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

4 **B. Video Conferencing in Certain Juvenile Proceedings.**

5  
6 (1) The Family Court shall, except as provided in section (2), use video conferencing  
7 technology in the first appearance of a juvenile, who is in custody, before a Judge of the  
8 Family Court.

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

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

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

18  
19 **C. Video Conferencing Standards.**

20  
21 (1) All participants must be able to see, hear and communicate with each other  
22 simultaneously.

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

26  
27 (3) Video quality must be adequate to allow participants to observe each other's  
28 demeanor and non-verbal communications.

1  
2 (4) Each location must provide parties with a means of communicating fully and  
3 confidentially with counsel.

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

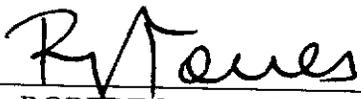
7 (4) Equipment for the immediate transmission of documents or papers, including but  
8 not limited to facsimile equipment and computers, must be made available.

9 **D. Standard Operating Procedures.**

10 (1) The Subcommittee on the Proposed Rules and Procedures for Video Conferencing  
11 shall develop a set of Standard Operating Procedures necessary to implement the use of  
12 video conferencing technology in proceedings authorized by this rule. The  
13 Subcommittee, or other authorized body, may update and amend the Standard Operating  
14 Procedures as may be required.

15 This rule supersedes and amends the all prior rules adopted by this court, and becomes effective  
16 on the date of the filing of this order.

17 **SO ORDERED** this 13<sup>th</sup> day of October, 2006.

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22 ROBERT J. TORRES, JR.  
Associate Justice

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25 FRANCES M. TYDINGCO-GATEWOOD  
Associate Justice

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27   
28 F. PHILIP CARBULLIDO  
Chief Justice

## ATTACHMENT A

### 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.

#### **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**

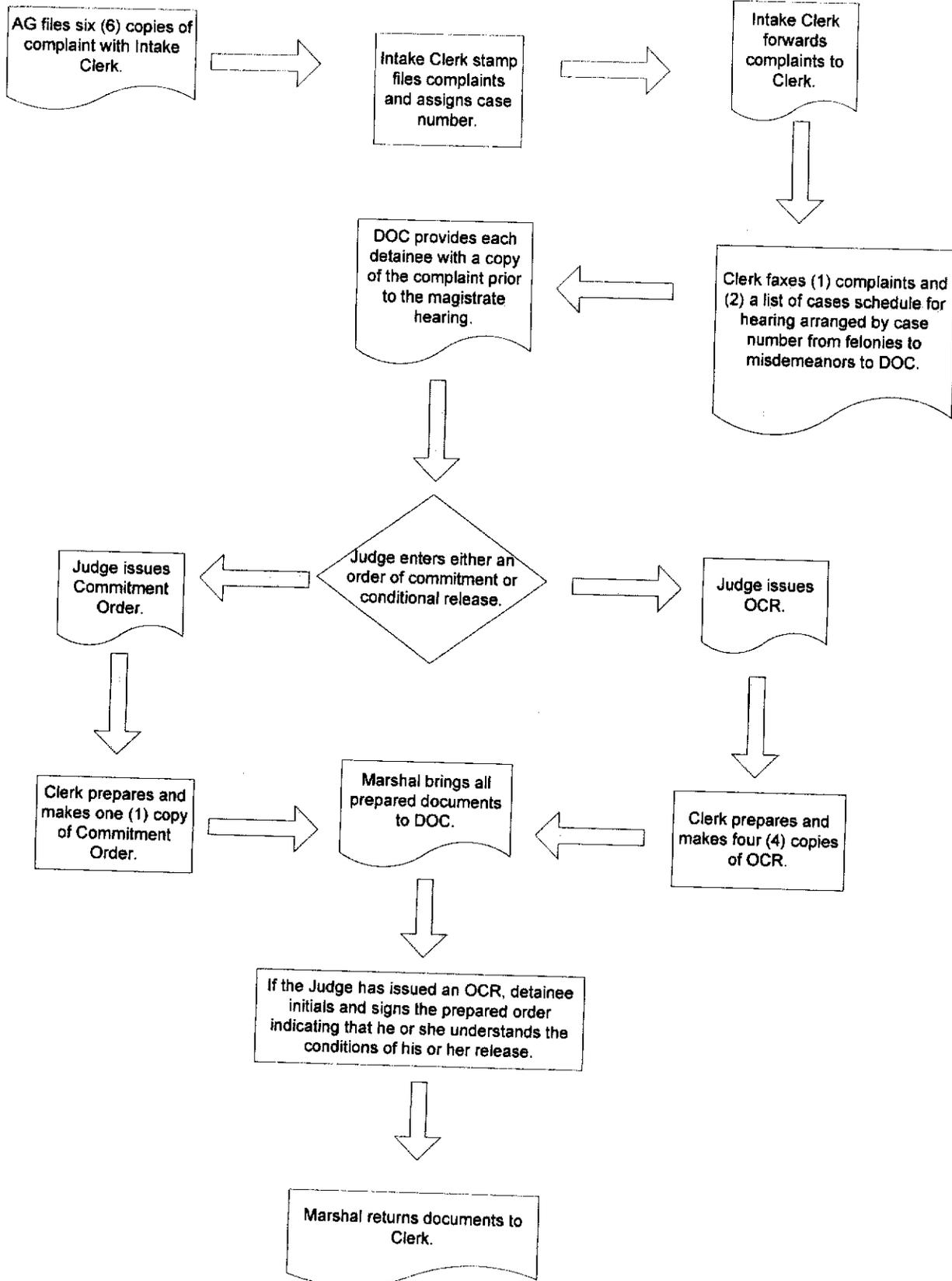
- The court may order that the interpreter be located next to the detainee during the hearing. Generally, however, the interpreter will be located in the courtroom.
- If an interpreter is necessary to explain the conditions of release contained in an OCR, one will be made available to meet with the detainee 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



**CONTACT NUMBERS:**

	<b>TELEPHONE</b>	<b>FAX</b>
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

### RULES OF SUPERIOR COURT OF GUAM

#### RULE 15. VIDEO CONFERENCING IN THE COURTROOM.

##### 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.

**D. Standard Operating Procedures.**

(1) The Subcommittee on the Proposed Rules and Procedures for Video Conferencing shall develop a set of Standard Operating Procedures necessary to implement the use of video conferencing technology in proceedings authorized by this rule. The Subcommittee, or other authorized body, may update and amend the Standard Operating Procedures as may be required.

IN THE SUPERIOR COURT OF GUAM

THE PEOPLE OF GUAM

vs.

Defendant(s).

Criminal Case No. \_\_\_\_\_

ORDER OF CONDITIONAL RELEASE AND APPEARANCE BOND

IT IS HEREBY ORDERED that Defendant is released from custody under the following conditions:

- 1. **BAIL:** \$ \_\_\_\_\_ CASH/SECURED - UNSECURED/PR BOND must be posted before Defendant is released, which amount shall be forfeited in its entirety if Defendant fails to make any court appearance or violates any of the terms of this Release Order. As a condition of the Defendants release on this bond pursuant to Chapter 40 of the Criminal Code of Guam, it is understood and agreed that the Defendant must appear in person in the above-entitled Court in accordance with any and all directions and orders relating to his/her appearance in the above-entitled matter, as may be given or issued by the Court or any Judicial Officer thereof.
- 2. **APPEARANCES:** Defendant is ordered to appear next on \_\_\_\_\_, and shall appear at all further criminal trial proceedings.
- 3. **NO CONTACT/STAY AWAY:** Defendant is ordered to stay away from, and have no contact with the victim(s), either in person, through a third-party, by telephone, by letter, or otherwise, including any specified witness or witnesses, \_\_\_\_\_ Defendant shall stay away from the victim(s), his/her/their residence, dwelling, place of employment, school, day care center, establishment, or any family or social function. Upon becoming aware of the victim's presence, or planned presence, Defendant is ordered to immediately leave the function, or establishment.
- 4. **NO THREATS/ASSAULT/HARASSMENT:** Defendant is restrained from threatening to commit or committing acts of family violence against, or from harassing, annoying, or molesting the victim(s), or other family or household members, or any person named in the complaint or indictment or in this order \_\_\_\_\_
- 5. **THIRD-PARTY CUSTODIAN:** 1. \_\_\_\_\_ 2. \_\_\_\_\_ is/are appointed Third-Party Custodian(s) whose residence is \_\_\_\_\_ and having agreed to supervise the defendant in accordance with the conditions contained herein; to use every effort to assure the appearance of the defendant at all scheduled hearings before the Court, and to notify the Court immediately in the event the defendant violates any condition of his/her release or disappears. Defendant shall reside with Third-Party Custodian(s). Defendant must be accompanied by Third-Party Custodians at all times. Signature: 1. \_\_\_\_\_ Tel. \_\_\_\_\_ 2. \_\_\_\_\_ Tel. \_\_\_\_\_
- 6. **HOUSE ARREST:** Defendant is under house-arrest and may not leave the above residence except for court appearances, to meet with Defense Counsel or the Probation Officer, to attend religious services, for emergency medical treatment employment, or \_\_\_\_\_
- 7. **CURFEW:** Defendant shall obey the following curfew: \_\_\_\_\_
- 8. **FIREARMS:** Defendant shall not possess any firearms, or other deadly weapons. Any and all firearms or weapons, including identification card(s), must be removed from the Defendant's residence or surrendered to the Probation Office. Probation or the Guam Police is authorized to search Defendant's person, residence, or vehicle for firearms/weapons.
- 9. **ALCOHOL/DRUGS:** Defendant shall not possess, and/or consume any alcoholic beverages and/or illegal controlled substances. Defendants shall submit to random/weekly alcohol and/or drug testing at the request of the Probation Office. Failure to submit to such testing will be considered a violation. Probation Office or the Guam Police are authorized to search Defendant's residence, vehicle, or person for alcoholic beverages and/or illegal controlled substance(s). Defendant shall not enter any alcohol establishment(s).
- 10. **CO-DEFENDANTS/FELONS:** Defendant shall have no contact with co-defendant(s) either in person, by telephone, by letter, through a third-party, or any other method. Defendant shall not associate with any known felons.
- 11. **REPORTING:** Defendant shall report to the Probation Office  in person,  by telephone:  Weekly;  Monthly
- 12. **TRAVEL:** Defendant must turn in his/her passport to the Probation Office. Defendant cannot leave Guam without permission of this Court.
- 13. **OTHER REQUIREMENTS:** \_\_\_\_\_
- 14. **DEFENDANT SHALL OBEY ALL FEDERAL AND LOCAL LAWS, AND ABIDE BY ALL REASONABLE TERMS SET OUT BY PROBATION. DEFENDANT SHALL REPORT TO PROBATION OFFICE IN PERSON BEFORE 4:00PM ON THE NEXT WORK DAY FOLLOWING THEIR RELEASE FROM CUSTODY.**

TO ALL PEACE OFFICERS: This ORDER shall be enforced by all Peace Officers.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

HONORABLE JUDGE  
Superior Court of Guam

Page 2  
ORDER OF CONDITIONAL RELEASE

Defendant: \_\_\_\_\_  
Criminal Case No. \_\_\_\_\_

All conditions imposed by this Order are effective immediately. These conditions shall remain in effect until the Defendant is either sentenced, acquitted, or the charge is dismissed. Defendant shall acknowledge that he/she has read, understands, and has signed the conditions specifically ordered. Any violation of paragraphs 3,4 and 8 shall constitute a misdemeanor punishable by imprisonment of up to one (1) year or a fine of \$1,000.00, or both. 9 G.C.A. §30.40. Violation of this Order, may subject Defendant to federal charges and punishment. 18 U.S.C. §§2261(a)-(b), 2261A, 2262(a)-(b). This Order is enforceable in all 50 States, the District of Columbia, Tribal Lands, and U.S. Territories. 18 U.S.C. §2265. It is unlawful for any person subject to an Order for protection or convicted of a misdemeanor crime of domestic violence to ship, transport, possess, or receive firearms or ammunition. 18 U.S.C. §922.

Territory  
of Guam

I understand the methods and conditions of my release which have been checked above, the penalties and forfeitures applicable in the event I violate any condition or fail to appear as required.

I agree to comply fully with each of the obligations imposed on my release and to notify the Court promptly in the event I change the address indicated below.

ss  
Hagåtña,  
Guam

I have received a copy of the Order and I understand that a violation of this Order is a Contempt of Court and shall cause me to be arrested and be subject to possible further criminal charges and/or revocation of my pre-trial release.

Defendant Name: \_\_\_\_\_

Residential Address: \_\_\_\_\_

City, State and Zip Code: \_\_\_\_\_

Telephone No.: \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_,  
20\_\_\_\_\_.

\_\_\_\_\_  
Deputy Clerk/Marshal