

2022 JUN 13 PM 2: 13

CLERK OF COURT

BY: MA

IN THE SUPERIOR COURT OF GUAM

PEOPLE OF GUAM,

Plaintiff,

Case No. CF0155-22

vs.

**DECISION AND ORDER
(Finding Defendant Competent to Stand
Trial)**

MINORICHY RUGANTE

aka Minorichy Nisarafach Rugante; *aka*
Minorichy Richy Rugante; *aka* Minorichy NT
Rugante; *aka* Mino Richy Rugandy; *aka*
Minorichy Nisar Taitano Rugante; *aka* Richy
Rugante; *aka* Richy,

Defendant.

INTRODUCTION

This matter came before the Honorable Alberto E. Tolentino on May 26, 2022, for a Competency Hearing. Assistant Public Defender Stephen Hattori appeared for Minorichy Rugante (“Defendant”). Assistant Attorney General Yusuke Haffeman-Udagawa appeared for the People of Guam (“People”). Having considered the Defendant’s Forensic Evaluation, the parties’ oral arguments, and the applicable law, the Court now issues the following Decision and Order and **finds Defendant competent to stand trial.**

BACKGROUND

On March 24, 2022, the Grand Jury indicted Defendant on the following charges: (1) Two Counts of Aggravated Assault (As a Second Degree Felony) with Two Counts of Special

1 Allegation: Possession or Use of a Deadly Weapon in the Commission of a Felony; (2)
2 Felonious Restraint (As a Third Degree Felony) with Special Allegation: Possession of Use of
3 a Deadly Weapon in the Commission of a Felony; and (3) Two Counts of Aggravated Assault
4 (As a Third Degree Felony) with Two Counts of Possession of Use of a Deadly Weapon in the
5 Commission of a Felony. Indictment, Mar. 24, 2022. Police records indicate Defendant struck
6 his girlfriend several times of the course of a few weeks. Mag. Complaint, Mar. 15, 2022.
7 Defendant pled Not Guilty by Reason of Mental Illness, Disease, or Defect. Minute Entry,
8 Apr. 8, 2022. Pursuant to 9 GCA § 7.25, the Client Services and Family Counseling Division
9 of the Superior Court of Guam (“CSFC”) arranged for Defendant to undergo a forensic
10 evaluation with a qualified psychologist. Order for Forensic Evaluation, Apr. 11, 2022. On
11 May 3, 2022, Defendant underwent his forensic evaluation with Dr. Juan Rapadas, an expert
12 clinical psychologist at CSFC. Forensic Evaluation at 2, May 2, 2022. The Court held a
13 hearing on May 26, 2022, to determine Defendant’s competency to stand trial. After hearing
14 the arguments of the parties, the Court found Defendant competent to stand trial.
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17 DISCUSSION

18 “A defendant is incompetent to be proceeded against in a criminal action if, as a result
19 of mental illness . . . he is unable (1) to understand the nature of the proceedings, (2) to assist
20 and cooperate with counsel, (3) to follow the evidence, or (4) to participate in his defense.” 9
21 GCA § 7.37(a)(1)–(4).

22 Dr. Rapadas stated in his forensic evaluation “[t]aken all data in total, it is my opinion
23 that Mr. Rugante is currently competent to be proceeded against and to be sentenced.”
24 Forensic Evaluation at 6. Defendant agrees with Dr. Rapadas’s statement and does not contest
25 his findings. Digital Recording at 2:07:42–2:12:58 (Mot. H’rg. May 26, 2022). Accordingly,
26 the Court finds Defendant competent to stand trial.
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FINDINGS OF FACT AND CONCLUSIONS OF LAW

For the above reasons, the Court makes the following findings of fact and conclusions of law:

- Defendant does possess the mental competency “(1) to understand the nature of the proceedings, (2) to assist and cooperate with counsel, (3) to follow the evidence, or (4) to participate in his defense.” 9 GCA § 7.37(a)(1)–(4).
- Defendant is currently competent to stand trial.
- Defendant can make any diminished capacity defense he may have at trial.

SO ORDERED, this 13 day of June, 2022.



HONORABLE ALBERTO E. TOLENTINO
Judge, Superior Court of Guam