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SUPREME COURT
OF GUAM

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IN THE SUPREME COURT OF GUAM

RE:)	Supreme Court Case No. PRM07-003
)	
ADOPTION OF THE GUAM RULES OF APPELLATE PROCEDURE)	PROMULGATION ORDER NO. 07-003-04
)	

Pursuant to the authority to “make and promulgate rules governing the administration of the judiciary and the practice and procedure in the courts of the judicial branch of Guam,” 48 U.S.C. § 1424-1(a)(6), the Supreme Court hereby adopts the following amendment to Rule 9(d)(1) of the Guam Rules of Appellate Procedure (“GRAP”) in order to reflect the amendments made to the Indigent Defense Rule of the Local Rules of the Superior Court through Promulgation Order Nos. 06-006-01 and 06-006-07.

GRAP 9(d)(1) shall be amended to read as follows:

(d) Counsel on Appeal.

(1) Representation on Appeal. Counsel in criminal cases, whether retained or appointed by the Superior Court, shall ascertain whether his or her client wishes to appeal and file a notice of appeal upon his or her client’s request. Counsel shall take all steps required by these Rules to perfect the notice of appeal. If counsel was appointed by the Superior Court pursuant to Miscellaneous Rule (“MR”) 1.1 of the Local Rules of the Superior Court, and appellate counsel has been appointed by the Superior Court in accordance with MR 1.1.3(D), appellate counsel shall continue to represent the defendant, until the matter, including appeals or review by certiorari, is closed; until substitute counsel has filed a notice of appearance; until an order has been entered allowing or requiring the person represented to proceed pro se; until the appointment is terminated by court order; or until the attorney is relieved by the court.

This amendment shall apply to all actions, cases and proceedings brought after the instant Promulgation Order takes effect and to all actions, cases and proceedings commenced prior to the effective date hereof and still pending, except to the extent that the application of the amended

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1 Rule to those pending actions, cases or proceedings would not be feasible, or would work
2 injustice, in which event the prior valid Guam Rules of Appellate Procedure shall apply.

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4 **SO ORDERED** this 28th day of July, 2009.

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6 **F. PHILIP CARBULLIDO**
7 Associate Justice

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6 **KATHERINE A. MARAMAN**
7 Associate Justice

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9 **ROBERT J. TORRES**
10 Chief Justice