PUBLIC DEFENDER SERVICE CORPORATION

Board of Trustees Regular Meeting Tuesday, August 27, 2013 Conference Room, Public Defender Service Corporation 12:30 p.m.

AGENDA

I.	Call	fa	Order
A.	C 3111	w	VIUCE

- II. Roll Call
- III. Proof of Due Notice of Meeting:

5 Working Days Notice: Marianas Variety, Friday, August 16, 2013 48 Hours Notice: Marianas Variety, Friday, August 23, 2013

- IV. Determination of Quorum
- V. Approval of Minutes: (Regular Meeting of July 11, 2013)
- VI. Old/Unfinished Business:
 - A. Financial Status Update (PDSC and APD Allotment Releases)
 - B. Domestic Violence Program Update
 - C. Alternate Public Defender Update
 - FY2014 Budget Request approved by Judicial Council on 07/18/13
 - D. PDSC's Policy for Conflicts of Interest
 - E. PDSC Client Eligibility Criteria
 - G. Pacific Judicial Council Public Defender's Training

VII. New Business:

- A. PDSC Fiscal Year 2014 Budget Request (Status Report Based on Proposed Legislative Appropriation)
- B. Agreement To Provide Attorney Services for Indigent Defendants (Alternate Public Defender's Operations: FY2014)
- C. Resolution No. 07-13

(Request To Use Additional Lapsed Funds for Abacus Mobile Links)

D. Resolution No. 08-13

(Request To Use Lapsed Funds for Necessary Corrections to Personnel Actions re: Attorney Suresh Sampath)

E. Request for Administrative Leave (Director Eric Miller) to Attend the "Forensic Mental Health & the Law" Conference sponsored by the National Association of Criminal Defense Lawyers (September 19-20, 2013) in Denver, Colorado

VIII. Public Discussion

IX. Adjournment and Next Meeting Date

Vation

NRA database of gun owners, potential members | Manning gets 35 years

LOS ANGELES (Yahoo! News) - A new investigative report says that the National Rifle Association collects and maintains an expansive database of information on gun owners.

BuzzFeed contributor Steve Friess reports that the NRA keeps the stockpile of information at its national headquarters in Virginia and that it goes well beyond the group's estimated 3 million members.

"That database has been built through years of acquiring gun permit registration lists from state and county offices, gathering names of new owners from the thousands of gun-safety classes taught by NRA-certified instructors and by buying lists of attendees of gun shows, subscribers to gun magazines, and more," Friess writes.

that the NRA is a private organization and therefore its efforts to collect information on gun owners is not a contradiction to its opposition to a government mandated gun ownership registry.

"It's probably partially true that people don't know the information is being collected," former NRA lobbyist Richard Feldman told BuzzFeed. "But even if they don't know it, they probably won't care because the NRA is not part of the government'

The story has also sparked a reaction from NRA supporters who argue that the NRA's database is more of a marketing tool than an actual "gun registry." The conservative Ace of Spades blog writes, "There's a world

Defenders of the policy note of difference. The 'gun owner classification is mostly assumed. based on interests and behavior. It's not even particularly important to the NRA whether they are gun owners, so long as they have an interest in gun rights and the second amendment.

Information obtained for the report shows that the NRA has purchased lists of gun owners from state governments in Virginia and Iowa, and uses its own relationship with states through licensed gun safety instructors to collect the information, often without the knowledge or consent of those on the lists.

Other states - including Arkansas, Louisiana, Oregon and Tennessee - have received similar information requests from the NRA.

FORT MEAD (Reuters) -U.S. soldier Bradley Manning was sentenced on Wednesday to 35 years in a military prison for turning over more than 700,000 classified files to WikiLeaks in the biggest breach of secret data in the nation's history.

The 25-year-old former low-level intelligence analyst, in uniform, stood quietly and showed no emotion as Judge Col. Denise Lind sentenced him to less time behind bars than the 60 years sought by military prosecutors.

Military parole rules could allow Manning to be out of prison in seven years, his lawyer said, a fact WikiLeaks founder Julian Assange called a "tactical victory" for the defense.

But transparency activists said the sentence would still have a chilling effect on prospective leakers. The sentence, which comes at a time when the Obama administration is aggressively investigating leaks, would be the heaviest ever served for turning over secrets to the media. experts said.

Onlookers in the Fort Meade, Md., military courtroom gasped as Lind read Manning's sentence. The soldier's aunt, Debra Van Alstyne, closed her eyes and appeared to be holding back tears. Supporters shouted: "Bradley, we are with you."

Defense attorney David Coombs admitted to weeping upon hearing the news and said his client tried to soothe him.

Dozens arrested for alleged Social Security fraud

SAN JUAN (Reuters) - U.S. federal authorities arrested 74 people in 25 towns across Puerto Rico early on Wednesday in an operation aimed at combating the abuse of Social Security and disability benefits.

Agents from the FBI and the Social Security Administration participated in the sweep, which targeted 70 beneficiaries, a doctor, a therapist and two psychiatrists, said FBI spokesman Moises Ouinoñes.

Wednesday's actions are part of a wider crackdown on disability fraud on the island.

Registration: 6:00 p.m.

The Gazage (Fountain Plaza)

Registration: 6:00 p.m.

Draft: 6:30 p.m.

Friday, Aug. 30 at

Draft: 6:30 p.m.

Puerto Rico is home to nine of the top 10 U.S. zip codes for disabled workers receiving benefits, according to The Wall Street Journal The percentage of disabled workers and the approval rating for awards in Puerto Rico are both well above the U.S. average, according to authorities.

In 2011, the Social Security Administration's Office of the Inspector General put together a special investigation team to probe disability fraud in Puerto Rico, a U.S. commonwealth. Last week, the FBI and SSA

COME WATCH GUAM'S

FANTASY ELITE WAKE THEIR PICKS!

raided several medical offices in the San Juan area to execute search warrants.

The latest arrests involve "various charges related to filing false Social Security claims, including Social Security fraud and theft of U.S. government property," Quinoñes added.

"We are talking about a scheme here involving doctors and medical offices, like X-ray laboratories," he said "The person claims to have certain medical conditions to get Social Security disability benefits when they don't have these conditions."

Report: NSA collected 56K American emails per year

WASHINGTON (Reuters) ~ The National Security Agency may have unintentionally collected as many as 56,000 emails of Americans per year between 2008 and 2011 in a program that a secret U.S. court subsequently said may have violated U.S. law and the Constitution, according to documents released on Wednesday.

The once-classified documents were released by U.S. intelligence agencies as part of an unprecedented White House effort to smooth the uproar following revelations by former contractor Edward Snowden about the extent of secret government surveillance programs.

U.S. officials say the documents show that intelligence collection programs that inadvertently intrude on Americans privacy are found and fixed.

But they also appear to raise

new questions about operations by the eavesdropping National Security Agency and its oversight by the secret U.S. Foreign Intelligence Surveillance Court (FISC).

"The court is troubled that the government's revelations regarding the NSA's acquisition of Internet transactions mark the third instance in less than three years in which the government has disclosed a substantial misrepresentation regarding the scope of a major collection program," Judge John Bates of the surveillance court wrote in one of the declassified documents.

More specifically, Bates said in an October 2011 ruling that the court had concluded that the process that resulted in improper collections of the tens of thousands of emails was "in some respects, deficient on statutory and constitutional grounds."



NOTICE OF PUBLIC MEETING

The Public Defender Service Corporation Board of Trustees will conduct a regular meeting on Tuesday, August 27, 2013. at 12:30 p.m. in the Conference Room of the Public Defender Service Corporation, located at the MVP Sinajana Commercial Building, Unit B, 779 Route 4, Sinajana, Guam 96910

Copies of the agenda will be available prior to the meeting at the Public Defender Service Corporation (address above).

Individuals requiring special accommodations are asked to contact Mrs. Bernadette S.N. Chargualaf at 475-3100.

/s/ CHIEF JUSTICE F. PHILIP CARBULLIDO Chairman

This public notice is paid for with government funds administered by the Public Defender Service Corporation.

Two killed in fiery Alabama crash of UPS cargo jet



Flames rise from a UPS Airbus A300 cargo plane which crashed near the airport in Birmingham, Ala., Aug. 14. Reuters

BIRMINGHAM (Reuters) - A large UPS cargo plane

crashed and burst into flames, killing its pilot and copilot as it lit up the predawn sky over Alabama on Wednesday.

The cause of the latest aircraft accident in the United States was not immediately known and authorities were not releasing the identities of the two crew members killed.

The plane, an Airbus A300. clipped trees and nearly hit a house before plowing across about 200 yards of an empty field short of the runway, a senior official with the National Transportation Safety Board said

Pictures from the scene showed the partially crumpled nose section of the aircraft still largely intact, emblazoned with the words Worldwide Services. But it was completely severed from the body of the aircraft and surrounded by debris, including UPS packages from the belly of the cargo hauler.

The NTSB official, Robert Sumwalt, said investigators had still not been able to retrieve the A300's cockpit voice and flight data recorders, about 12 hours after the crash occurred, because fire crews were still dousing the wreckage

The tail section of the aircraft is still smoldering, still smoking," Sumwalt told reporters.

The tail and wing sections ended up about 75 to 80 yards ahead of the cockpit, he added.

United Parcel Service Inc flight 1354, which took off from Louisville, Kentucky, was on approach to the airport in Birmingham when it crashed at about 5 a.m. CDT (1000 GMT), according to the Federal Aviation Administration

No distress calls were made to the airport tower, according to April Odom, a spokeswoman for Birmingham Mayor William Bell

An intense fire erupted after the crash but it was quickly brought under control, Bell said. "It was quite a large fire and there were two to three explosions after the plane caught fire. after the crash itself," he said.

Manning tells court he's 'sorry' for **US secrets breach to WikiLeaks**

FORT MEADE (Reuters) - U.S. Bradsoldier ley Manning on Wednesday told a military court "I'm sorry" for giving war logs and diplomatic secrets to the

classified data in the nation's history

"I am sorry that my actions hurt people. I'm sorry that they hurt the United States," the 25-year-old U.S. Army Private First Class told the sentencing phase of his court-martial. "I am sorry for the unintended consequences of my actions .. The last few years have been a learning experience.

Manning spoke quietly and non-defiantly in his first extensive public comments since February.

Manning faces up to 90



WikiLeaks website Private First Class Bradley Manning is pictured in three years ago, the a courtroom sketch testifying during the sentencing biggest breach of phase of his military trial at Fort Meade, Md., Aug. 14.

years in prison for providing more than 700,000 documents, battle videos and diplomatic cables to WikiLeaks, hurling the pro-transparency website and its founder. Julian Assange, into the world spotlight.

"I understand I must pay a price for my decisions, Manning continued in his first lengthy public statement since February, "I want to be a better person, to go to college, to get a degree and to have a meaningful relationship with my sister and her family.

Nevada petroglyphs the oldest in North America

PYRAMID LAKE (AP) -

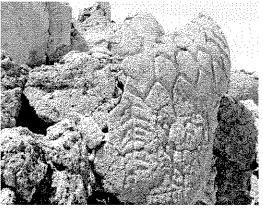
Ancient rock etchings along a dried-up lake bed in Nevada have been confirmed to be the oldest recorded petroglyphs in North America, dating back at least 10,000 years.

The petroglyphs found on limestone boulders near Pyramid Lake in northern Nevada's high desert are similar in design to etchings found at a lake in Oregon that are believed to be at least 7,600 years old. Unlike later drawings that sometimes depict a spear or antelope, the carvings are abstract with tightly clustered geometric designs - some are diamond patterns, others have short parallel lines on top of a longer

Scientists can't tell for sure who carved them, but they were found on the Pyramid Lake Painte Tribe's reservation land.

We initially thought people 12,000 or 10,000 years ago were primitive, but their artistic expressions and technological expertise associated with these paints a much different picture," said Eugene Hattori, the curator of anthropology at the Nevada State Museum in Carson City who co-wrote a paper on the findings earlier this month in the Journal of Archaeological Science.

The petroglyphs could be as much as 14,800 years old, said Larry Benson, a geochemist who used radiocarbon testing to date the etchings and was the lead author of the research paper.



This May 2012 photo provided by the U.S. Geological Survey shows ancient carvings on limestone boulders in northern Nevada's high desert near Pyramid Lake. The carvings have been confirmed to be the oldest recorded petroglyphs in North America - at least 10,500 years old. AP / USGS

carbonate layer underlying the petroglyphs to roughly 14,800 years ago. Geochemical data and sediment and rock samples from adjacent Pyramid Lake show they were exposed to air from 13,200 to 14,800 years ago, and again from 10,500 to 11,300 years ago.

"Whether they turn out to be as old as 14,800 years ago or as recent as 10,500 years ago, they are still the oldest petroglyphs that have been dated in North America," said Benson, a former research scientist for the U.S. Geological Survey and current curator of anthropology at the University of Colorado Natural History Museum in Boulder

Dennis Jenkins, an archae-

Radiocarbon testing dated the ologist with the University of Oregon's Museum of Natural and Cultural History, called it a significant discovery. He led recent excavations of obsidian spear points near Paisley, Oregon, that he dated back 13,200 years, and noted that the bigger challenge is identifying who created the petroglyphs.

'When you get back into this time period, if you speak with Native Americans they will tell you they were made (created) there and that is obviously their people and their artwork," Jenkins said. "But approaching it from a scientific point of view - what we can prove - at this point, it is impossible to connect these to any tribal group.

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/s/ CHIEF JUSTICE F. PHILIP CARBULLIDO Chairman

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GSA General Services Agency (Ahension Setbision Hinirat) Department of Administration



148 Route 1 Marine Drive, Pitl, Guam 98915 Tel: 475-1707-13 Fax: 472-4217/475-1715/475-1727 THIS ADVERTISEMENT WAS PAID WITH GOVERNMENT FUNDS BY:

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A non-refundable fee of \$10.00 per bid package will be assessed.

Certified Check, Cashier's Check, Cash will be assested. No personal or company check, Payment for bid package picked up after 3:00 pm will not be accepted.

INVITATION FOR BID

BID NO:

SURVEILLANCE SYSTEM WITH IP BASED CCTV

CAMERAS

Opening Date: August 30, 2013

General Services Agency, Piti Guam A Mandatory Site Inspection will be conducted on August 22, 2013 at 10:00a.m. Meeting site will be at the Department of youth Affairs in Mangli

INTERESTED PARTY MAY PICK UP FORM/SPECIFICATIONS AT SAID PLACE

/s/ CLAUDIA S, ACFALLE Chief Procurement Officer

PUBLIC DEFENDER SERVICE CORPORATION BOARD OF TRUSTEES

Regular Meeting of Thursday, July 11, 2013 12:55 p.m. PDSC Conference Room

MINUTES

I. CALL TO ORDER:

This meeting was called to order by the Chairman, Chief Justice F. Philip Carbullido at 12:55 p.m.

II. ROLL CALL:

Present: Chief Justice F. Philip Carbullido, Chairman

Presiding Judge Alberto C. Lamorena III, Vice Chairman

Donna Muna-Quinata, Member CathyAnn C. Gogue, Member

Absent: Attorney Cynthia Ecube, Guam Bar Association President

Others Present: Attorney Eric D. Miller, PDSC Executive Director

Attorney Ana Maria Gayle, APD Supervising Attorney Bernadette S.N. Chargualaf, PDSC Administrative Director

Michael S. Moreno, Chief Fiscal Officer Kenneth A. Lim, Computer Systems Analyst Cecelia M. Fernandez, Administrative Assistant

III. PROOF OF DUE NOTICE OF MEETING:

"Notice of Public Meeting" was published in Marianas Variety on Tuesday, July 02, 2013 and Monday, July 8, 2013.

IV. DETERMINATION OF QUORUM:

With the presence of four (4) board members, a quorum was determined for this meeting.

V. <u>APPROVAL OF MINUTES:</u> Minutes of the regular board meeting held on Friday, May 31, 2013 were corrected, and then adopted and approved.

VI. OLD BUSINESS:

- A. Financial Status Update (PDSC and APD Allotment Releases): Chief Fiscal Officer Michael S. Moreno reported that PDSC received allotments through June 30, 2013 (100%). Allotments for the Alternate Public Defender (APD) were received through June 30, 2013 (100%).
- **B. Domestic Violence Program Update:** The monthly releases of funds for this program are up to date.

- C. Alternate Public Defender Update: (combined with New Business Item A)
- D. PDSC's Policy for Conflicts of Interest: PDSC Eric Miller reported that the Committee working on this matter will be meeting tomorrow, July 12, 2013 and should have a new draft by the next board meeting.
- E. PDSC's Fiscal Year 2014 Budget Request: A public hearing on PDSC's Budget Request was held on Friday, July 5, 2013. Director Miller thanked Chief Justice Carbullido for his presence, support and testimony at the hearing. Attorney Miller also indicated that Governor Calvo's budget proposal for the PDSC was at \$3.4 million, which would not be sufficient for PDSC's FY2014 operations. There was some concern about the rental premiums paid by the PDSC for its current office facilities; questions in this regard were answered and clarified by both the Chief Justice and Director Miller.
- F. PDSC Client Eligibility Criteria: Executive Director Eric Miller will have revisions ready at the next board meeting.
- G. Pacific Judicial Council Public Defender Training: Director Miller mentioned that a survey will be distributed to affected attorneys, and a report will be submitted to Chief Judge Gatewood. Chief Justice Carbullido indicated that he needs a Budget Request to go to the Education Committee which is meeting on July 25, 2013, as well as a Curriculum Plan to be presented at the September 2013 meeting of the Pacific Judicial Council.

VII. NEW BUSINESS:

A. Alternate Public Defender Fiscal Year 2014 Budget Request: APD Supervising Attorney Annie Gayle presented this matter. This Budget Request is primarily a "status quo" budget, with mandatory increases, and a request for a Legal Clerk I (entry level position). The total amount being request is \$912,116.

A Board Resolution and a cover letter addressed to the Administrator of the Courts requesting that the matter be heard at the next Judicial Council meeting must be prepared and made a part of the document.

A motion was subsequently made and passed, approving the FY2014 Budget Request for the Alternate Public Defender. Chief Justice Carbullido abstained from voting, due to his role on the Judicial Council.

- VI. PUBLIC DISCUSSION: None.
- VII. <u>RECESS AND RECONVENING DATE:</u> A tentative date of August 27, 2013 was set for the next board meeting. There being no further business up for discussion, this meeting was adjourned at 1:20 p.m.

Respectfully submitted,

BERNADETTES.N. CHARGUALAF

Secretary

BEFORE THE BOARD OF TRUSTEES OF THE PUBLIC DEFENDER SERVICE CORPORATION RELATIVE TO THE APPROVAL OF THE USE OF LAPSED FUNDS FOR ABACUS MOBILE LINKS

RESOLUTION NO. PDSC 07-13

WHEREAS,	the Public Defender Service Corporation (PDSC) currently utilizes Abacus as its case management software in order to provide efficiency and effectiveness in tracking the status of its caseload; and			
WHEREAS,	PDSC attorneys are required to input any and all data affecting respective cases as soon as it is possible to do so, which is usually upon their return to their offices; and			
WHEREAS,	Executive Director Eric Miller approached the Board of Trustees on July 11, 2013 requesting the use of lapsed funds to acquire mobile links with Abacus so that inputting information relative to a client's case can be done from mobile devices (i.e., cellular phones, iPads, laptops, etc.); and			
WHEREAS,	at its duly-noticed meeting on July 11, 2013 the Board of Trustees approved Director Miller's request, setting a cap at \$600.00 for this purpose; and			
WHEREAS,	additional attorneys have expressed their desire to acquire the same links, and those who now have this feature available to them have attested to its efficiency and convenience; and			
WHEREAS,	the costs associated with purchasing these user links is \$856.00 for the contract period from August 2013 through October 2015, or approximately \$8.00 per month, per user; now therefore be it			
RESOLVED,	the Board of Trustees of the Public Defender Service Corporation, in its duly-noticed meeting of August 27, 2013, recognizing and encouraging the Corporation's efforts toward promoting efficiency and effectiveness as it fulfills the organization's mission, hereby approves the use of lapsed funds in the amount of \$856.00 for the purpose of acquiring and maintaining Abacus mobile links for PDSC attorneys.			
DULY AND REGULARLY ADOPTED this 27th day of August, 2013.				
	Chief Justice F. PHILIP CARBULLIDO Chairperson			
ATTEST:				
BERNADETTE S.N. CHARGUALAF Secretary				

BEFORE THE

BOARD OF TRUSTEES OF THE PUBLIC DEFENDER SERVICE CORPORATION RELATIVE TO APPROVING THE USE OF LAPSED FUNDS FOR NECESSARY CORRECTIONS TO THE EARNINGS OF ATTORNEY SURESH SAMPATH

Resolution No. PDSC 08-13

WHEREAS,	Section 6208, Chapter 6 of Title 4 Guam Code Annotated provides the pay scale for government of Guam attorneys, as well as the methodology for pay increases occurring on their anniversary date of hire; and
WHEREAS,	Assistant Public Defender Suresh Sampath commenced employment with the Public Defender Service Corporation as an Attorney I-1 on February 28, 2011; and
WHEREAS,	at the time of hire, Attorney Sampath possessed one (1) year and seven (7) months of creditable legal work experience which would place him at Attorney I-2 level; and
WHEREAS,	then PDSC Executive Director Mike A. Nisperos, Jr. directed that Attorney Sampath be placed at Attorney I-1 due to budgetary constraints; and
WHEREAS,	on February 28, 2012 Attorney Sampath was given a Pay Adjustment, moving him to Attorney I-3, which was the proper level based on his creditable legal work experience of two (2) years and seven (7) months; and
WHEREAS,	On July 28, 2012 (prior to his anniversary date of hire), another Pay Adjustment was granted when his legal work experience was "more than three (3) years, but less than four (4) years", moving him up to the level of Attorney II-1; and
WHEREAS,	the above-mentioned move was based on erroneous information received from the Department of Administration relative to pay adjustments being made for attorneys when they reach the required experience level, and not

on their anniversary date of hire; and

employment at the PDSC:

upon re-evaluating and reconstructing Attorney Sampath's employment records with the PDSC, these errors were discovered. The following depicts the proper advancement associated with this individual's

WHEREAS,

Effective Date:	Position Title:	Pay Grade and Step:	Annual Salary:	Hourly Rate:
02/28/11	Attorney I (Probationary Appointment)	I-2	\$42,874.00	\$20.61
08/28/11	Attorney I (Permanent Appointment)	I-2	\$42,874.00	\$20.61
02/28/12	Attorney I (Pay Adjustment)	I-3	\$45,396.00	\$21.83
02/28/13	Attorney II (Pay Adjustment)	П-1	\$47,008.00	\$22.60

WHEREAS,

because the PDSC incorrectly slotted Attorney Sampath as an Attorney I-1 from February 28, 2011 to February 28, 2012, instead of the statutory mandate of Attorney I-2, the Corporation owes him \$2,526.48.

WHEREAS,

because the PDSC erroneously granted Attorney Sampath a Pay Adjustment on July 28, 2012, seven (7) months prior to his anniversary date of hire, the Corporation overpaid him by \$942.48.

WHEREAS,

the actual amount owed to Attorney Sampath is the difference between \$2526.48 and \$942.48, or \$1,584.00; and

WHEREAS,

because this is a "prior year obligation", since it was not budgeted for in this current fiscal year's obligations, it is necessary to request the use of lapsed funds for this purpose; now therefore be it

RESOLVED,

the Board of Trustees of the Public Defender Service Corporation, in its duly-noticed meeting of August 27, 2013, hereby approves the use of lapsed funds in the amount of \$1,584.00 to provide for the proper compensation of Attorney Sampath when he was first hired on February 28, 2011.

DULY AND REGULARLY ADOPTED this 27th day of August, 2013.

	Chief Justice F. PHILIP CARBULLIDO Chairman
ATTEST:	
BERNADETTE S.N. CHARGUALAF	