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FOR IMMEDIATE RELEASE

Supreme Court Opinion Favorable for The People Possibility for Further Proceedings Upheld for CF289-13

December 2014- Tamuning, Guam –Yesterday, The Supreme Court of Guam issued an opinion that allows the Office of the Attorney General to move forward with the prosecution of defendant Raymond Torres Tedtaotao in case number CF289-13, a completely separate case from the Nimitz Hill Home Invasion in which Tedtaotao was convicted and sentenced to 55 years imprisoned at the Department of Corrections.

The OAG wants to assure the public that the opinion handed down by the higher court of Guam -the Supreme Court- is a success for the OAG and the safety of our community.

Tedtaotao is a repeat criminal offender with a long criminal record.

“Tedtaotao, regardless of the result of CF289-13 where he allegedly committed a burglary at Q-Mart, will remain imprisoned at DOC for a very long time for the crimes he committed in the Nimitz Hill Home Invasion case,” said Chief Prosecutor J. Basil O’Mallan III.

The decision of the Supreme Court to reverse the Superior Court’s decision to dismiss the case is a success for the People of Guam.

In the opinion issued by Supreme Court Justices, they agreed with the OAG that the lower court -the Superior Court of Guam- erred when they dismissed charges against Tedtaotao in CF289-13, the case where he allegedly robbed Q-Mart. The lower court dismissed the charges on technicality, citing that the OAG failed to formally charge Tedtaotao before the Court within the constitutionally mandated 48-hours.

The OAG argued that because Tedtaotao was already in custody at the Department of Corrections for violating court orders in case number CF515-11, the 48-hour rule did not apply in CF289-13; therefore, Tedtaotao’s right to a prompt judicial hearing was not violated because there was “no significant pretrial restraint of liberty.”

The higher court, the Supreme Court, agreed with the OAG’s argument and similarly found “that the booking and confinement in this case did not trigger Tedtaotao’s statutory or constitutional right to a judicial hearing of probable cause within 48 hours”

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