Supreme Court of Guam Administrative Rule 05-01 shall again be in effect.
- II. Hearing Schedule: Hearings in cases assigned to Family Court I regarding the mental state of defendants shall be scheduled before Judge Katherine Maraman for 11:00 a.m. every other Tuesday, beginning with Tuesday, October 18, 2005, or as necessary at the discretion of Judge Katherine Maraman. So long as a defendant and his or her counsel consent, staffing for cases in which a defendant has been adjudicated as Not Guilty By Reason of Mental Disease or Defect pursuant to Article 2 of Chapter 7 of Title 9 of the Guam Code Annotated shall occur at 10:00 on the same Tuesdays.
- III. Pending Cases:
  1. All cases pending as of the effective date of this Administrative Rule in which a defendant has been adjudicated not guilty by reason of mental illness, disease or defect pursuant to Article 2 of Chapter 7 of Title 9 of the Guam Code Annotated prior to the effective date of this Administrative Rule shall be reassigned to Family Court I for all subsequent hearings which shall be presided over by Judge Katherine Maraman.

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Exhibit A

2. All cases pending as of the effective date of this Administrative Rule in which a defendant has placed his mental state in issue pursuant to Title 9 GCA § 7.22 prior to the effective date of this Administrative Rule or in which a defendant places his mental state in issue pursuant to Title 9 GCA § 7.22 after the effective date of this Administrative Rule shall nonetheless remain with the assigned judge until the mental state issue is adjudicated. If and only if a defendant is adjudicated not guilty by reason of mental illness, disease or defect pursuant to Article 2 of Chapter 7 of Title 9 of the Guam Code Annotated by the assigned judge shall the case be reassigned to Family Court I.

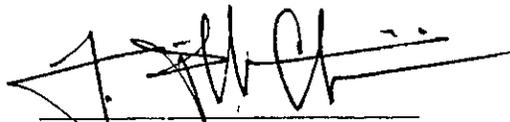
IV. Future Cases:

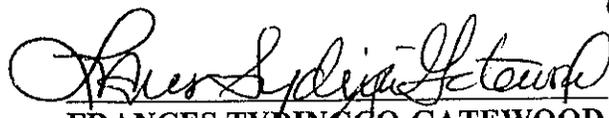
All cases filed after the effective date of this Administrative Rule and during the period during which the resulting amendment to Administrative Rule 05-01 is in effect in which a defendant places his mental state in issue pursuant to Title 9 GCA § 7.22 shall be re-assigned to Family Court I for all subsequent hearings which shall be presided over by Judge Katherine Maraman. Regardless of whether or not the defendant is subsequently adjudicated not guilty by reason of mental illness, disease or defect pursuant to Article 2 of Chapter 7 of Title 9 of the Guam Code Annotated, the case shall remain with Family Court I until fully adjudicated.

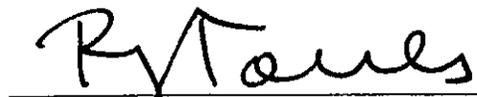
V. Caseload Credit for Reassigned Cases:

All cases which are assigned to Family Court I to be presided over by Judge Katherine Maraman pursuant to this Administrative Rule prior to the issue of mental state being adjudicated shall be counted towards Judge Maraman's 6% share of either felony or misdemeanor cases not already assigned to the Family Violence Specialty Court judge or the Adult Drug Court Specialty Court judge pursuant to Section B.2.(a)(I) & (ii) of Administrative Rule 05-01, whichever the case may be.

Adopted this 14<sup>th</sup> day of October, 2005.

  
F. PHILIP CARBULLIDO  
Chief Justice

  
FRANCES TYDINGCO-GATEWOOD  
Associate Justice

  
ROBERT TORRES  
Associate Justice