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Attorney General Rapadas Stands Firm on Illegal Sentencing of CSC Cases AG Rapadas Orders Review of Prosecutions Caseload

Hagatna, Guam-It has been recently brought to the attention of Attorney General Leonardo Rapadas that there was a 2010 case entitled People v. Michael Katsuda- where the facts were nearly identical to the recent People v. Ervin Enriquez- in which defendant Katsuda molested a young child. Pursuant to a plea agreement, Katsuda was convicted in January 2010 of committing Criminal Sexual Conduct in the First Degree and was also sentenced to 15 years with five (5) years suspended, with him having only to serve 10 years imprisonment.

In 2010, some AAG's believed that portions of some minimum mandatory sentences could be suspended. It was later determined that certain sentences ignored the minimum mandatory sentence guidelines set by the Guam Legislature. Further research conducted by the Prosecution Division determined that such sentences fell outside of the law.

Attorney General Rapadas still believes that those sentences that fall below what the Guam Legislature has set out as mandatory minimum sentences are illegal. He has made it clear that the practice shall be discontinued. He has further ordered Chief Prosecutor O'Mallan to review the Prosecution Division's case load to see if any other recent examples of illegal sentencing have occurred and to determine whether or not there is any legal bar to setting aside such illegal sentences arguably favorable to the criminal defendants. In fact, the Prosecution Division had argued for 20 years in the Enriquez case, asserting that 15 years was the mandatory minimum. The public defender had initially agreed that 15 years was the mandatory minimum, but later reversed course and requested for probation.

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