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SUPREME COURT
OF GUAM

IN THE SUPREME COURT OF GUAM

RE:	Supreme Court Case No.: PRM06-004
ADOPTION OF THE GUAM RULE REGARDING THE USE OF VIDEO CONFERENCING TECHNOLOGY IN CERTAIN JUVENILE AND ADULT CRIMINAL PROCEEDINGS	**PROMULGATION ORDER NO.: 06-004-1**

Pursuant to 48 U.S.C. § 1424-1(a)(4) and (6), the Supreme Court of Guam hereby adopts and promulgates, as an interim rule, the following rule governing the use of video conferencing technology in certain juvenile and adult criminal proceedings:

Rule 15. Video Conferencing.

A. Video Conferencing in Certain Adult Criminal Proceedings.

(1) The trial court shall, except as provided in section (2), use video conferencing technology in first appearances as defined by 8 GCA § 45.30.

A record of any proceeding conducted by video conference shall be made in the same manner as all such similar proceedings not conducted by video conference. However, the court may, upon its own motion or motion of a party, record a proceeding with an audio visual recording system.

The courtroom shall be accessible to the public to the same extent as such proceedings would be if not conducted by video conference.

(2) The trial court may order the personal appearance of a defendant in court for a proceeding governed by section (1) upon a finding of good cause.

B. Video Conferencing in Certain Juvenile Proceedings.

(1) The Family Court shall, except as provided in section (2), use video conferencing technology in the first appearance of a juvenile, who is in custody, before a Judge of the Family Court.

A record of any proceeding conducted by video conference shall be made in the same manner as all such similar proceedings not conducted by video conference. However, the court may, upon its own motion or motion of a party, record a proceeding with an audio visual recording system.

Pursuant to 19 GCA § 5112(a), the general public shall be excluded from hearings. The Family Court, however, may admit persons it finds have a direct interest in the case or in the work of the court into the courtroom.

(2) The Family Court may order the personal appearance of a juvenile in court for a proceeding governed by section (1) upon a finding of good cause.

C. Video Conferencing Standards.

(1) All participants must be able to see, hear and communicate with each other simultaneously.

(2) All participants must be able to see, hear and otherwise observe any physical evidence or exhibits presented during the proceeding either by video, facsimile, or other method.

(3) Video quality must be adequate to allow participants to observe each other's demeanor and non-verbal communications.

(4) Each location must provide parties with a means of communicating fully and confidentially with counsel.

(5) In interpreted proceedings, the court may order that the interpreter be located next to the juvenile or detainee.

(4) Equipment for the immediate transmission of documents or papers, including but not limited to facsimile equipment and computers, must be made available.

This rule supersedes and amends the rule adopted by this court on March 31, 2006, and becomes effective on the date of the filing of this order. The rule will remain in effect for a minimum of thirty (30) days to provide the subcommittee and members of the Guam Bar with additional time to review the rule and provide comments before finalization.

SO ORDERED this 30th day of June, 2006.

Robert J. Torres, Jr.
Associate Justice

Frances M. Tydingco-Gatewood
Associate Justice

F. Philip Carbullido
Chief Justice

STANDARD OPERATING PROCEDURES FOR VIDEO CONFERENCING IN MAGISTRATE HEARINGS

The use of videoconferencing in magistrate hearings will be governed by Rule 15 of the Rules of Superior Court. *See attached* Guam R. Sup. Ct. 15.

PRE-HEARING PROCEDURES

- The Attorney General's office ("AG") will submit a Confirmation Listing to the Clerk's office and the Department of Corrections Hagatna 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 attached* SOP Magistrates.
- 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 attached* SOP Magistrates.
  - 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 attached* SOP Magistrates.
  - Marshal will bring the Commitment Order to DOC.
  - Marshal will return original Commitment Order to Clerk.

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.
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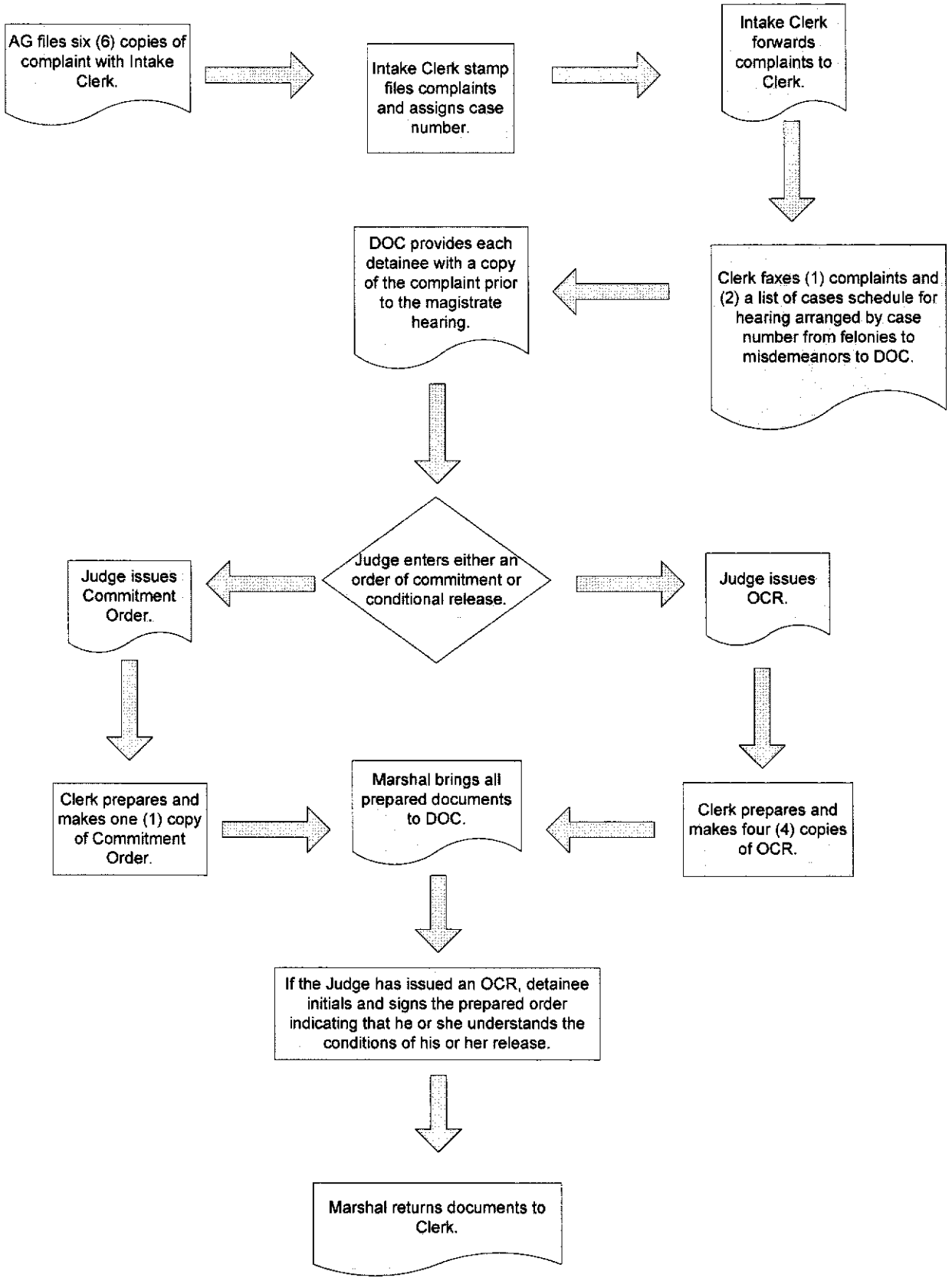
RETAINED COUNSEL

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

FLOWCHART


AG files six (6) copies of complaint with Intake Clerk.
Intake Clerk stamp files complaints and assigns case number.
Intake Clerk forwards complaints to Clerk.
Clerk faxes (1) complaints and (2) a list of cases schedule for hearing arranged by case number from felonies to misdemeanors to DOC.
DOC provides each detainee with a copy of the complaint prior to the magistrate hearing.
Judge enters either an order of commitment or conditional release.
Judge issues Commitment Order.
Judge issues OCR.
Clerk prepares and makes one (1) copy of Commitment Order.
Marshal brings all prepared documents to DOC.
Clerk prepares and makes four (4) copies of OCR.
If the Judge has issued an OCR, detainee initials and signs the prepared order indicating that he or she understands the conditions of his or her release.
Marshal returns documents to Clerk.

CONTACT NUMBERS:

	TELEPHONE	FAX
Presiding Judge Lamorena's Chambers	475-3410	477-1852
Hagatna Detention Facility	475-0180	472-3919
Mangilao Detention Facility (Female)	734-4035 / 734-3981	
Mangilao Detention Facility (High Risk Males)	734-3981	

SUPREME COURT OF GUAM

TITLE 7
GUAM CODE ANNOTATED
APPENDIX B

RULES OF SUPERIOR COURT OF GUAM

RULE 15. VIDEO CONFERENCING IN THE COURTROOM.

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