

Alicia G. Limtiaco
Attorney General



Alberto E. Tolentino
Chief Deputy Attorney General

OFFICE OF THE ATTORNEY GENERAL



Alicia G. Limtiaco
Attorney General of Guam

Hafa Adai!

Last year, the Office of the Attorney General made efforts to be more accessible to the people of Guam by providing its 2007 Annual Report in an electronic format. Once again, and in furtherance of the transparency and accountability the people of Guam have come to

expect and deserve, it is my honor to present in electronic format the Office of the Attorney General's 2008 Annual Report.

Unlike 2007, the Office's 2008 Annual Report will also be disseminated to a wider audience through more mediums with the addition of videotaped commentaries from the Deputies of each Division, and through hard copies that will be distributed to all village mayoral offices. The videotaped messages can be downloaded and viewed at: www.guamattorneygeneral.com. The Office will also work with local media organizations in posting the videos on their respective Websites.

Much like in 2007, the Office in 2008 faced many challenges. And there were many accomplishments, too, following the rebuilding and reorganization of the Office, and the re-establishment of vital ties with local, territorial and federal law enforcement agencies, social service providers, non-governmental organizations, and other community partners. And we will continue to provide and improve upon the quality and efficiency of service, and professionalism deserving of the people of Guam.

The **Administration Division** of the Office of the Attorney General provides administrative services to all the Divisions within the Office, including the preparation and monitoring of the annual budget.

Integrated within the Division are personnel who coordinate the Office's efforts in community outreach and communications with the public.

In 2008, the Government of Guam faced financial issues and the Office of the Attorney General was not immune to the constraints of the limited financial resources of the government. But I am proud to say that the Office stayed within its Fiscal Year 2008 Budget; improved the financial oversight of the operations of all Divisions; and implemented and enforced cost-cutting measures throughout the Office, which continue today.

As part of its efforts to maximize resources, the Administration Division also coordinated and monitored the Office's utilization of various federal funding sources.

The **Child Support Enforcement Division** (CSED) in 2008 recorded an increase in the amount of money it collected for many of Guam's children. The \$11,735,874 in collections were almost \$2 million more than had been collected in 2007. The CSED personnel were also very active in 2008 conducting numerous outreach activities throughout the island on Guam's child support laws, paternity establishment, and other child support-related issues. In 2008, the CSED along with other members of the Child Support Guidelines Review Commission drafted and submitted proposed Child Support Guidelines to the Legislature,

which they adopted in 2009. The guidelines had not been updated since 1996.

The **Civil Litigation and Solicitors Division** handles civil actions in which the Government of Guam is an interested party. The Division is also tasked with bringing actions on behalf of the public interest, and when necessary, to ensure compliance by government agencies and government officials. Significant attention and effort were exerted in the regulatory and compliance areas in 2008, with the Office's involvement in the Guam Public School System Health and Safety Task Force, which thoroughly inspected all 37 public schools. The Division was active and successful in the enforcement and compliance of Guam's anti-gambling laws and the laws addressing illegal gambling devices or machines.

The **Family Division**, consisting of seven personnel, handles all matters that pertain to juveniles in our community including juvenile delinquency cases and juvenile special proceedings involving the abuse and neglect of children. The Family Division also represents Child Protective Services in cases that are brought to court involving children that have been subjected to abuse and neglect, as well as juveniles who have been deemed "beyond control," by their parents and caretakers. There were a total of approximately 665 cases filed in court involving juveniles in 2008, as compared to 641 cases in 2007.

2008 was also a very busy year for the **Prosecution Division**, which marked the second consecutive year that it surpassed previous-year figures in certain crime categories. The total number of cases filed in court increased from 1,702 in 2007, to 1,831 in 2008. There were more misdemeanor and/or felony cases charged and filed in 2008 by the Office of the Attorney General, relating to driving under the influence of alcohol, family violence, aggravated assault, and property crimes.

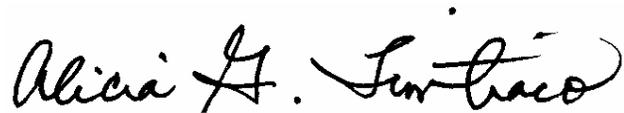
Although the significant caseload and statistics of the Office of the Attorney General reflect the workload demands upon the Office's limited personnel and resources, they also clearly establish the need for increased community outreach activities to educate and raise public awareness about prevention, as well as to combat the increase in crime and promote public safety.

The Office of the Attorney General will face even greater workload demands with the anticipated population increase due to the military buildup. This will require a critical review and assessment of the present capabilities of the Office, and a commitment to seek and obtain additional resources to support the current legal, criminal, and court systems, and other infrastructure. Priority issues for the Office of the Attorney General include: recruitment and retention of prosecutors, government attorneys, investigators, victim advocates, and legal support staff; adequate funding from local and federal resources to provide

personnel, physical facilities, equipment, and technical support; and increased collaboration between and among local and federal law enforcement agencies, social service providers, non-profits, and other governmental and non-governmental organizations.

It is my hope that this 2008 Annual Report will provide the people of Guam with insight about the role of the Office of the Attorney General in our community, and an awareness of its accomplishments throughout the previous year.

Thank you and *si Yu'us ma'ase* for your continued interest in the progress of the Office of the Attorney General.

A handwritten signature in black ink, reading "Alicia G. Limtiaco". The signature is written in a cursive style with a prominent initial "A" and a flourish at the end.

ALICIA GARRIDO LIMTIACO

Attorney General of Guam

Highlights of 2008

Early Efforts to Address Human Trafficking Made by OAG

Since 2007, the Office of the Attorney General met and worked with lawmakers on human trafficking legislation. Human trafficking is a severe crime that deprives victims of their fundamental human dignity.

More than 35 states and territories have passed anti-human trafficking laws to fight against forced labor, sexual exploitation, and the modern-day slavery of children and adults.

Recognizing that human trafficking is a global international issue, the Office of the Attorney General submitted written testimony in support of two Human Trafficking Bills that the Legislature introduced in January 2009.

1st Pacific Regional Conference for Prosecutors and Public Defenders of the Pacific Judicial Council

The 1st Pacific Regional Conference for Prosecutors and Public Defenders of the Pacific Judicial Council was held on Guam in

November 2008. The Office of the Attorney General served as a member of the conference planning committee, and contributed to the conference with presentations by Guam Attorney General Alicia Limtiaco; Chief Prosecutor Phil Tydingco; and Assistant Attorneys General John Weisenberger and David Rivera.

Attorney General Limtiaco's sessions focused on Guam's 1994 and 1998 Family Violence Acts, and "Sex Crime Investigations and Case Preparation for Prosecutors;" and also moderated retired South Carolina Judge Adam Fisher's "Handling and Managing Family Violence Cases" breakout session.

Chief Prosecutor Tydingco's and Assistant Attorney General Rivera's session keyed in on "Homicide Investigations and Case Preparation for Prosecutors," and Assistant Attorney General Weisenberger's session concentrated on the handling and management of juvenile and family law cases.

Attendees of the conference included prosecutors and public defenders from local, territorial, and federal offices from areas including: Guam; American Samoa; the Commonwealth of the Northern Mariana Islands; the Federated States of Micronesia; the

Republic of the Marshall Islands; the Republic of Palau; and the U.S. mainland.

Hawaii-Guam OAG ICAC MOU

The Office of the Attorney General of Guam is affiliated with the Hawaii Internet and Technology Crimes Task Force (HITeC), of the Department of the Attorney General, State of Hawaii, through a Memorandum of Understanding. Part of the HITeC is the Hawaii Internet Crimes Against Children Unit (HICAC).

This effort is consistent with and in response to the National Association of Attorneys General (NAAG) initiative to protect children against online sexual predators, and the U.S. Department of Justice's Project Safe Childhood.

HICAC increases the effectiveness and efficiency of investigations and prosecution of Internet Crimes Against Children (ICAC) offenses, and raises public awareness and prevention of ICAC offenses. The ICAC program is a national network consisting of more than 50 coordinated task forces in the United States engaged in proactive investigations, forensic examinations, prosecution, and community education.

Last year, the Office of the Attorney General of Guam hosted an Internet Crimes Against Children computer forensics training from January 29, 2008, to February 1, 2008.

AG's Office Spearheads the Fight Against the Online Solicitation and Sexual Exploitation of Children

In 2008, Guam joined national efforts to address and combat the online solicitation and sexual exploitation of children.



Attorney General Alicia Limtiaco conducts a school presentation on bullying and cyberbullying.

The Office of the Attorney General was instrumental in the drafting, review, and passage of Public Law 29-063:1, which became law in April 2008. There were no previously existing laws that addressed these criminal acts.

The law includes provisions on: Indecent Electronic Display to Child; Electronic Enticement of a Child; Possession of Child Pornography; and Dissemination of Child Pornography. A violation of any section of this law is a felony.

12th Annual Family Violence Conference: Promoting Cultural Competency, Cultural Relevance and Cultural Humility

Attorney General Alicia Limtiaco in November 2008 armed dozens of Government of Guam, non-profit, and civil sector leaders and professionals with the tools needed to address and battle the problem of family violence at the annual Family Violence Conference sponsored by the Family Violence and Sexual Assault Task Force.

The Office of the Attorney General's Prosecution and Family Divisions and its Victim Witness *Ayuda* Services Unit were also in attendance at the conference.

Attorney General Limtiaco discussed a wide range of topics from applicable family violence and criminal sexual conduct statutes and offenses, case investigation, prosecution, and victim-related issues, to seeking help and offering invaluable tips. Other key

issues discussed during the conference focused on cultural competency, and included: Empowerment Approaches to Building Cultural Competency; Promoting Equality of Men & Women; Multicultural Issues: Spouse Abuse in Micronesia; Sexual Assault 101; the Special Needs Community's Family Violence Response; and a Tribute to Our Silent Witnesses.

AG Limtiaco Presents at Coalition Against Sexual Assault and Family Violence Conference

Attorney General
Alicia Limtiaco
conducted a
presentation during
the two-day
conference,
sponsored by the
Coalition Against
Sexual Assault and
Family Violence, which was held in August 2008.



Attorney General Alicia Limtiaco conducts a sexual assault and family violence awareness training.

The presentation focused on criminal sexual conduct, online solicitation and sexual exploitation of children, and child

pornography laws, and the investigation and prosecution of these cases.

OAG Sponsors 2008 National Crime Victims' Rights Week Three-day Conference

The Office of the Attorney General in April 2008 sponsored a three-day crime victims' conference which involved trainers from Guam and off-island.

Topics discussed included:

- The online offender, child pornography, and sex offenses;
- The dynamics of domestic violence including teen dating; the effects of domestic violence on victims including children; and increasing capacity building to help victims predict potential future violence;
- The dynamics and impact of victim trauma in dealing with grief, loss, and anxiety;
- The scope and magnitude of the problem of youth suicide, including national and local state statistics, warning signs of depression or possible suicidal ideation, and resources for help;

- The challenges and benefits of providing culturally competent care for victims and how services can be more effective when they are delivered within the most relevant and meaningful cultural, gender-specific, and age-appropriate context; and
- The definitions and symptoms of compassion fatigue; burnout; vicarious trauma, and secondary post traumatic stress disorder.

Many Community Outreaches

The Office of the Attorney General in 2008 was involved in many



Chief Prosecutor Phillip J. Tydingco gives a presentation on identity theft awareness.

community outreach activities, such as: counterfeit and identity theft training; school Career Day presentations; Island Leadership Day; youth suicide awareness and prevention trainings; Internet Crimes

Against Children presentations; bullying and cyberbullying presentations; Project Kid Care; Child Support Awareness Month public outreach events and activities; and drugs and gang violence trainings at various schools.



Attorney General Alicia Limtiaco conducted Internet safety presentations for the various Rotary Clubs of Guam in 2008.

Attorney General Alicia Limtiaco was also the presenter and keynote speaker at several public events, including the St. Paul Christian School graduation; the University of Guam's Suicide Prevention Conference; Rainbows For All Children – Guam Training; Rotary Clubs of Guam, and the Soroptomist Clubs of Guam. General Limtiaco also conducted family violence and sexual assault trainings and presentations, including for the local Air Force and Navy branches of the U.S. Armed Forces.

Chief Deputy Attorney General Alberto Tolentino speaks before an audience regarding the role of the Office of the Attorney General in the community.



In 2008, Attorney General Alicia Limtiaco and the Deputy Attorneys General, Assistant Attorneys General, and legal staff from the Office of the Attorney General of Guam were active members of different task forces and committees that addressed various matters of



Assistant Attorney General/First Assistant Dianne Corbett conducted a presentation and training on Guam's drug and controlled substances laws.

community importance, such as: the Law Enforcement Coordinating Committee (LECC); Guam Adult and Juvenile Drug



Courts; Guam Methamphetamine Action Team: The National Summit to Promote Public Safety, Partnership and Safety for Critically Affected Populations; Family Violence and Sexual Assault Task Force; Coalition

Criminal Investigator William Salisbury shows the audience confiscated drug paraphernalia at a training session.

on Sexual Assault and Family Violence; Human Trafficking Coalition; Mental Health Court;

Gang Resistance Education And Training (G.R.E.A.T); Peace Officer Standards and Training (POST); and School Violence with the Guam Department of Homeland Security; Sexual Assault Response Team (SART) Steering Committee; Guam Public School System Health and Safety Task Force; and the Attorney General's Gambling and Gaming Task Force.

AG Limtiaco Leads Guam Public School System Health and Safety Task Force



The Guam Public School System Health and Safety Task Force was formed to address health and safety concerns in the school system that were brought by members of the community.

Attorney General Alicia Limtiaco and other members of the Guam Public School System Health and Safety Task Force during a school inspection.

Attorney General Alicia Limtiaco and members of the GPSS Health and Safety Task Force inspected all 37 of the island's public elementary, middle, and high schools between January and

June 2008, which resulted in the full closure of six schools and the partial closure of several others. The schools were closed after they were deemed unsafe and unsanitary by the Task Force, which included officials from the Guam Fire Department, the Department of Public Health and Social Services, the Guam Environmental Protection Agency, GPSS and the Office of the Attorney General.

The John F. Kennedy High School in upper Tumon remains closed due to structural and health and safety related issues.



Attorney General Alicia Limtiaco and Deputy Attorney General Patrick Mason during a school inspection.

Anti-Gambling and Gaming Task Force

In 2008, Attorney General Alicia Limtiaco spearheaded an anti-gambling and gaming task force which consisted of officials from the Guam Department of Revenue and Taxation, Guam Customs, and the Guam Police Department.

More than 900 devices were deemed to be gambling devices by the Guam Department of Revenue and Taxation and the Office of the Attorney General, with the Superior Court of Guam upholding the illegality of these devices and ordering the revocation of the previously issued licenses. The matter is currently pending appeal.

Reaching Out To Senior Citizens

The Office of the Attorney General in 2008 conducted more than 10 community outreach presentations for the island's *man'amko* at various Senior Citizens' Centers.



The presentations were an opportunity for the *man'amko* to

Assistant Attorney General Basil O'Mallan speaks with a woman during an outreach for senior citizens.

learn about their rights, and provided them with information about the different types of services that are available to them.

The Office of the Attorney General collaborated with Adult Protective Services and the Office of the Public Guardian in these outreach efforts.

Consumer Protection

In 2008, Attorney General Alicia Limtiaco continued to provide the general public with information about consumer rights and protections through a weekly column in the *Pacific Daily News*.

The columns featured such topics as protecting one's self against identity theft and various types of scams and fraud; information about credit reporting; powers of attorney; insurance coverage; mortgage related issues; and other consumer-related concerns.

Family Law

Attorney General Alicia Limtiaco provided information through a weekly column, "Your Family and the Law," in the *Marianas Variety*, which focused on Guam's youth and the law, and featured

such topics as protecting children from online solicitation and sexual exploitation, child abuse, bullying and cyberbullying, and other family law related issues.

General Limtiaco Selected Chairperson of National Association of Attorneys General (NAAG) Criminal Law Committee

Guam's influence and participation in the national stage was enhanced when Attorney General Alicia Limtiaco reached a notable milestone with her selection as a chairperson of the National Association of Attorneys General (NAAG) Criminal Law Committee.

Attorney General Limtiaco's selection marks the first time that any attorney general from Guam was chosen as a chairperson of any committee of this historic national organization.

Founded in 1907, the National Association of Attorneys General has dedicated more than 100 years of service to the communities of all U.S. territories and states. NAAG assists attorneys general in fulfilling the responsibilities of their office, including the delivery

of quality, unbiased legal services to the states and territorial jurisdictions.

NAAG fosters cooperation on legal and law enforcement issues; conducts training; and bridges the communication gap between the chief legal officers of all states and territories.

“Many of the issues our community faces – online solicitation and exploitation of children; child abuse; family and dating violence; cybercrime; identity theft; and consumer protection, to name a few – are not unique to Guam. Having the support of NAAG members,

including their extensive, collective knowledge on many issues and resource-sharing will benefit the people of Guam.”



AG Alicia Limtiaco, Assistant AG Basil O'Mallan, VWAS Advocates Lucil Guerrero and Cristine Pervez, and Deputy AG Carol Hinkle-Sanchez and others participate in a Coalition Against Sexual Assault and Family Violence WAVE along Marine Corps Drive.

Conference of Western Association of Attorneys General (CWAG) Award



*Conference of Western
Association of Attorneys General
“Biggest Stride” Award*

The Office of the Attorney General last year was awarded the Conference of Western Attorneys General “Biggest Stride” Award for the advancements made with its Website, www.guamattorneygeneral.com.

The Guam Office of the Attorney General was selected from the more than 30 member and associate member states and three Pacific territories that include: Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming. The Pacific jurisdictions include American Samoa, the Commonwealth of the Northern Mariana Islands, and Guam.

More Than 1,000 Students, School Officials Learn About Internet Crimes Against Children And Forms of Bullying

In 2008, Attorney General Alicia Limtiaco conducted numerous public education presentations and trainings that focused on raising awareness about, and leading the fight against the online solicitation and sexual exploitation of children, and bullying and cyberbullying.

More than 1,000 students, school faculty, administrators, and private individuals participated in these presentations and trainings.

Interns Contribute to Mission of OAG

The Office of the Attorney General in 2008 welcomed undergraduate and law school students who served as interns with the various Divisions. They were:

- Benjamin Farkas, Child Support Enforcement Division and Civil Litigation and Solicitors Division;
- Mabel Duguies, Prosecution Division; and
- Catherine Lee, Civil Litigation and Solicitors Division.

All three students interned with the Office of the Attorney General from June 2008 to August 2008.

ADMINISTRATION DIVISION



*Chief Deputy Attorney General
Alberto E. Tolentino*

The Administration Division provides administrative services to the Divisions of the Office of the Attorney General. It prepares, administers and monitors the annual budget, addresses, reviews and processes payroll and procurement issues, and coordinates training and travel of Office personnel.

In 2008, the Government of Guam faced difficult financial issues. The Office of the Attorney General was not immune to the constraints of the limited financial resources of the government; however, the Office of the Attorney General:

- Stayed within the Fiscal Year 2008 Budget;
- Instituted and improved the financial oversight of the operations of all Divisions;

- Provided timely financial information and which was available for review by the public through www.guamattorneygeneral.com;
- Implemented and enforced cost-cutting measures throughout the Office; and
- Facilitated the recruitment and hiring of additional staff, including lawyers, clerks, process servers, victim advocates, and legal secretaries.

In addition, the Administration Division coordinated and monitored the Office's utilization of various federal funding sources including the Victim of Crimes Act ("VOCA") Victim Assistance Formula Grant Program, STOP (Services-Training-Officers-Prosecutors) Violence Against Women Formula Grant Program, Edward Byrne Memorial State and Local Law Enforcement Assistance Grant Program, and Highway Safety Grant – Highway Safety Prosecution Grant. In 2008, the Office successfully applied for and obtained federal funding from grants from the U.S. Department of Agriculture, the U.S. Department of Homeland Security, and the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant Program, for the funding of office equipment, security systems and personnel, and for a new case management system for the Prosecution Division.

The year 2009 will also be very challenging; however, the Office of the Attorney General assures the people of Guam that its Divisions, and in particular, the Administration Division will deliver its best efforts not only to maintain and improve the type and quality of the services provided by the Office, but it will continue to provide information to the public through its community outreach efforts and other means of communication; and most importantly, discharge its obligation of transparency and accountability in its use of public resources.

Chief Deputy Attorney General Alberto Tolentino oversees the Administration Division, which is headed by Terry Ascura, the Acting Chief of Administration, and is comprised of 12 employees.



Lorino Osalla

One of those employees is Lorino Osalla, a Systems Programmer who has been with the Office for 11 years. Much of Lorino's day involves system maintenance, administration and programming.

"It's a fun job and I enjoy doing it," Lorino said. "I've learned a lot and I'm still

learning a lot. It can also be difficult to constantly monitor the system to make sure that there is no virus or threat.”

Danilo Salmarino is another long-time and dedicated employee in the Office who takes care of all building maintenance-related issues.

“It’s a good place to work and I like all the people that I work with,” Danilo said.



Danilo Salmarino

CHILD SUPPORT ENFORCEMENT DIVISION

Deputy Attorney General Barbara Cepeda heads the Child Support Enforcement Division (CSED) of the Office of the Attorney General. The CSED is composed of seven sections: Administration, Programs, Investigations, Accounting, State Disbursement Unit, Records, and Systems.



*Deputy Attorney General
Barbara P. Cepeda*

The CSED's mission is to collect and timely distribute child support payments; locate non-custodial parents; establish paternity; establish and enforce child and medical support orders; review and modify child support orders; and recover welfare benefits paid on behalf of children.

The CSED will also:

- a) Ensure complete and continuing compliance with federal and local mandates by utilizing the Absent Parent Automated System Information (APASI) and

Personal Responsibility and Work Opportunity
Reconciliation Act (PRWORA) projects;

- b) Continue to develop, support, and maintain the APASI automated child support enforcement system;
- c) Initiate the process of replacing the APASI system by researching other state systems to implement a hybrid, transfer, or replacement system, with the goal of enhancing the efficiency and effectiveness of the Division's case management and financial capabilities;
- d) Introduce local child support legislation or improve existing ones that will augment or increase the child support efforts;
- e) Provide adequate training or availability of information for staff to develop and increase their skills and knowledge of the latest programs, practices, and procedures leading to increased child support collections and a decrease in welfare dependency;

- f) Increase collaboration and coordination efforts with private and public organizations; and
- g) Increase awareness and encourage involvement in parental roles and responsibilities.

In 2008, the Division collected \$11,735,874, or roughly \$32,000 per day for Guam's children. This total amount is an increase of almost \$2 million compared to 2007. In 2008, the Division also:

- Collected \$148,540 through the Passport Denial Program;
- Assisted more than 164 non-custodial parents through the Guam Access and Visitation Program;
- Assisted more than 9,600 walk-in clients, or an average of 800 clients per month;
- Processed close to 1,000 wage-withholding orders to employers;
- Initiated close to 80 license suspensions against delinquent non-custodial parents;
- Increased to 1,550 the number of custodial parents under the Kids First Card Program; and
- Conducted 5,400 child support hearings.

In addition, CSED personnel actively participated in community outreach and education activities around the island, including paternity establishment efforts in different villages; and in numerous child-related events, such as Project Kid Care and Headstart Program and parent fairs, throughout the year.

In 2008, proposed Child Support Guidelines were drafted and submitted by the Child Support Guidelines Review Commission to the Legislature, which adopted the guideline recommendations in 2009. The proposed Child Support Guidelines will undoubtedly improve Guam's child support system since the guidelines have not been updated since 1996. The new guidelines make current the cost of raising a child on Guam. The new guidelines also increase the self-support amount for each parent; defines joint custody and fairly appropriates child support in such situations; expands the definition of gross income for persons in the military so children can also share in these benefits; and raises the schedule of child support obligations from \$7,500 to \$15,000 combined adjusted gross income to accommodate high-income parties.

CSED Investigator Gener Cortez has been with the Office for 18 years. Aside from his investigative duties, Gener also participates

and has led several of the Division's educational outreach campaigns.



“Knowing that what I do makes a difference in children’s lives is the most rewarding part of my job,” Gener said. “A lot of what I do assists parents in providing for their children’s needs.”

*CSED Investigator
Gener Cortez*

Child Support Enforcement Division Outreaches in 2008

The CSED in 2008 participated in numerous public education activities that addressed Guam’s child support laws, CSED’s Access and Visitation Program, paternity establishment, and participated in community outreaches at the malls, ethnic-specific gatherings, parent-teacher conferences, and proclamation signings.

- **April 19, 2008** – *Guam Head Start Program Children's Fitness Fair*
- **May 3 & 4, 2008** – *Law Week*
- **May 17, 2008** – *Youth Bash*



- **July 5, 2008** – *Project Kid Care*
- **July 12, 2008** – *Baby Expo Outreach*

Proclamation: Governor Felix P. Camacho, center, joins Attorney General Alicia Limtiaco (to his left), and Deputy Attorney General Barbara P. Cepeda (third from right) and other Child Support Enforcement Division staff following the signing of a proclamation in observance of Child Support Awareness Month in August 2008.

- **August 4, 2008** – *Child Support Awareness Month Proclamation Signing*
- **August 5, 2008** – *K-57 Radio Talk Show w/Patty Arroyo*
- **August 9, 2008** – *Child Support Awareness Month Micronesia Mall Outreach*
- **August 12, 2008** – *Child Support Awareness Month Outreach at Department of Public Health and Social Services*
- **August 16, 2008** – *Child Support Awareness Month Agana Shopping Center – Mall Outreach*

- **August 19, 2008** – *Child Support Awareness Month Outreach at Department of Public Health and Social Services*
- **August 23, 2008** – *Child Support Awareness Month Guam Premier Outlet - Mall Outreach*
- **September 19, 2008** – *Child Support Awareness Month Outreach at Department of Public Health and Social Services*
- **September 20, 2008** – *Community Outreach at Ironwood Estates*
- **October 27, 2008** – *Liguan Elementary Parent-Teacher Conference Outreach*
- **November 1, 2008** – *Guam Head Start Program, Parent Conference*

CIVIL DIVISION



Deputy Attorney General J. Patrick Mason

The Civil Division of the Office of the Attorney General includes the Civil Litigation Unit, the Solicitors Unit, the Consumer Protection Unit, the Government Claims Unit and the Notary Public Unit.

Civil Litigation Unit

The Civil Litigation Unit is responsible for handling all civil actions in which the Government of Guam is an interested party. This includes bringing actions on behalf of the government and defending actions brought against the government in both the trial and appellate courts of Guam and the courts of the United States. The Attorney General is also tasked with bringing actions on her own behalf when necessary to ensure compliance by government

agencies, government officials, and private parties with the regulatory laws of Guam and bringing actions on behalf of the people of Guam in matters involving the protection of the public interest.

In 2008, the unit opened 473 litigation cases. Some of the types of matters handled by the Civil Litigation Unit include:

- Land condemnation cases;
- Land registration cases;
- Zoning and easement disputes;
- Wrongful death and personal injury claims;
- Government employee discipline and grievance disputes;
- Wage and hour claims;
- Maritime law enforcement;
- Contract disputes;
- Procurement disputes;
- Civil forfeitures;
- Consumer complaint mediation;
- Involuntary commitments;
- Environmental protection enforcement;

- Cases determining the extent of government authority and the legality of government actions; and
- Cases resolving the interpretation, constitutionality, and organicity of laws.

Civil Litigation: 2008 Statistics

<u>Action</u>	<u>Cases</u>
Bankruptcy	12
Civil Commitment	19
Civil Forfeiture	34
Employee Matters	51
Contract/Collection	24
Environmental Protection	10
Government Authority	28
Judicial Review	7
Land	8
Procurement: Court Proceedings	7
Tax	12
Tobacco	1

Torts	72
Consumer Protection	86
Notary	102
Total:	473

Solicitors Unit

The Solicitors Unit functions as the legal department of the Government of Guam, providing legal assistance to the various Executive Branch agencies, boards, and commissions. The Unit also participates in various task forces, committees, and round table discussions on legal matters.

The various legal tasks performed by the Solicitors Unit include:

- Researching and writing Attorney General opinions;
- Giving legal advice to government agencies through informational memoranda;
- Reviewing government bond documentation;
- Drafting, reviewing, and approving agency rules and regulations;

- Drafting and revising standardized forms for use by agencies;
- Acting as agency counsel at administrative hearings;
- Acting as Fair Hearing Officer at federally-mandated fair hearings for public assistance cases;
- Acting as Hearing Officer at administrative hearings before Boards and Commissions;
- Drafting and/or reviewing procurement contracts;
- Assisting agencies with procurements;
- Reviewing and approving non-procurement agreements such as inter-agency memoranda of understanding, qualifying certificates, and government real property transactions;
- Reviewing and/or drafting bills or legislation as requested by an agency or required by the Attorney General;
- Coordinating responses to *Sunshine Act* requests;
- Assisting with all legal issues related to the notary public program; and
- Assisting in administrative matters related to the Commission on Post-Mortem Examiners.

Solicitors Division: 2008 Statistics

<u>Requests for</u>	<u>Occurences</u>
Attorney Assistance	500
Contract Review	611
Administrative Proceedings	32
Administrative Rule & Legislation	10
Total:	1,153

Consumer Protection Unit

The Consumer Protection Unit enforces the laws against false, misleading, and deceptive practices by both local and off-island businesses. This includes areas such as telemarketing fraud, unlicensed businesses, auto repairs, and misleading advertisements.

In 2008, the Consumer Protection Unit received 78 consumer complaints. The Consumer Protection Unit, in collaboration with

the *Pacific Daily News*, publishes a weekly series of consumer articles to educate consumers on issues affecting Guam. In enforcing Guam's consumer laws, the Unit provides the following services:

- Mediate complaints between the consumer and business;
- Bring civil actions against companies who are engaging in deceptive practices;
- Conduct consumer education in schools, private organizations, and military installations;
- Monitor telemarketing activities ensuring that all telemarketers, especially those from off-island register with the Office before contacting any Guam consumers;
- Monitor promotional print ads for compliance of 9 Guam Code Annotated §64.70(f)(2) and 5 Guam Code Annotated §32201(b)(29);
- Monitor industry practices;
- Issue consumer alerts on scams as well as other consumer advisories of public interest; and
- Review and clear all Independent Sales Agent business license applications before conducting door-to-door sales.

Government Claims Unit

The Government Claims Unit is responsible for investigating and evaluating claims against the government in tort and contract cases. It also works to resolve claims concerning employee wage and hour disputes and claims regarding dormant and unclaimed bank funds transferred to the government. The Government Claims Unit received 74 claims in 2008.

Most of the claims investigated and evaluated are breach of contract claims and tort claims. Tort claims range from automobile accidents and property damage, to student injury and wrongful death. A party making a claim must go through the claims process before initiating an action in Superior Court for monetary damages against the Government of Guam. The claims officer seeks to resolve claims administratively, saving the government and the claimant the time and expense of litigation. Claims resolution is a collaborative effort in which the claims officer is assisted by the Division's assistant attorneys general, investigators, and other legal professional staff. The government has 30 days to resolve automobile property damage claims and six

months to resolve other claims, but the claims officer seeks to settle claims well within the required timelines.

Notary Public Unit

The Notary Public Unit reviews complaints against persons with notary public certifications, processes notary public applications, administers examinations to new applicants for notary public certification, issues letters documenting notary public status, insures that notary journals are kept properly and turned in to the Office of the Attorney General when a person's notary public certification has expired. In 2008, the Notary Public Unit processed 102 notary public applications and administered 81 tests to new applicants for notary public certification.

FAMILY DIVISION

The Family Division was re-established in 2007 as a separate Division of the Office of the Attorney General. The Family Division handles all matters relating to juveniles in our community to include juvenile delinquency matters, which are cases involving juveniles who commit criminal acts which, if committed by an adult would be a crime, including drug and alcohol related offenses. The Family Division also represents Child Protective Services in cases brought to court involving children that have been subjected to abuse and neglect by their parents or caretakers, as well as cases involving juveniles who have been deemed “beyond control” by their parents or caretakers.



*Deputy Attorney General
Carol Hinkle-Sanchez*

The goals of the Family Division are:

1. To vigorously represent the government in juvenile special proceedings, juvenile delinquency cases, and other matters before the Family Court of the Superior Court of Guam;
2. To vigorously represent Child Protective Services in child abuse and neglect cases brought before the Family Court of the Superior Court of Guam;
3. To adequately staff and fund personnel and provide training to juvenile staff to update their skills and knowledge;
4. To establish and consistently conduct community outreach activities and participation in educational and social meetings dealing with juvenile issues; and
5. To promote legislation that will significantly impact juvenile activities and other matters relevant to the mandates of the Family Division.

The objectives of the Family Division include:

- 1) To obtain adequate staffing of experienced attorneys and support staff, to include an investigator, school resource officer, victim advocate and administrative support staff, to service the particular mandates of the Division;



Family Division, front (L-R): Deputy Attorney General Carol Hinkle-Sanchez, AAG Amber Robinson, and Eloise Bejosano. Back, (L-R): AAG Thomas Parker, Holly Gumataotao, AAG Alan Haeuser, and Julie Salas.

- 2) To develop and implement a case management tool to better track cases, dispositions, and other information and that will generate reports to assist the efficient and effective operation of the Division; and
- 3) To develop and implement consistent outreach events designed to provide the community with information on juvenile issues and the prevention of juvenile offenses.

Dealing with the island's youth, Deputy Attorney General Carol Hinkle-Sanchez knows that the challenges will be many. But she is grateful for the hard-working group of people who assist her daily with the Division's mandates.



*Assistant Attorney General
Alan Haeuser*

One of those people is Assistant Attorney General Alan Haeuser, who has been with the Office for 19 years. "There is a lot of rewarding work involved," Haeuser said.

"When kids get in trouble, we try to get them to turn around their way of thinking and grow up to be productive citizens and not lead a life of crime."

2008 CASES FILED BY FAMILY DIVISION

JUVENILE DRUG COURT (JC's) (150 cases)

Alcohol	Drug Possession	Inhalants	Tobacco	Others
97 (2 w/JD)	58 (1 w/JD)	0	3 (2 w/JC; 1 w/JD)	0

JUVENILE PROCEEDINGS (JP's) (95 cases)

Petition for Persons In Need of Services	Beyond Control Cases
38	57 (3 w/JD; 2w/JC)

JUVENILE DELINQUENCY (JD's) (405 cases)

OFFENSE	Filed as JC	Filed as JD	Total
AGGRAVATED ASSAULT	1	6	7
ASSAULT	5	61	66
RECKLESS CONDUCT	1	10	11
TERRORISTIC CONDUCT	0	8	8
TERRORIZING	4	11	15
CRIMINAL SEXUAL CONDUCT	0	22	22
FAMILY VIOLENCE	3	19	22
HARASSMENT	4	31	35
MUTUAL COMBAT	1	22	23
RIOTING	1	24	25
DISORDERLY CONDUCT	18	66	84
CHILD ABUSE	0	2	2
ARSON	0	7	7
CRIMINAL MISCHIEF	4	30	34
CRIMINAL MISCHIEF OF A MOTOR VEHICLE	7	33	40
GRAFFITI	4	49	53
BURGLARY	6	31	37

CRIMINAL TRESPASS	2	37	39
ROBBERY	3	9	12
CONSPIRACY	2	8	10
CRIMES AGAINST COMMUNITY	0	18	18
THEFT CRIMES	30	97	127
NEGLIGENT BURNING	0	3	3
CURFEW	21	21	42
FORGERY	0	1	1
OPERATING A MOTOR VEHICLE WITHOUT A VALID DRIVER'S LICENSE	6	7	13
UNAUTHORIZED USE OF A MOTOR VEHICLE	2	7	9
IMPERSONATION	0	1	1
UNLAWFUL RESTRAINT	0	1	1
UNAUTHORIZED ENTRY OF A SCHOOL CAMPUS	0	2	2
POSSESSION OF A FIREARM WITHOUT AN ID CARD	1	1	2
DRIVING WHILE UNDER THE INFLUENCE OF ALCOHOL	13	1	14
UNSWORN FALSIFICATION	0	1	1
IMPRUDENT DRIVING	4	1	5
GUILT ESTABLISHED BY COMPLICITY	0	7	7
RESISTING ARREST	2	3	5
ASSAULT ON A PEACE OFFICER	2	1	3
FELONY ESCAPE	1	3	4
OPEN CONTAINER	3	0	3
SPEEDING	1	0	1
RECKLESS DRIVING	3	0	3
PUBLIC DRUNKENNESS/INTOXICATION	20	0	20

EXPIRED REGISTRATION	2	0	2
NO VALID INSURANCE	1	0	1
DISTRIBUTION OF A CONTROLLED SUBSTANCE	1	0	1
CRIMINAL FACILITATION	1	0	1
FAILURE TO WEAR A SEATBELT	1	0	1
LEAVING THE SCENE OF AN ACCIDENT	1	0	1
SALE AND DELIVERY OF ALCOHOL ON SCHOOL GROUNDS	1	0	1
TOTAL No. Of Cases:	183	662	845

Pre-Adjudicatory Diversionary Program	15
Guam Police Department Reports filed with AG's Office	514

Total Cases Filed in 2008	
Juvenile Drug Court Cases	150
Juvenile Proceedings Cases	95
Juvenile Delinquency Cases	405
Pre-Adjudicatory Diversionary Cases	15
TOTAL:	665

PROSECUTION DIVISION



Chief Prosecutor Phillip J. Tydingco

THE MISSION

The Office of the Attorney General, through its Prosecution Division, plays a vital role in Guam's criminal justice system as part

of its mission is to seek justice and enhance public safety. It is responsible for prosecuting all adult felony, misdemeanor, and traffic criminal offenses that include, but are not limited to: criminal sexual conduct crimes, drug crimes, domestic violence crimes, property crimes, firearms crimes, homicides, white collar or public integrity crimes, government corruption crimes, and other violent crimes in the Superior Court of Guam.

Since the onset of the administration of Attorney General Alicia Limtiaco in January of 2007, through calendar year 2008, the Division has maintained nearly 12,000 cases. It has been a busy

and productive 2008 for the Prosecution Division. This marked the second consecutive year that there have been increases in prior year statistics. Chief Prosecutor Phillip J. Tydingo leads a team of both young and seasoned but dedicated and dynamic prosecutors in seeking justice through and by prosecuting criminals and bringing closure for many victims of crimes and their families. The Prosecution Division continued to improve its operations in pursuit of justice for crime victims and to increase its efforts to meet the demands of a steadily increasing case load in 2008 in spite of limited personnel and other resources.

THE CRIMINAL CASELOAD

The Prosecution Division received more criminal case referrals in 2008 as compared to the previous years 2007 and 2006. There were a total of 1,831 cases filed in court last year, up from 1,702 in 2007, and from just 1,604 in 2006. Of the total number filed in 2008, 618 were felony cases and 1,213 were misdemeanor cases.

Referrals of Cases/Complaints

<i>Total # Cases Received from Law Enforcement Agencies/Others in 2008:</i>	3,423
Total # Cases Received from Law Enforcement Agencies/Others in 2007:	3,069
Total # Cases Received from Law Enforcement Agencies/Others in 2006:	3,362

Cases Charged/Filed

Misdemeanors:

<i>Total # of Misdemeanor Cases Charged/Filed in Superior Court in 2008:</i>	1,213
Total # of Misdemeanor Cases Charged/Filed in Superior Court in 2007:	1,084
Total # of Misdemeanor Cases Charged/Filed in Superior Court in 2006:	1,040

Felonies:

<i>Total # of Felony Cases Charged/Filed in Superior Court in 2008:</i>	618
Total # of Felony Cases Charged/Filed in Superior Court in 2007:	618
Total # of Felony Cases Charged/Filed in Superior Court in 2006:	564

<i>Total # of Cases (Misdemeanors & Felonies) Filed in Superior Court in 2008:</i>	1,831¹
Total # of Cases (Misdemeanors & Felonies) Filed in Superior Court in 2007:	1,702
Total # of Cases (Misdemeanors & Felonies) Filed in Superior Court in 2006:	1,604

SIGNIFICANT DETAILS OF THE CRIMINAL CASELOAD

Driving While Under the Influence (DUI/DWI) Cases:

<i>Total # of Misdemeanor DUI/DWI Cases Received from GPD in 2008:</i>	761
Total # of Misdemeanor DUI/DWI Cases Received from GPD in 2007:	616
Total # of Misdemeanor DUI/DWI Cases Received from GPD in 2006:	894

<i>Total # of DUI/DWI Felony Cases Received from GPD in 2008:</i>	44
Total # of DUI/DWI Felony Cases Received from GPD in 2007:	50
Total # of DUI/DWI Felony Cases Received from GPD in 2006:	43

<i>Total # of Misdemeanor DUI/DWI Cases Charged/Filed in 2008:</i>	554
Total # of Misdemeanor DUI/DWI Cases Charged/Filed in 2007:	349
Total # of Misdemeanor DUI/DWI Cases Charged/Filed in 2006:	427

<i>Total # of DUI/DWI Felony Cases Charged/Filed in 2008:</i>	39
Total # of DUI/DWI Felony Cases Charged/Filed in 2007:	32
Total # of DUI/DWI Felony Cases Charged/Filed in 2006:	28

<i>Total # of DUI/DWI Misdemeanor Convictions Filed in 2008:</i>	336
Total # of DUI/DWI Misdemeanor Convictions Filed in 2007:	234
Total # of DUI/DWI Misdemeanor Convictions Filed in 2006:	286

¹It is important to bear in mind that the filing of criminal cases in any given year, and which is not uncommon with felony cases, does not necessarily correspond to the year the offense was alleged to have occurred nor necessarily to the year that the Guam Police Department or other law enforcement referred the case to the Prosecution Division. This is due in part to the duration of time to conduct the investigation, the limited personnel resources of both the law enforcement agencies and Prosecution Division, and other variables.

<i>Total # of DUI/DWI Felony Convictions Filed in 2008:</i>	38
Total # of DUI/DWI Felony Convictions Filed in 2007:	32
Total # of DUI/DWI Felony Convictions Filed in 2006:	17

For calendar year 2008, the Prosecution Division filed a total of **593 DUI/DWI cases** as compared to filing a total of 381 DUI/DWI cases filed in 2007.

Family Violence Cases:

<i>Total # of Misdemeanor Family Violence Cases Received from GPD in 2008:</i>	521
Total # of Misdemeanor Family Violence Cases Received from GPD in 2007:	522
Total # of Misdemeanor Family Violence Cases Received from GPD in 2006:	499

<i>Total # of Felony Family Violence Cases Received from GPD in 2008:</i>	192
Total # of Felony Family Violence Cases Received from GPD in 2007:	118
Total # of Felony Family Violence Cases Received from GPD in 2006:	109

<i>Total # of Misdemeanor Family Violence Cases Charged/Filed in 2008:</i>	405
Total # of Misdemeanor Family Violence Cases Charged/Filed in 2007:	366
Total # of Misdemeanor Family Violence Cases Charged/Filed in 2006:	342

<i>Total # of Felony Family Violence Cases Charged/Filed in 2008:</i>	138
Total # of Felony Family Violence Cases Charged/Filed in 2007:	77
Total # of Felony Family Violence Cases Charged/Filed in 2006:	79

<i>Total # of Misdemeanor FV Convictions/Diversions/Deferrals Filed in 2008:</i>	360
Total # of Misdemeanor FV Convictions/Diversions/Deferrals Filed in 2007:	258
Total # of Misdemeanor FV Convictions/Diversions/Deferrals Filed in 2006:	155

<i>Total # of Felony FV Convictions/Diversions/Deferrals Filed in 2008:</i>	104
Total # of Felony FV Convictions/Diversions/Deferrals Filed in 2007:	49
Total # of Felony FV Convictions/Diversions/Deferrals Filed in 2006:	92

For calendar year 2008, the Prosecution Division filed a total of **543 family violence cases** as compared to a total of 443 family violence cases filed in 2007.

Criminal Sexual Conduct (CSC) Cases:

<i>Total # of Misdemeanor CSC Cases Received from GPD in 2008:</i>	15
Total # of Misdemeanor CSC Cases Received from GPD in 2007:	22
Total # of Misdemeanor CSC Cases Received from GPD in 2006:	27

<i>Total # of Felony CSC Cases Received from GPD in 2008:</i>	96
Total # of Felony CSC Cases Received from GPD in 2007:	123
Total # of Felony CSC Cases Received from GPD in 2006:	126

<i>Total # of Misdemeanor CSC Cases Charged/Filed in 2008:</i>	10
Total # of Misdemeanor CSC Cases Charged/Filed in 2007:	13
Total # of Misdemeanor CSC Cases Charged/Filed in 2006:	16
<i>Total # of Felony CSC Cases Charged/Filed in 2008:</i>	75²
Total # of Felony CSC Cases Charged/Filed in 2007:	95
Total # of Felony CSC Cases Charged/Filed in 2006:	90
<i>Total # of Misdemeanor CSC Convictions Filed in 2008:</i>	8
Total # of Misdemeanor CSC Convictions Filed in 2007:	5
Total # of Misdemeanor CSC Convictions Filed in 2006:	4
<i>Total # of Felony CSC Convictions Filed in Superior Court in 2008:</i>	44
Total # of Felony CSC Convictions Filed in Superior Court in 2007:	51
Total # of Felony CSC Convictions Filed in Superior Court in 2006:	36

For calendar year 2008, the Prosecution Division filed a total of **85 CSC cases** as compared to a total of 108 CSC cases filed in 2007.

Child Abuse Cases:

<i>Total # of Misdemeanor Child Abuse Cases Received from GPD in 2008:</i>	14
Total # of Misdemeanor Child Abuse Cases Received from GPD in 2007:	20
Total # of Misdemeanor Child Abuse Cases Received from GPD in 2006:	14
<i>Total # of Felony Child Abuse Cases Received from GPD in 2008:</i>	11
Total # of Felony Child Abuse Cases Received from GPD in 2007:	29
Total # of Felony Child Abuse Cases Received from GPD in 2006:	34
<i>Total # of Misdemeanor Child Abuse Cases Charged/Filed in 2008:</i>	6
Total # of Misdemeanor Child Abuse Cases Charged/Filed in 2007:	13
Total # of Misdemeanor Child Abuse Cases Charged/Filed in 2006:	3
<i>Total # of Felony Child Abuse Cases Charged/Filed in 2008:</i>	10
Total # of Felony Child Abuse Cases Charged/Filed in 2007:	22
Total # of Felony Child Abuse Cases Charged/Filed in 2006:	9

²The decrease in the filing of cases for 2008 among certain categories of crimes or offenses as compared to previous years are subject to a host of variables which include, but are not limited to, the need for further investigation due to the nature and complexity of the case; law enforcement agencies making less case referrals or lower rates of reporting by victims of crimes; determinations of insufficient evidence to charge at the time of referral; discovery of statute of limitation problems; legal obstacles from constitutional or statutory procedural due process issues; insufficient personnel to complete case referral reviews and charging determinations; inability to proceed due to unavailable key witnesses or inability to have available certain physical evidence including the testing and analyses thereof; and other variables.

<i>Total # of Misdemeanor Child Abuse Convictions Filed in 2008:</i>	1
Total # of Misdemeanor Child Abuse Convictions Filed in 2007:	4
Total # of Misdemeanor Child Abuse Convictions Filed in 2006:	1
<i>Total # of Felony Child Abuse Convictions Filed in 2008:</i>	4
Total # of Felony Child Abuse Convictions Filed in 2007:	5
Total # of Felony Child Abuse Convictions Filed in 2006:	4

For calendar year 2008, the Prosecution Division filed a total of **16 child abuse cases** as compared to 35 child abuse cases filed in 2007.

Drug Cases:

<i>Total # of Misdemeanor Drug Cases Received from GPD in 2008:</i>	28
Total # of Misdemeanor Drug Cases Received from GPD in 2007:	24
Total # of Misdemeanor Drug Cases Received from GPD in 2006:	52
<i>Total # of Felony Drug Cases Received from GPD in 2008:</i>	125
Total # of Felony Drug Cases Received from GPD in 2007:	153
Total # of Felony Drug Cases Received from GPD in 2006:	194
<i>Total # of Misdemeanor Drug Cases Charged/Filed in 2008:</i>	5
Total # of Misdemeanor Drug Cases Charged/Filed in 2007:	11
Total # of Misdemeanor Drug Cases Charged/Filed in 2006:	7
<i>Total # of Felony Drug Cases Charged/Filed in 2008:</i>	92
Total # of Felony Drug Cases Charged/Filed in 2007:	149
Total # of Felony Drug Cases Charged/Filed in 2006:	123
<i>Total # of Misdemeanor Drug Convictions Filed in 2008:</i>	2
Total # of Misdemeanor Drug Convictions Filed in 2007:	5
Total # of Misdemeanor Drug Convictions Filed in 2006:	3
<i>Total # of Felony Drug Convictions Filed in 2008:</i>	109
Total # of Felony Drug Convictions Filed in 2007:	81
Total # of Felony Drug Convictions Filed in 2006:	62

For calendar year 2008, the Prosecution Division filed a total of **97 drug cases** as compared to 160 drug cases filed in 2007.

Firearms/Weapons Violation Cases

<i>Total # of Misdemeanor FAID Cases Received from GPD in 2008:</i>	2
Total # of Misdemeanor FAID Cases Received from GPD in 2007:	15
Total # of Misdemeanor FAID Cases Received from GPD in 2006:	2

<i>Total # of Felony FAID Cases Received from GPD in 2008:</i>	10
Total # of Felony FAID Cases Received from GPD in 2007:	23
Total # of Felony FAID Cases Received from GPD in 2006:	27

<i>Total # of Misdemeanor FAID Cases Charged/Filed in 2008:</i>	3
Total # of Misdemeanor FAID Cases Charged/Filed in 2007:	3
Total # of Misdemeanor FAID Cases Charged/Filed in 2006:	1

<i>Total # of Felony FAID Cases Charged/Filed in 2008:</i>	5
Total # of Felony FAID Cases Charged/Filed in 2007:	15
Total # of Felony FAID Cases Charged/Filed in 2006:	20

<i>Total # of Misdemeanor FAID Convictions Filed in 2008:</i>	1
Total # of Misdemeanor FAID Convictions Filed in 2007:	2
Total # of Misdemeanor FAID Convictions Filed in 2006:	1

<i>Total # of Felony FAID Convictions Filed in 2008:</i>	7
Total # of Felony FAID Convictions Filed in 2007:	11
Total # of Felony FAID Convictions Filed in 2006:	8

For calendar year 2008, the Prosecution Division filed a total of **8 firearms cases** as compared to a total of 18 firearms cases filed in 2007.

Property Crimes (Theft and Related Offenses) Cases:

<i>Total # of Misdemeanor Property Cases Received from GPD in 2008:</i>	142
Total # of Misdemeanor Property Cases Received from GPD in 2007:	168
Total # of Misdemeanor Property Cases Received from GPD in 2006:	158

<i>Total # of Felony Property Cases Received from GPD in 2008:</i>	187
Total # of Felony Property Cases Received from GPD in 2007:	208
Total # of Felony Property Cases Received from GPD in 2006:	285

<i>Total # of Misdemeanor Property Cases Charged/Filed in 2008:</i>	36
Total # of Misdemeanor Property Cases Charged/Filed in 2007:	26
Total # of Misdemeanor Property Cases Charged/Filed in 2006:	43

<i>Total # of Felony Property Cases Charged/Filed in 2008:</i>	121
Total # of Felony Property Cases Charged/Filed in 2007:	109
Total # of Felony Property Cases Charged/Filed in 2006:	108

<i>Total # of Misdemeanor Property Convictions Filed in 2008:</i>	20
Total # of Misdemeanor Property Convictions Filed in 2007:	30
Total # of Misdemeanor Property Convictions Filed in 2006:	35

<i>Total # of Felony Property Convictions Filed in 2008:</i>	70
Total # of Felony Property Convictions Filed in 2007:	59
Total # of Felony Property Convictions Filed in 2006:	40

For calendar year 2008, the Prosecution Division filed a total of **157 property cases** as compared to 135 property cases filed in 2007.

Burglary Cases:

<i>Total # of Felony Burglary Cases Received from GPD in 2008:</i>	59
Total # of Felony Burglary Cases Received from GPD in 2007:	93
Total # of Felony Burglary Cases Received from GPD in 2006:	24

<i>Total # of Felony Burglary Cases Charged/Filed in 2008:</i>	49
Total # of Felony Burglary Cases Charged/Filed in 2007:	57
Total # of Felony Burglary Cases Charged/Filed in 2006:	56

<i>Total # of Felony Burglary Convictions Filed in 2008:</i>	34
Total # of Felony Burglary Convictions Filed in 2007:	44
Total # of Felony Burglary Convictions Filed in in 2006:	26

For calendar year 2008, the Prosecution Division filed a total of **49 burglary cases** compared to 57 burglary cases filed in 2007.

Aggravated Assault Cases:

<i>Total # of Felony Aggravated Assault Cases Received from GPD in 2008:</i>	126
Total # of Felony Aggravated Assault Cases Received from GPD in 2007:	109
Total # of Felony Aggravated Assault Cases Received from GPD in 2006:	90

<i>Total # of Felony Aggravated Assault Cases Charged/Filed in 2008:</i>	70
Total # of Felony Aggravated Assault Cases Charged/Filed in 2007:	62
Total # of Felony Aggravated Assault Cases Charged/Filed in 2006:	39

<i>Total # of Felony Aggravated Assault Convictions Filed in 2008:</i>	35
Total # of Felony Aggravated Assault Convictions Filed in 2007:	28
Total # of Felony Aggravated Assault Convictions Filed in 2006:	23

For calendar year 2008, the Prosecution Division filed a total of **70 aggravated assault cases** as compared to 62 Aggravated Assault cases filed in 2007.

Robbery Cases:

<i>Total # of Felony Robbery Cases Received from GPD in 2008:</i>	13
Total # of Felony Robbery Cases Received from GPD in 2007:	35
Total # of Felony Robbery Cases Received from GPD in 2006:	24

<i>Total # of Felony Robbery Cases Charged/Filed in 2008:</i>	11
Total # of Felony Robbery Cases Charged/Filed in 2007:	29
Total # of Felony Robbery Cases Charged/Filed in 2006:	56
<i>Total # of Felony Robbery Convictions Filed in 2008:</i>	34
Total # of Felony Robbery Convictions Filed in 2007:	14
Total # of Felony Robbery Convictions Filed in 2006:	26

For calendar year 2008, the Prosecution Division filed a total of **11 robbery cases** as compared to 29 robbery cases filed in 2007. However, a total of 34 robbery cases from both this year and previous years resulted in convictions during 2008.

Homicide (Murder, Attempted Murder, Manslaughter, Vehicular Homicide, Negligent Homicide) Cases:

<i>Total # of Felony Homicide Cases Received from GPD in 2008:</i>	11
Total # of Felony Homicide Cases Received from GPD in 2007:	13
Total # of Felony Homicide Cases Received from GPD in 2006:	26
<i>Total # of Felony Homicide Cases Charged/Filed in 2008:</i>	10
Total # of Felony Homicide Cases Charged/Filed in 2007:	13
Total # of Felony Homicide Cases Charged/Filed in 2006:	26
<i>Total # of Felony Homicide Convictions Filed in 2008:</i>	18
Total # of Felony Homicide Convictions Filed in 2007:	9
Total # of Felony Homicide Convictions Filed in 2006:	10

For calendar year 2008, the Prosecution Division filed a total of **11 homicide cases** as compared to 13 homicide cases filed in 2007.

White Collar/Public Integrity Crimes Cases:

The Property Crimes and White Collar/Public Integrity Crimes Unit of the Prosecution Division, is responsible in part for not only prosecuting traditional property crimes, but also for investigating and prosecuting white collar, government corruption, and public integrity offenses.¹ In 2007, a total of 61 white collar/public integrity criminal cases were filed, and in that same year there were 11 white collar criminal convictions. For **2008**, a total of **55** white collar/public integrity criminal cases were filed, and there were a total of **23** white collar/public integrity criminal convictions.

THE PERSONNEL

The ideal staffing of attorneys for the Prosecution Division, given its caseload, should be no less than 20. Indeed, the Division during most of the 1990s operated with between 20 and 25 attorneys. In 2007, there were only 14 attorneys or prosecutors within the Division and by the end of calendar year 2008, the Prosecution Division had 15 attorneys or prosecutors. Many of the prosecutors in the Division may carry average caseloads of between 400 and 500 cases since the vast majority of cases will not completely resolve within a year of the filing in court.



*Chief Investigator
James Cruz*

The Division also has a **Criminal Investigators Unit** comprised of only 10 investigators responsible for conducting independent criminal investigations and for providing follow up investigations in support of on-going prosecutions.

In addition, the Division has a **Victim Witness Ayuda Services (VWAS) Unit** which is comprised of only seven (7) VWAS advocates who play a vital role by providing support services to victims and witnesses of crimes in accordance with the Crime Victim's Rights Act. VWAS helps crime victims restore their sense of dignity, self-esteem, and coping mechanisms while the Division pursues criminal charges against the perpetrators. As a victim of crime, a person may experience feelings of fear, helplessness, anger, and confusion. Anxiety and frustration may also occur because of the judicial process or the lack of information regarding the case or suspect's status.



Victim Advocate Chris Duenas

VWAS assists victims with the following services:

- Provide information and referral;
- Provide emotional support;
- Provide court accompaniment;
- Refer victims to counseling, if necessary;
- Provide transportation for victims, if necessary, to court or appointments related to their cases;
- Assist in filing claims with the Criminal Injuries Compensation Commission;
- Provide childcare while victims are in court or meeting with prosecutors;
- Notify victims regarding trial dates, case related information, and case dispositions;
- Restitution advocacy; and
- Assist victims in their requests for parole notification.

The **Crime Victim's Rights Act** can be found in Title 8 of the Guam Code Annotated Chapter 160.

Victims and/or surviving immediate family members shall have the following rights:

(a) To be immediately informed by the Office of the Attorney General of the final disposition of the case. If the crime charged is a felony, the victim or a surviving immediate family member shall be notified of major developments in the case, whenever appropriate, in order to avoid jeopardizing an investigation. The victim or surviving immediate family member shall be immediately notified whenever the defendant or perpetrator is released from custody. The victim or the surviving immediate family member shall also be consulted and advised about plea-bargaining.

(b) To be notified by the prosecuting attorney if a court proceeding to which they have been subpoenaed will not proceed as scheduled in a timely manner.

(c) To receive protection from threats or harm in accordance with local witness and victim protection program guidelines.

(d) To be promptly informed by the victim witness counselor and the probation officer when the defendant has violated a criminal restraining order, a court-imposed stay-away order, terms or condition of release, terms of probation, or terms of a plea agreement.

(e) To be informed by the police, victim witness, or other criminal justice personnel of financial assistance and other social services available as a result of being a victim of crime, including information on how to apply for the assistance and services.

(f) The court shall provide a waiting area for the victim separate from the defendant, defendant's relatives, and defense witnesses if such an area is available and the use of the area is practical. If a separate waiting area is not available or practical, the court shall provide other safeguards to minimize the victim's contact with defendant, defendant's relatives, and defense witnesses during court proceedings.

(g) To have any stolen property or other personal property expeditiously returned by law enforcement agencies when such property is no longer needed for evidence, and the court or the Attorney General has approved its release. If feasible, all such property, except weapons; currency; contraband; property subject to evidentiary analysis; and property, the ownership of which is disputed, shall be returned to the person within ten (10) days of being taken, and the court or Attorney General has approved its release.

(h) To be informed as provided in this Chapter of escapes and changes planned in the custodial status of the offender that allow or result in the release of the offender into the community, including furlough, work release, placement on supervised release, release on parole, and final discharge at the end of a prison term; and to be informed by the Office of the Attorney General of changes in the custodial status of the offender as a result of release on bail bond, or release on appeal bond.

(i) To be informed by the Parole Board through the Department of Correction's Parole Services Division when the offender is seeking early release and/or parole, and to be afforded a right to submit letters, and to appear and testify at a release hearing subject to the provisions of § 160.92 herein.

(j) To be promptly informed by the Department of Correction's Parole Services Division when the offender has violated that person's parole subject to the provisions of § 160.92 herein.

(k) In cases charged and pled to as a felony, to be informed by the prosecutor, by telephone, facsimile or mail, of all trials, changes of pleas, sentencing and other major developments at least three (3) working days in advance.

(l) To testify as to the actions of the defendant and their effect upon the victim and the victim's family, to be represented by retained counsel, and to call witnesses at sentencing, reduction of sentence or parole hearing, subject to relevance; and at the discretion of the court, to testify at any change of plea or hearing to consider acceptance of a plea agreement.

(m) To be notified by *I Maga'lahaen Guåhan* upon submission of request relative to the pardon of the defendant or the perpetrator, subject to the provisions of § 160.92 herein.

(n) Upon written request, witnesses of crime shall be provided the same protections afforded in this Section.

(o) The right to be treated with fairness and respect for their dignity and privacy throughout the criminal justice process.

(p) The Office of the Attorney General shall provide post-conviction information to victim's, to include information concerning availability social services, counseling programs, and financial assistance programs.

(q) The Office of the Attorney General is to provide a special hotline for victims to assist them in obtaining notification and information before and after conviction.

Last, but certainly not least and without whom the Prosecution Division could not properly function, the Division’s **Support Staff** is comprised of one administrative legal secretary supervisor, five legal secretaries, four record clerks, two paralegals, and two process servers who are critical to meeting its mission.

“A special shout-out to the legal support, secretary, and records staff, and to the prosecutors and paralegals,” Phil Tydingco said. “And a great big shout-out goes to Chuck Kinnunen for carrying the grand jury felony load.”

Prosecution Division
Administrative Supervisor
Vivian Nisperos, who has
been with the Office for 28
years, was also a big part of
the Division’s continued
success. Showing no signs
of slowing down, Vivian attributes her longevity to the fast paced



Administrative Supervisor Vivian Nisperos

and rewarding work that she performs “behind the scenes.” The drive to “come to work each day, every day, is still there,” she said.

NEW INITIATIVES FOR THE PROSECUTION DIVISION

The Prosecution Division, while continuing its efforts to prosecute criminals for traditional crimes, has also embarked on a number of new initiatives to develop task forces that include both local and federal law enforcement agencies, public and non-profit social service agencies and other community organizations, in order to raise the public’s awareness of, promote new legislation for, and improve the investigation and prosecution of criminal offenses in the areas of internet crimes against children, child pornography, cyberbullying, and human trafficking, to name a few.

Proud Members of the U.S. Armed Forces

Employed within the Office of the Attorney General are members of different branches of the U.S. Armed Forces. The Office salutes these individuals for their untiring dedication, commitment, and service to our island and country.



Office of the Attorney General supports ESGR: Attorney General Alicia Limtiaco in February 2008 signed an Employer Support of the Guard and Reserve “5-Star statement of support for the Guard and Reserve.” Attorney General Limtiaco is pictured here with several OAG employees who are also members of different branches of the U.S. Armed Forces. From left: Capt. Josephine Blas, ESGR Guam/CNMI program administrator; Senior Airman Vince Nelson, AG employee and Air Force Reserve member; Anthony Blas, AG employee; Alberto Tolentino, Chief Deputy Attorney General; Limtiaco; Benny Paulino, chairman, ESGR Guam/CNMI committee; Danny Gonzales, AG employee; Staff Sgt. Bryan Cruz, AG employee and Air Force Reserve member; and Norma Castillon, program administrator.



Conrad Bascon



Chris Duenas



Janae Farnum



Sophia Murphy



Peter Mesa



Lorena Uncangco

In Memoriam



David Charles Sullivan

The Office of the Attorney General wishes to commemorate the life of our colleague and friend, David Charles Sullivan.

David contributed more than 17 years of his life serving the community and people of Guam.

From April 1988 to April 1992 (4 years), David served as an Assistant Attorney General with the Civil Litigation and Solicitors Divisions of the Office.

From November 1993 to June 1995 (1 year, 7 months), he served as full-time legal counsel for the Department of Corrections.

In 1995, he later joined the Family (Child Support) and Prosecution Divisions.

In December 1999, David served as Consumer Counsel with the Civil Litigation Division.

He served as an Assistant Attorney General from February 2000 to April 2002, and then moved to private practice from 2002 to 2004. From September 2004 to November 2004, David served as legal counsel for the Department of Education, and from November 2004 to February 2008, as an Assistant Attorney General with the Civil Litigation and Solicitor Division.

On behalf of the Office of the Attorney General, we thank David for his dedication and commitment to public service, and his many contributions to the betterment of our island community.