

FILED
JUL 23 2010

IN THE SUPREME COURT OF GUAM

RE:)
)
CREATION OF "DWI COURT")
AS A SEPARATE DOCKET of the)
CRIMINAL DOCKET of the)
SUPERIOR COURT OF GUAM.)

Supreme Court Case No. PRM10-004

PROMULGATION ORDER
NO. PRM10-004-01

On August 13, 2010, a newly formed Committee, appointed by the Chief Justice of Guam, met to discuss the formation of a new therapeutic court dedicated to offenses of Driving While Intoxicated or Driving under the Influence of Alcohol or Drugs. The Committee, composed of representatives from the Judiciary of Guam, the Attorney General's Office, the Public Defender Service Corporation, the Department of Mental Health & Substance Abuse, the Department of Public Works Office of Highway Safety, the Guam Police Department, the Department of Corrections, and the Department of Revenue and Taxation, decided to support the establishment of this court in 2010. The Committee recommended that the court be referred to as the "DWI Court;" though offenses of driving while under the influence may colloquially be referred to on Guam as "DUI," the nationwide trend of using the initials from "Driving While Intoxicated or under the Influence - DWI," is more prominent in grant language and in the therapeutic vernacular.

Nationwide, DWI Courts now number more than 400. These courts combine chemical addiction treatment with offender behavior accountability. The goals of DWI Courts are: 1) increase offender sobriety; 2) increase public safety; 3) decrease recidivism; and 4) return the offender to being a productive member of the community. The Judiciary recognizes that a team

1 approach, including the judge, prosecutor, defense attorney, defense counsel, law enforcement
2 agencies, and treatment professionals, and community organizations, is necessary to collectively
3 and successfully redirect the behavior of DWI offenders. The consolidation of DWI cases will
4 increase the efficiency and effectiveness of processing DWI cases before the Superior Court.
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6 At a Judicial Council meeting of November 4, 2010, the Judicial Council of Guam passed
7 a resolution that recommended to the Supreme Court of Guam that it adopt the creation of the
8 DWI Court of the Superior Court of Guam, a copy of which is attached hereto as Exhibit 1.

9 The Supreme Court of Guam's administrative authority over the Judiciary of Guam
10 pursuant to the Organic Act includes the power to create such lower courts as it deems proper
11 and necessary in the interest of the Territory. Therefore, pursuant to the Organic Act of Guam at
12 48 U.S.C. § 1424-1(a)(6), which authorizes this court to make and promulgate rules governing
13 the practice and procedure in the courts of Guam, this court hereby approves the establishment
14 of a "DWI Court" as a separate docket of the Superior Court of Guam. This Court shall operate
15 as a pilot project until December 31, 2011, in accordance with Local Rules of Court for the
16 Superior Court of Guam as promulgated and as further amended and adopted, as well as
17 procedures and practices as contained in Title 8 Guam Code Annotated (Criminal Procedure
18 Code), Title 9 Guam Code Annotated (Criminal Code), and Title 16 Guam Code Annotated
19 (Vehicle Code of Guam, "Safe Streets Act").
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23 **SO ORDERED** this 10th day of November, 2010.

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26 ROBERT J. TORRES
27 Chief Justice

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28 F. PHILIP CARBULLIDO
Associate Justice

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KATHERINE A. MARAMAN
Associate Justice

**BEFORE THE 2010 JUDICIAL COUNCIL OF GUAM
RESOLUTION NO. JC 10-027**

**JUDICIAL COUNCIL RESOLUTION
RELATIVE TO RECOMMENDING CREATION OF A DWI COURT
OF THE SUPERIOR COURT OF GUAM**

WHEREAS, the Supreme Court of Guam has been conferred full administrative authority over the Judiciary of Guam by the Organic Act, including the power to create such lower courts as it deems proper and necessary in the interest of the Territory; and

WHEREAS, in the United States, DWI Courts now number more than 400 and are considered accountability courts, or programs that combine chemical addiction treatment with offender behavior accountability; and

WHEREAS, the consolidation of DWI cases will increase efficiency and effectiveness of processing DWI cases before the Superior Court; and

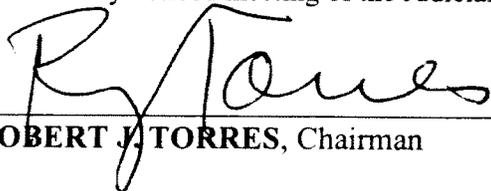
WHEREAS, a team approach, including the judge, prosecutor, defense attorney, defense counsel, law enforcement agencies, and treatment professionals, and community organizations is necessary to collectively and successfully redirect the behavior of DWI offenders; and

WHEREAS, the goals of DWI Courts are to: 1) increase offender sobriety; 2) increase public safety; 3) decrease recidivism; and 4) return the offender to being a productive member of the community according to the National Drug Court Institute and the National Highway Traffic and Safety Administration; and

WHEREAS, the Attorney General's Office, the Public Defender Service Corporation, the Department of Mental Health & Substance Abuse, the Department of Public Works Office of Highway Safety, the Guam Police Department, the Department of Corrections, and the Department of Revenue & Taxation fully support and are committed to the DWI Court project;

NOW THEREFORE, the Judicial Council recommends that the Supreme Court of Guam APPROVE the establishment of the DWI COURT of the Superior Court of Guam, for a pilot period of November 15, 2010 to December 31, 2011. This Court shall operate in accordance with Local Rules of Court for the Superior Court of Guam as promulgated and as further amended and adopted, as well as procedures and practices as contained in Title 8 Guam Code Annotated (Criminal Procedure Code), Title 9 Guam Code Annotated (Criminal Code), and Title 16 Guam Code Annotated (Vehicle Code of Guam, "Safe Streets Act.")

DULY ADOPTED this 4th day of November, 2010 at a duly noticed meeting of the Judicial Council of Guam.



ROBERT J. TORRES, Chairman

ATTEST:



JOLEEN F. RESHICIO, Secretary