

PUBLIC DEFENDER SERVICE CORPORATION
Board of Trustees Regular Meeting
Tuesday, January 22, 2019 – 12:30 p.m. Conference Room
Public Defender Service Corporation

A G E N D A

- I. Call to Order**
- II. Roll Call**
- III. Proof of Due Notice of Meeting:**
 - A. Notice: 5 Working Days The Guam Post, Tuesday, January 15, 2019
 - B. Notice: 48 Hours The Guam Post, Friday, January 19, 2019
- IV. Determination of Quorum**
- V. Approval of Minutes:** Regular Meeting of Tuesday, November 20, 2018
- VI. Old Business:**
 - A. Financial Status Update (PDSC and APD) Allotment Releases
 - B. Public Defender Service Corporation Report – 1st Quarter Monthly Statistics (**EXHIBIT A**)
 - C. APD Managing Attorney’s Report – 1st Quarter Monthly Statistics & Org Chart (**EXHIBIT B**)
 - D. PDSC Lapse Funds Request for FY2018 (**EXHIBIT C**)
 - E. DPHSS Legal Assistance Partnership with PDSC
- VII. Executive Session:**
- VIII. New Business**
- IX. Public Discussion**
- X. Adjournment and Next Meeting Date:** Tuesday, February 26, 2019 at 12:30 p.m. in the PDSC conference room.

SHUTDOWN continued from page 1

for how long that may last." "The bills just keep coming," he said. "How long will my savings cover my bills?" he asked.

The shutdown also is affecting FAA support staff and technicians who are responsible for the maintenance of the radar systems and navigation aids the controllers rely on to guide the air traffic for 250 nautical miles around Guam.

Guam Air Traffic Control handles anywhere between 180 and 220 flights every day, said James. "And we're gearing up for Cope North in mid-February and that's going to add about 100 aircraft to the system per day, for the duration of Cope North." Cope North is an Air Force training exercise.

"We are a safety profession," said James. "We want to come to work," he said, adding, "We want to earn a paycheck."

On Friday, the Air Traffic Controllers Association filed a lawsuit in the United States District Court for the District of Columbia on behalf of its members.

TSA screeners

The employees who screen travelers and their baggage at the Guam international airport have gone without pay as well. On Monday, the TSA office on Guam declined comment and referred The Guam Daily Post to a closed public relations office in Seattle, where it was still Sunday. However, the lines were long at the TSA screening station at the Guam airport on Monday.

TSA troubles already have been reported at certain airports stateside.

A terminal at the George Bush Intercontinental Airport in Houston, Texas, was closed Sunday because of what officials described as "staffing issues."

TSA is reporting on its website that the agency is experiencing a national absentee rate of 7.7 percent, compared to 3.2 percent a year ago.

In an email response to the Post, Rolenda Lujan Faasualmalie, Guam airport's marketing administrator, stated: "We are monitoring for any impact to the wait times or passenger processing times at our facility."

Weather service impacted

The NWS office in Tiyan is feeling the

pain, too.

"It is affecting morale very badly," said forecaster Ken Kleeschulte, who is the local shop steward for the National Weather Service Employees Organization.

"We have a number of employees who are living paycheck to paycheck and they're really hurting financially," he said.

Majority of the staff at the Tiyan weather office continue to report to work, said Kleeschulte. Some have opted to take leave.

Kleeschulte said the weather service is limited on what can be posted on its Facebook page. "We're limited to discussing only current weather conditions."

"We're not even allowed to give out climatology information," said Kleeschulte. "Hopefully, we're not going to be getting any serious weather coming through like typhoons" anytime soon.

"We'll continue to put out forecasts and do our jobs," said Kleeschulte. "The problem is the morale."

"We try not to let it affect our jobs, but eventually it's going to," he said.

GAMING TAX continued from page 1

ing source for Guam Memorial Hospital.

Moylan is proposing to increase the tax to 10 percent by the start of the next fiscal year on Oct. 1, then boosting it to 12 percent by Oct. 1, 2020, and finally raising it to 14 percent by Oct. 1, 2021.

The senator points out that gaming taxes average between 15 and 20 percent in most jurisdictions stateside.

According to the senator's bill, financial statements from Guam Memorial Hospital show an average of \$2.2 million was collected from the gaming tax in each fiscal year between 2015 and 2017.

Raising the tax to 14 percent could generate close to \$14 million annually, according to Moylan's estimate.

His bill also proposes to place a monitoring device on every gaming machine on the island to accurately track usage and assess the correct tax.

Seventy percent of the funds raised by the increased gaming tax would be deposited into the GMHA Healthcare Trust and Development Fund, Moylan proposed.

In addition, 20 percent of the funds from the gaming tax increase would supplement the Guam Territorial Highway Fund to allow for the liquid fuel tax to be rolled back. Moylan has proposed rolling back the gasoline and diesel tax in previously introduced Bill 10-35.

The remaining 10 percent of the gaming tax hike revenue would be split evenly between the Guam Office of Veterans Affairs and to a fund to help the homeless.

VATICAN continued from page 1

The amended complaint, filed Monday, alleges the Holy See had direct control over the former Guam archbishop with the power to appoint and remove the Catholic leadership on Guam.

The lawsuit refers to a 1985 report on sexual abuse in the Catholic Church entitled "The Problem of Sexual Molestation by Roman Catholic Clergy: Meeting the Problem in a Comprehensive and Responsible Manner." The 92-page report was released confidentially to U.S. bishops and urged immediate action to address a widespread problem of sex abuse of children in the church, the complaint states.

Attorney Delia Lujan-Wolff said the report put the Holy See and U.S. arch-

bishops and bishops on notice of sexual abuse in the Catholic Church and recommended that records of alleged sexual abuse or sexual misconduct, as well as records of investigations, should be kept in the secret archives.

The complaint alleges the Holy See did not follow or institute the recommendations of the 1985 report.

"The collective knowledge of child sex abuse in the Catholic Church in the United States also has been supplemented by secret settlements and agreements, individual prosecution of individual perpetrators and civil lawsuits dating back many decades, all of which were required to be reported to the Holy See," the complaint stated.

Lujan-Wolff said the Holy See is the "overarching parent organization" of the archdiocese on Guam and the Capu-

chins, and was responsible for appointing Anthony Apuron and keeping him in place even after allegations of sexual abuse against him became publicly known.

"The Holy See knew or should have known of the rampant sexual abuse of minors on Guam by its employees, including the abuses perpetrated by Apuron upon (his nephew)," the complaint stated.

The plaintiff alleges the defendants took no action and ignored the abuses and covered them up.

The lawsuit is the first of more than 200 child sex abuse cases filed on Guam in the last two years naming the Holy See. It is likely to face an uphill battle as the Foreign Sovereignties Act makes it difficult to pursue litigation against a foreign nation, which the Vatican has been recognized as.

GUAM ENVIRONMENTAL PROTECTION AGENCY BOARD OF DIRECTORS MEETING

Thursday, January 17, 2019 • 4:00PM Administration Conference Room



AGENDA: I. Call to Order; II. Approval of Agenda; III. Approval of 12/11/18 Minutes; IV. Administrator's Report; V. Old Business: Navy NOV - Notice of Intent to Appeal Status, Nova Group Inc. - Settlement Agreement Status, Safe Drinking Water NOV Guam Waterworks Authority Status, RRF Rules and Regulations Draft Update; VI. New Business: Briefing from CH2M/Jacobs on Current Projects VII. Miscellaneous; VIII. Next Meeting Date/Adjournment

Follow and like Guam EPA!



Individuals requiring special accommodations, auxiliary aids or services should contact Guam EPA by calling 300.4751/9 or via email at vilma.balajadia@epa.guam.gov

Chamorro Land Trust Commission (Kumision Inangokkon Tano' Chamoru)

Chamorro Land Trust Commission Board Meeting Thursday, January 17, 2019, 1:00 p.m., Land Management Conference Room, 3rd Floor, ITC Building, 590 S. Marine Corps Drive, Tamuning

The agenda may be viewed at: http://dlim.guam.gov/announcements-2/ In compliance with ADA requirements, individuals requiring special accommodations, auxiliary aids or services, may call 649-5263 Ext. 400. This ad is paid by CLTC funds.

NOTICE OF PUBLIC MEETING

The Public Defender Service Corporation Board of Trustees will conduct its regular scheduled board meeting on Tuesday, January 22, 2019 at 12:30 P.M. in the Conference Room of the Public Defender Service Corporation, located at 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.

Individuals requiring special accommodations are asked to contact Ms. Cathy Gogue at 475-3100.

/s/ KATHERINE A. MARAMAN Chairwoman

This public notice is paid for with government funds.

Blast claimed by Islamic State kills US troops in Syria

BEIRUT/WASHINGTON (Reuters) - A bomb attack claimed by Islamic State killed two U.S. troops and two civilians working for the U.S. military in northern Syria on Wednesday, weeks after President Donald Trump said the group had been defeated there and that he would pull out all American forces.

The attack in Manbij appeared to be the deadliest on U.S. forces in Syria since they deployed on the ground there in 2015. The town is controlled by a militia allied to U.S.-backed Kurdish forces.

The U.S. military confirmed four Americans were killed and said three U.S. troops were wounded in the explosion, which an Islamic State-affiliated site said was the work of a suicide bomber.

The Syrian Observatory for Human Rights monitoring group said 19 people had been killed in all, including four Americans.

It was unclear what impact the blast might have on Trump's calculus after he confounded his own national security team with a surprise decision last month to withdraw all 2,000 U.S. troops from Syria, declaring Islamic State had been defeated there.

No experts believe Islamic State

has been defeated, despite the group having lost almost all of the territory it held in 2014 and 2015 after seizing parts of Syria and Iraq and declaring a "caliphate."

Trump's Dec. 19, 2018, announcement was one of the reasons his defense secretary, Jim Mattis, resigned. It stunned allies and raised fears of a long-threatened Turkish military offensive against U.S.-backed Kurdish forces in northern Syria.

Hours after the blast, U.S. Vice President Mike Pence said he and Trump condemned the attack. He simultaneously restated U.S. plans to withdraw while also saying Washington would never allow Islamic State to re-establish itself - something experts say it will try to do following a U.S. pullout.

"As we begin to bring our troops home, the American people can be assured, for the sake of our soldiers, their families, and our nation, we will never allow the remnants of ISIS to reestablish their evil and murderous caliphate," Pence said.

Republican Sen. Lindsey Graham, often an ally for Trump, said he believed Islamic State had been emboldened by the president's decision to pull out of Syria and asked him to "look long and hard" at what he wants to do there.

"My concern about the statements made by President Trump is that you've set in motion enthusiasm by the enemy we're fighting," Graham said during a congressional hearing.

Turkish President Tayyip Erdogan said he did not believe the attack would have an impact on the U.S. decision to withdraw from Syria "because I saw honorable Trump's determination on this point".

How, and how quickly, U.S. forces leave has caused ructions in northern Syria, with both Turkey and the Syrian government of President Bashar al-Assad ready to fill the vacuum.

The U.S.-backed YPG militia that is allied to the fighters holding Manbij last month invited Assad into the area around the town to forestall a potential Turkish assault. Syrian army troops entered the area soon after.

A witness in Manbij said Wednesday's attack had targeted a restaurant where U.S. personnel were meeting members of the militia backed by Washington. The U.S. military's Central Command said in a statement that the attack happened "while conducting a local engagement in Manbij."

An Islamic State statement later said a Syrian fighter had detonated his explosive vest on a foreign patrol in Manbij.

Two witnesses described the blast to Reuters.

"An explosion hit near a restaurant, targeting the Americans, and there were some forces from the Manbij Military Council with them," one said.

The council militia has controlled the town since U.S.-backed Kurdish-led forces took it from Islamic State in 2016.

May seeks to end Brexit stalemate after winning confidence vote

LONDON (Reuters) - Prime Minister Theresa May won a confidence vote in the British parliament on Wednesday and then appealed to members of parliament from across the political divide to come together to try to break the impasse on a Brexit divorce agreement.

MPs voted 325 to 306 that they had confidence in May's government, just 24 hours after handing her European Union withdrawal deal a crushing defeat that left Britain's exit from the bloc in disarray.

With the clock ticking down to March 29, the date set in law for Brexit, the United Kingdom is now in the deepest political crisis in half a century as it grapples with how, or even whether, to exit the European project it joined in 1973.

After the results of the confidence vote were announced to cheers from her Conservative MPs, May said she believed parliament had a duty to find a solution that delivered on the 2016 Brexit referendum result.

But with lawmakers (MPs) deadlocked on the way forward, the United Kingdom could face a disorderly "no-deal" Brexit, a delay to Brexit, or even another referendum on membership.

"Now MPs have made clear what they don't want, we must all work constructively together to set out what parliament does want," May said in a statement outside her Downing Street office.

"That's why I am inviting MPs from all parties to come together to find a way forward. This is now the time to put self-interest aside."

GEORGE WASHINGTON HIGH SCHOOL CLASS OF 1977 REUNION

Statement of Financial Position - December 31, 2018

Assets:			
Cash	\$	9,379.62	
Accounts Receivable	\$	0.00	
Inventory - None	\$	0.00	\$ 9,379.62
Liabilities and Net Assets:			
Total Liabilities	\$	0.00	
Net Assets	\$	9,379.62	\$ 9,379.62

Total Liabilities and Net Assets

Statement of Activity - December 31, 2018

Revenues:			
Fundraising Events/Donations	\$	0.00	
Reunion Events	\$	420.00	\$ 420.00
Expenses:			
Fundraising Events/Donations	\$	0.00	
Reunion Event	\$	142.00	
Less Total Inventory	\$	0.00	
Operational Transactions	\$	180.00	\$ 322.00
			554.89
Income (Gain) over Expenses	\$		98.00
Net assets, Beginning of Year	\$		9,281.62
Net assets, Ending of Year	\$		9,379.62

I certify that the above information is true and accurate to the best of my knowledge.
/s/ DAVID S. OKADA - Finance Director

NOTICE OF PUBLIC MEETING

The Public Defender Service Corporation Board of Trustees will conduct its regular scheduled board meeting on **Tuesday, January 22, 2019 at 12:30 P.M.** in the Conference Room of the Public Defender Service Corporation, located at 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.

Individuals requiring special accommodations are asked to contact Ms. Cathy Gogue at 475-3100.

/s/ KATHERINE A. MARAMAN
Chairwoman

This public notice is paid for with government funds.

**PUBLIC DEFENDER SERVICE CORPORATION
BOARD OF TRUSTEES
Regular
Meeting of
Tuesday, November 20, 2018 – 12:30 PM
Public Defender Service Corporation Conference
Room**

MINUTES

I. CALL TO ORDER:

The meeting was called to order at 12:45 PM by the Chairwoman, Chief Justice Katherine A. Maraman.

II. ROLL CALL:

Present: Chief Justice Katherine A. Maraman, Chairwoman
Presiding Judge Alberto C. Lamorena, III, Vice Chairman
Attorney Jacque T. Terlaje, GBA President
Attorney Donna M. Cruz, Member

Absent: Mrs. Annette J.U. Ada, Member (Off-island, Excused)

Others Present: Attorney Stephen P. Hattori, PDSC Executive Director
Attorney Richard Dirkx, PDSC Deputy Director
Attorney John Morrison, APD Acting Managing Attorney
Cathy Gogue, Administrative Director
Michael S. Moreno, Chief Fiscal Officer
Bernie Lizama, Personnel Specialist IV
Kenneth Lim, Computer Systems Analyst
Ely Quenga-Rios, Administrative Assistant
Audre Hattori, APD Legal Secretary Supervisor

III. PROOF OF DUE NOTICE OF MEETINGS:

“Notice of Public Meeting” was published in the Guam Post on Tuesday, November 13, 2018 and Friday, November 16, 2018.

IV. DETERMINATION OF QUORUM:

With the presence of four (4) out of the five (5) board members, a quorum was determined for the meeting to proceed.

V. APPROVAL OF MINUTES:

Motion to approve the minutes of Tuesday, October 23, 2018 was made by GBA President Jacque Terlaje and seconded by Attorney Donna Cruz. The minutes were adopted and approved, subject to corrections.

OLD BUSINESS:

A. FINANCIAL STATUS UPDATE

CFO Mike Moreno advised the board that as of today, the Corporation received for FY2018, 87% of PD appropriations. Allotments for this fiscal year have not been received since the last board meeting in October. For FY2019, we received 57% of our allotment request. We have the second half of October and are awaiting the first half of November.

For APD, CFO Moreno reported that we received the signed MOU from Judiciary of Guam, and submitted an invoice to the court for APD's FY2019 allotment. As of today's board meeting, we have not received funds from Judiciary.

Relative to the Domestic Violence Program (DVP) funding, we are supposed to receive \$10,000.00 from the program and are now awaiting the signed MOU before we can start billing.

B. PDSC EXECUTIVE DIRECTOR'S REPORT (EXHIBIT A)

ED Hattori reported PD's stats at the last board meeting of pre-judgment cases. The stats provided in the board packet show how many cases we had in FY2018. Reviewing the stats, we had a total of 1,616 cases, which is down from the prior year. The next table in the stats provide information on how many cases were closed in 2018. Based on the numbers provided, we have fewer cases than the prior year.

C. APD MANAGING ATTORNEY'S REPORT (EXHIBIT B)

Secretary Supervisor, Audre Hattori, reported for MA Gayle who is off-island. Referring to APD's stats, for FY2018 there are 421 cases. The breakdown and the delegation of case assignments are included in the stats. Referring to the 421 cases, 97 were received from PDSC, 2 cases were post judgment from the private bar. The chart of APD's stats show the pre-trial cases for each attorney and what type of case for each attorney, pre-trial bench warrants, closed, dismissed, dismissed and expunged cases. Currently, APD has a total of 286 pre-trial cases. To include the pre-trial bench warrants. The total number of cases for APD is 436.

D. APD Lapse Funds for FY2018 (EXHIBIT C)

At the last board meeting, the board approved \$10,000 needed in lapsed funds for APD's FY2018 budget shortfall. An additional \$7,401 was identified, based on a corrected staffing pattern that was reviewed by Fiscal, as necessary lapse funds for APD's FY2018 budget shortfall. After reviewing the request, **motion was made by Attorney Donna Cruz and seconded by Attorney Jacque Terlaje to approve an additional \$7,401 from APD's Lapse Funds to close-out FY2018.**

Res. No. 09-18

E. DPHSS Legal Assistance Partnership with PDSC

AD Gogue advised the board that we have been in dialogue with Department of Public Health & Social Services (DPHSS) regarding the partial lifting of the moratorium on Civil Matters so that we can help Guam's senior citizens obtain legal assistance. ED Hattori added that the current service provider of this contract is backlogged and has been able to service about twelve clients a month. We are hoping that with the number of attorneys that we have on staff, PDSC is able to assist DPHSS in providing legal services to at least 60-70 clients a month. ED Hattori further explained that Guam Legal Services will join us in this partnership to better

serve Guam's seniors. What he sees happening at PD is that each criminal attorney will handle at least one or two seniors a month. We will also hire a part-time attorney who will probably handle about 20-30 cases a month. Guam Legal Services will handle any of our conflicts or overflow.

Presiding Judge Lamorena asked if PD will also do Protective Orders. ED Hattori replied that we are already doing PO's through another grant. What we see the office doing through the Seniors Contract is Wills, Power of Attorneys and Deeds. Chief Justice Maraman asked what areas that ED Hattori would like to see the moratorium lifted. ED Hattori replied that we were looking at only what would be required to fulfill the MOU with DPHSS. None of the work that we plan to do through this contract will be fee generating.

Attorney Jacque Terlaje asked if this matter could be opened for discussion. **Presiding Judge Lamorena motioned to open the floor for discussion. Attorney Cruz seconded such motion.**

Attorney Terlaje began the discussion by requesting that the PDSC's enabling legislation be placed on the screen to discuss the Corporation's charter. Based on 12GCA §11105, this section prohibits PDSC to complete with attorneys engaged in the private practice of law. Attorney Terlaje stated that because of this provision, she is very concerned that PDSC will be violating this section through a non-procured service with DPHSS. She wanted to know what authority we have to enter into this contract with Public Health as currently, this contract, in the amount of \$192,000, is with a private law firm. When we take services away from a Guam Bar member, PDSC is then competing with a firm in private practice. Attorney Terlaje further states that while she agrees that our seniors need the assistance, what she sees we are doing here is carving out areas for public corporations to compete against the private bar. Attorney Terlaje added that while she sees the need for seniors to get assistance, she does not believe that the Corporation should be competing with the private bar. She explained that while POAs and Deeds are not a lot of work, it does take a chunk of money to do the work – and right now, that chunk of money is in the hands of a private law firm. This particular contract has been in the hands of a private law firm for at least a decade. While Attorney Terlaje recognizes that Public Health needs to do something to increase services to Guam's senior citizens, she does not believe that the Public Defender Service Corporation is the answer as there is no way to screen for indigent eligibility. At this point, we need to get a legal opinion from the AG's office relative to PDSC's ability to provide this service to Public Health. The answer could be that the bar attorneys do more pro bono services at Senior Legal Clinics that are organized by the bar. She further added that her office was asked by a Seniors program representative to prohibit pro bono work at these clinics – which Attorney Terlaje believes is a ridiculous request. She further stated that she is not comfortable approving this request until we are able to get an opinion from the AG's office allowing for PDSC to engage in such activity with the DPHSS. If PD is able to get this opinion, she would be happy to review it for the board. However, Attorney Terlaje added, that if you ask her today if she would support this request, her answer would be "no."

ED Hattori commented that he believes this is the problem with PD's enabling legislation. Prior to the moratorium, we were doing civil work that the private members of the Bar could compete for. If you are middle income, unable to qualify for our services and unable to afford an attorney to represent them in a divorce, for example, these individuals are unable to get the legal representation they need. Prior to Attorney Terlaje becoming the Bar president, there were very few attorneys, more close to none, in private practice providing pro bono work in our community. ED Hattori reiterated that based on Public Health's statistics, the current provider is only helping twelve (12) seniors a month at a cost of \$16,000. Through the model we are proposing with Public Health, we would be helping between 60-70 seniors a month.

We would eliminate the 500-600 client waitlist that currently exists in about 8-months. ED Hattori did acknowledge that we have this statute that prohibits such competition; however, through the MOU, we believe that we will not be competing with the private bar. Deputy Director Dirx added that we could put together an arbitrary fee structure and have the person seeking legal advice see five (5) attorneys, get rejected due to private bar cost, and then come back to our office for assistance. Attorney Terlaje commented that under the Seniors contract, there is no qualification requirements except age. That being said, PDSC will be violating its charter of competing against the private bar. DD Dirx added that while someone may have assets, they may not have the cash to pay up front to retain private counsel.

Attorney Terlaje again stated that we need a legal opinion that allows us to proceed with this MOU with Public Health as our charter is specific relative to providing services to people who are indigent. This particular MOU will not require such screening for PD to provide such services to Guam's seniors. Our job as a Public Defender is to provide services to people who cannot afford legal representation. **Attorney Terlaje motioned that we table this item until such time that we obtain a legal opinion determining whether PDSC is able to engage in an MOU with Public Health. Seconded by Attorney Cruz, and approved by acclamation.**

ED Hattori then asked if PDSC should discontinue providing services for Protective Orders. Attorney Terlaje replied that if it is a specific federal grant specifically for family violence that provides for such services and that these services were not publicly procured – she does not see why PD can do the work. ED Hattori responded that the services did go through the procurement process; however, there were no responses from the private bar. Attorney Terlaje commented that this is the difference between the seniors' contract and that with Protective Orders – with the POs, there was no competition. As for the seniors' contract, the private bar has had this contract with Public Health for years. The MOU will now preclude the private bar for obtaining this contract that has been in the hands of a private attorney. If we have the legal opinion from the AG's office that allows for PD to engage in the MOU with Public Health, and that the screening process does not have to be income based, this would help with the board's decision. Based on PD's charter, we are between a rock and a hard place.

VI. **NEW BUSINESS:** None.

VII. **PUBLIC DISCUSSION:** None.

VII. **ADJOURNMENT AND NEXT MEETING DATE:**

There being no further discussion, motion was made by GBA President Terlaje and seconded by Attorney Cruz to adjourn the meeting. There being no objections, the next board meeting is tentatively scheduled for Wednesday, December 26, 2018.

Respectfully submitted,


CATHY GOGUE
Board Secretary

**BEFORE THE BOARD OF TRUSTEES
OF THE PUBLIC DEFENDER SERVICE CORPORATION
RELATIVE TO THE USE OF LAPSED FUNDS FOR THE

ALTERNATE PUBLIC DEFENDER
DUE TO THE SHORTFALL IN THEIR FY2018 BUDGET**

RESOLUTION NO. PDSC 01-19

- WHEREAS,** the office of the Alternate Public Defender (APD), a separate division of the Public Defender Service Corporation (PDSC), was established through PDSD Board of Trustees Resolution No. 08-04; and
- WHEREAS,** the PDSC Board of Trustees approved the APD's Fiscal Year 2018 Budget Request through PDSC Resolution No. 04-17; and
- WHEREAS,** the Judicial Council of Guam subsequently approved the APD's Fiscal Year 2018 Budget Request at its meeting on May 3, 2018 through JC Resolution No. JC18-009; and
- WHEREAS,** due to Judiciary of Guam withholding ten percent (10%) of APD'S FY2018 budget, management has determined an additional shortage, to the lapsed funds that were approved at the August 14, 2018 in the amount of \$10,000, for an additional budget shortfall for FY2018 expenses in the amount of \$7,401; and
- WHEREAS,** the anticipated expenses will affect the timely payment of vendor payables for goods and/or services received by APD due to its budget shortfall; now therefore be it
- RESOLVED,** The Board of Trustees of the Public Defender Service Corporation, in its meeting of November 20 2018, hereby approves the Alternate Public Defender's request to use lapsed funds for expenditures incurred in FY2018 in the amount of \$7,401.00 for the purposes described above.

DULY AND REGULARLY ADOPTED this 20th day of November, 2018.



Chief Justice KATHERINE A. MARAMAN
Chairwoman

ATTEST:



CATHY GOGUE
Secretary

Public Defender Service
Corporation
1st Quarter Statistics

PUBLIC DEFENDER SERVICE CORPORATION

FY2019 - 1ST QUARTER

OPENED CASES

Attorney	Consultation	Felony	Juvenile Delinquent	Juvenile Guardianship	Juvenile PINS	Juvenile Status Offense	Misdemeanor	Protective Order	Special Proceedings	Grand Total
Ali N. Nusbaum	1	4		3			18			26
Alisha L. Molyneux		10					12	1	1	24
Earl V. Espiritu	1	6	9	2	1		17			36
Jocelyn M. Roden		13					13	1		27
Karlo J. Dizon		11	4				9			24
Kristine B. Borja			12	2	3	1	12		1	31
Peter J. Sablan		9		2			21			32
Richard S. Dirxx		12					13	1		26
Rocky P. Kingree	1	4		2			18			25
Stephen P. Hattori		26		1			1	2		30
Theresa G. Rojas		20	3	3		2			1	29
UNASSIGN				2			1	6		9
William B. Jones		4	2	2	1	1	2		2	14
William C. Bischoff	1	25		5			13			44
Zachary C. Taimanglo		8		2			9			19
Grand Total	4	152	30	26	5	4	159	11	5	396

PUBLIC DEFENDER SERVICE CORPORATION

FY2019 – 1ST QTR

CASES OPENED BY COURTROOM ASSIGNMENT

AAS	67	HERE	6
Felony	57	Juvenile Guardianship	2
Karlo J. Dizon	11	UNASSIGN	2
Stephen P. Hattori	26	Protective Order	4
Theresa G. Rojas	20	UNASSIGN	4
Misdemeanor	9		
Karlo J. Dizon	8		
Stephen P. Hattori	1		
Special Proceedings	1		
Theresa G. Rojas	1		
		LLI	19
		Juvenile Delinquent	7
		Earl V. Espiritu	1
		Kristine B. Borja	1
		Theresa G. Rojas	3
		William B. Jones	2
		Juvenile Guardianship	4
		Stephen P. Hattori	1
		Theresa G. Rojas	1
		Zachary C. Taimanglo	2
		Juvenile PINS	4
		Kristine B. Borja	3
		William B. Jones	1
		Juvenile Status Offense	4
		Kristine B. Borja	1
		Theresa G. Rojas	2
		William B. Jones	1
AL3	87		
Felony	17		
Ali N. Nusbaum	4		
Earl V. Espiritu	6		
Peter J. Sablan	3		
Rocky P. Kingree	4		
Misdemeanor	70		
Ali N. Nusbaum	18		
Earl V. Espiritu	17		
Peter J. Sablan	17		
Rocky P. Kingree	18		
ARB	20		
Felony	12	MJB	46
William B. Jones	4	Felony	21
William C. Bischoff	4	William C. Bischoff	21
Zachary C. Taimanglo	4	Juvenile Delinquent	13
Misdemeanor	8	Earl V. Espiritu	8
William B. Jones	2	Karlo J. Dizon	4
William C. Bischoff	2	Kristine B. Borja	1
Zachary C. Taimanglo	4	Juvenile PINS	1
		Earl V. Espiritu	1
		Misdemeanor	11
		William C. Bischoff	11
EMI	12		
Juvenile Delinquent	10		
Kristine B. Borja	10		
Protective Order	1		
Stephen P. Hattori	1		
Special Proceedings	1		
William B. Jones	1		

PUBLIC DEFENDER SERVICE CORPORATION

FY2019 – 1ST QTR**CASES OPENED BY COURTROOM ASSIGNMENT**

MTC	20	VPP	86
Consultation	1	Felony	35
William C. Bischoff	1	Alisha L. Molyneux	10
Felony	10	Jocelyn M. Roden	13
Peter J. Sablan	6	Richard S. Dirx	12
Zachary C. Taimanglo	4	Misdemeanor	50
Misdemeanor	9	Alisha L. Molyneux	12
Peter J. Sablan	4	Jocelyn M. Roden	12
Zachary C. Taimanglo	5	Karlo J. Dizon	1
		Kristine B. Borja	12
		Richard S. Dirx	13
		Protective Order	1
		Richard S. Dirx	1
SCOG	32	(blank)	1
Consultation	3	Misdemeanor	1
Ali N. Nusbaum	1	Jocelyn M. Roden	1
Earl V. Espiritu	1		
Rocky P. Kingree	1		
Juvenile Guardianship	20		
Ali N. Nusbaum	3		
Earl V. Espiritu	2		
Kristine B. Borja	2		
Peter J. Sablan	2		
Rocky P. Kingree	2		
Theresa G. Rojas	2		
William B. Jones	2		
William C. Bischoff	5		
Misdemeanor	1		
UNASSIGN	1		
Protective Order	5		
Alisha L. Molyneux	1		
Jocelyn M. Roden	1		
Stephen P. Hattori	1		
UNASSIGN	2		
Special Proceedings	3		
Alisha L. Molyneux	1		
Kristine B. Borja	1		
William B. Jones	1		

PUBLIC DEFENDER SERVICE CORPORATION

FY2019 – 1ST QTR

ATTORNEY CASE ASSIGNMENTS

Ali N. Nusbaum	26
AL3	22
Felony	4
Misdemeanor	18
SCOG	4
Consultation	1
Juvenile Guardianship	3

Karlo J. Dizon	24
AAS	19
Felony	11
Misdemeanor	8
MJB	4
Juvenile Delinquent	4
VPP	1
Misdemeanor	1

Alisha L. Molyneux	24
SCOG	2
Protective Order	1
Special Proceedings	1
VPP	22
Felony	10
Misdemeanor	12

Kristine B. Borja	31
EMI	10
Juvenile Delinquent	10
LLI	5
Juvenile Delinquent	1
Juvenile PINS	3
Juvenile Status Offense	1
MJB	1
Juvenile Delinquent	1
SCOG	3
Juvenile Guardianship	2
Special Proceedings	1
VPP	12
Misdemeanor	12

Earl V. Espiritu	36
AL3	23
Felony	6
Misdemeanor	17
LLI	1
Juvenile Delinquent	1
MJB	9
Juvenile Delinquent	8
Juvenile PINS	1
SCOG	3
Consultation	1
Juvenile Guardianship	2

Peter J. Sablan	32
AL3	20
Felony	3
Misdemeanor	17
MTC	10
Felony	6
Misdemeanor	4
SCOG	2
Juvenile Guardianship	2

Jocelyn M. Roden	27
SCOG	1
Protective Order	1
VPP	25
Felony	13
Misdemeanor	12
(blank)	1
Misdemeanor	1

Richard S. Dirx	26
VPP	26
Felony	12
Misdemeanor	13
Protective Order	1

PUBLIC DEFENDER SERVICE CORPORATION

FY2019 – 1ST QTR**ATTORNEY CASE ASSIGNMENTS**

Rocky P. Kingree	25	William B. Jones	14
AL3	22	ARB	6
Felony	4	Felony	4
Misdemeanor	18	Misdemeanor	2
SCOG	3	EMI	1
Consultation	1	Special Proceedings	1
Juvenile Guardianship	2	LLI	4
		Juvenile Delinquent	2
		Juvenile PINS	1
		Juvenile Status Offense	1
Stephen P. Hattori	30	SCOG	3
AAS	27	Juvenile Guardianship	2
Felony	26	Special Proceedings	1
Misdemeanor	1		
EMI	1	William C. Bischoff	44
Protective Order	1	ARB	6
LLI	1	Felony	4
Juvenile Guardianship	1	Misdemeanor	2
SCOG	1	MJB	32
Protective Order	1	Felony	21
		Misdemeanor	11
		MTC	1
		Consultation	1
		SCOG	5
		Juvenile Guardianship	5
Theresa G. Rojas	29		
AAS	21	Zachary C. Taimanglo	19
Felony	20	ARB	8
Special Proceedings	1	Felony	4
LLI	6	Misdemeanor	4
Juvenile Delinquent	3	LLI	2
Juvenile Guardianship	1	Juvenile Guardianship	2
Juvenile Status Offense	2	MTC	9
SCOG	2	Felony	4
Juvenile Guardianship	2	Misdemeanor	5
UNASSIGN	9		
HERE	6		
Juvenile Guardianship	2		
Protective Order	4		
SCOG	3		
Misdemeanor	1		
Protective Order	2		

**PUBLIC DEFENDER SERVICE CORPORATION
FY2019 1ST QTR - PRE CASES**

Attorney	Appeals	Civil	Consultation	Domestic	Felony	Juvenile	Misdemeanor	Protective Order	Special Proceedings	Grand Total
ALM			1		41	1	69	15	2	129
PRE			1		33	1	53	15	2	105
PRE-BW					8		16			24
ANN			4		57	3	66			130
PRE			4		48	3	40			95
PRE-BW					9		26			35
EVE			2		16	27	44		1	90
PRE			2		15	26	31		1	75
PRE-BW					1	1	13			15
Ghost Attorney			2	2	53	4	189		1	251
PRE			2	2	7	2	2		1	16
PRE-BW					46	2	187			235
JMR			1		33		52	4	1	91
PRE			1		30		34	4	1	70
PRE-BW					3		18			21
KBB					1	24	52	2	3	82
PRE					1	24	41	2	3	71
PRE-BW							11			11
KJD					34	3	19			56
PRE					28	3	16			47
PRE-BW					6		3			9
OTHER							2			2
PRE-BW							2			2
PJS			1		47	5	59		1	113
PRE			1		39	5	44		1	90
PRE-BW					8		15			23
RPK			1		58	4	31		1	95
PRE			1		48	4	28		1	82
PRE-BW					10		3			13
RSD		2	1	1	45		75	10	5	139
PRE		2	1	1	36		44	10	5	99
PRE-BW					9		31			40
SPH	5		4		141	8	39	1	4	202
PRE	5		4		101	8	10	1	4	133
PRE-BW					40		29			69
TGR		1			74	25	7		1	108
PRE		1			56	23	1		1	82
PRE-BW					18	2	6			26
UNASSIGN							1			1
PRE							1			1
WBJ					32	17	15		1	65
PRE					26	17	6		1	50
PRE-BW					6		9			15
WCB	2		2		49	6	34			93
PRE	2		2		39	6	20			69
PRE-BW					10		14			24
ZCT	2				45	2	26			75
PRE	2				39	2	17			60
PRE-BW					6		9			15
Grand Total	9	3	19	3	726	129	780	32	21	1722

PUBLIC DEFENDER SERVICE CORPORATION

FY2019 - 1ST QTR

CLOSED CASES

Attorney	Criminal Appeals	Felony	Juvenile	Juvenile Delinquent	Juvenile Drug Court	Juvenile Guardianship	Juvenile PINS	Juvenile Status Offense	Misdemeanor	Protective Order	Special Proceedings	Grand Total
Ali N. Nusbaum		9						22				31
Alisha L. Molyneux		2						14				16
Brian E. Kegerries								6				6
Clyde Lemons, Jr.		2						1				3
Earl V. Espiritu				3		1		6				10
Eric D. Miller				1				1				2
Haig T. Huynh		1						2				3
Jane L. Kennedy								1				1
Jocelyn M. Roden		9		1	3			3	3			19
Kristin D. Smith				8	2							10
Kristine B. Borja				3	8	1		2	4	1		19
Loretta Gutierrez-Long								1				1
Maria G. Fitzpatrick								2				2
Pablo M. Aglubat		1						11				12
Peter J. Sablan		6		4				5				15
Raymond B. Ilagan		2						6				8
Rebecca M. Warfield								2				2
Richard S. Dirx		14						27	1			42
Rocky P. Kingree		3						5				8
Stephen P. Hattori		15	1			4		6	1			27
Suresh Sampath		4						7				11
Terrance A. Long		5						2				7
Theresa G. Rojas		2		2		2		2				8
UNASSIGN						2			6			8
William B. Jones		1	1			2	1	1	3		1	10
William C. Bischoff		4				1		6		1		12
Zachary C. Taimanglo	2	10				2		3				17
Grand Total	2	90	5	27	6	14	3	3	146	12	2	310

Alternate Public Defender
1st Quarter Statistics

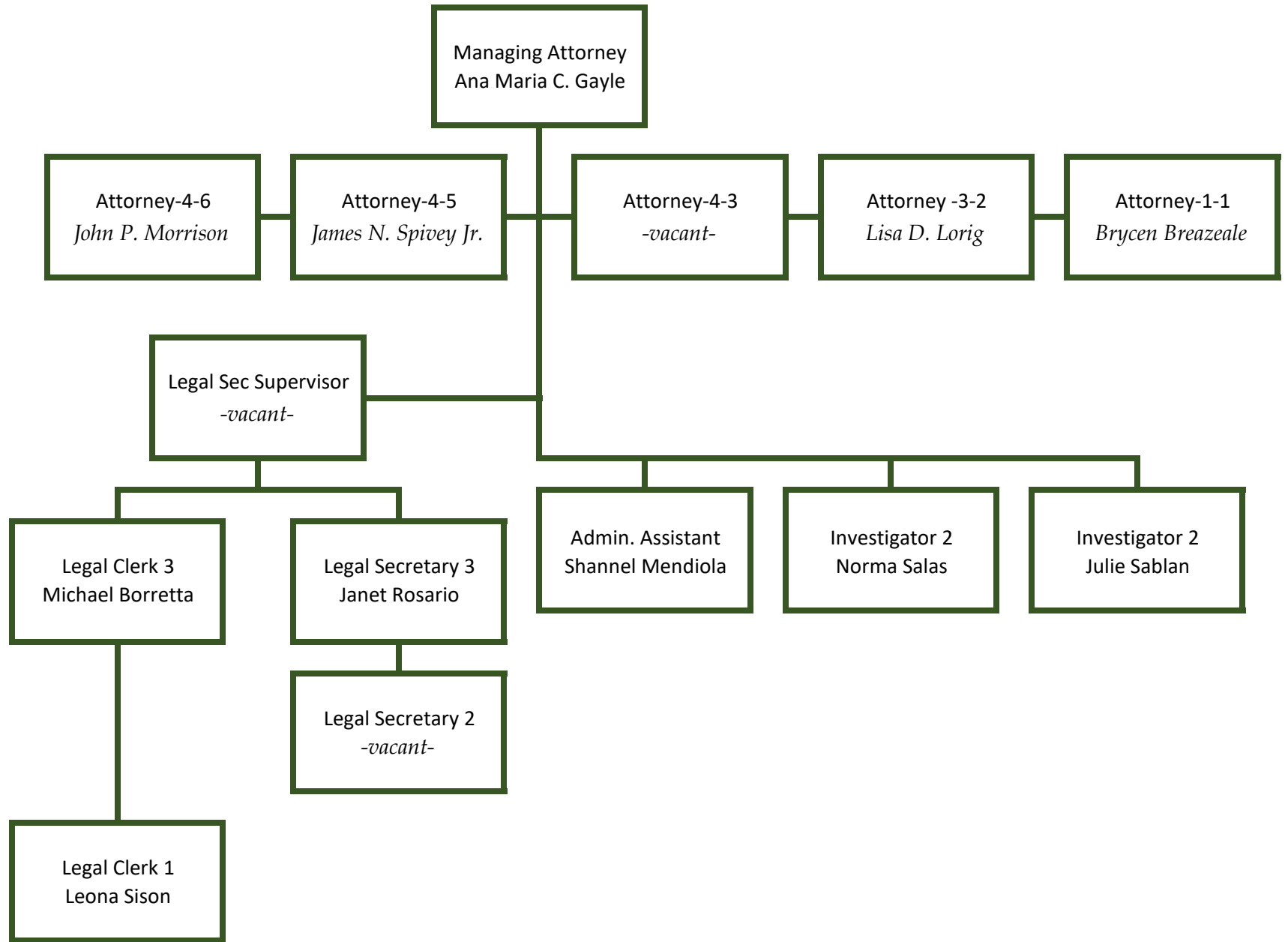
ALTERNATE PUBLIC DEFENDER
 FY2019 1ST QTR
 INCOMING CASES

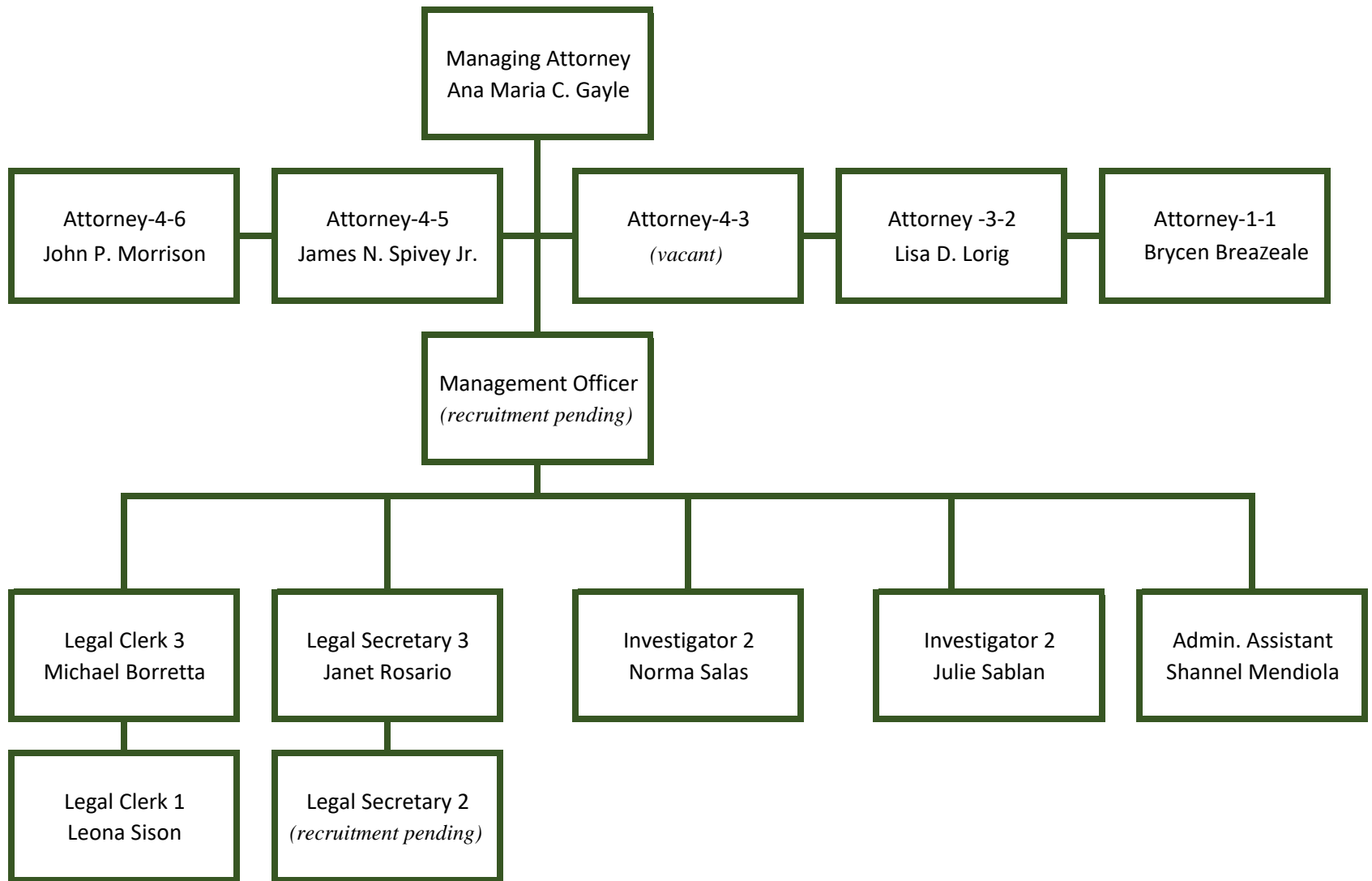
ATTORNEY	FELONY					MISDEMEANOR				FAMILY		APPEAL	SPECIAL	TOTAL
	DUI/TRF	FAMVIO	ADC	VETERAN, M-HEALTH	GEN-JUR	DUI/TRF	FAMVIO	ADC	GEN-JUR	JUV-DEL	JUV-PINS			
Gayle		3	8		14									25
Morrison			8		8									16
Spivey		6	2		6				3					17
Lorig		1								12	12			25
Flynn					1		4		6	3				14
TOTAL	0	10	18	0	29	0	4	0	9	15	12	0	0	97
	57					13				27		0		

ALTERNATE PUBLIC DEFENDER
 PRE-TRIAL NUMBERS per ATTORNEY
 As of Ending FY2019 1st QTR
 (QTR Ending 12-31-2018)

ATTORNEY	FELONY					MISDEMEANOR				FAMILY		SPECIAL			BW	SUBTOTALS					PRE-TRIAL STATUS	GRAND TOTALS
	ADC-FEL	DUITRF-F	FAMVIO-F	GENJUR-F	VETERAN	ADC-MIS	DUITRF-M	FAMVIO-M	GENJUR-M	PINS	DELINQUENT	SP	APPEAL	CIVIL	PRE-BW	FELONY	MISDEMEANOR	FAMILY	SPECIAL	BW		
A.GAYLE	13	4	7	33	1		2		4	1	5				35	58	6	6	0	35	70	105
J.MORRISON	12		2	25					3				1		12	39	3	0	1	12	43	55
J.SPIVEY	12	1	12	30				2	5			1			7	55	7	0	1	7	63	70
L.LORIG	5		3	4			1	1	3	36	22				6	12	5	58	0	6	75	81
S.FLYNN				2			1	11	11	2	4				8	2	23	6	0	8	31	39
FORMER															83					83		83
SUBTOTAL	42	5	24	94	1	0	4	14	26	39	31	1	1	0	151	166	44	70	2	151	282	433
TOTALS	166					44				70		2			151	FELONY	MISDEMEANOR	FAMILY	SPECIAL	PRE-BW	PRE-TRIAL STATUS	GRAND TOTALS

Alternate Public
Defender **Revised**
Organizational Chart





Public Defender Lapse Funds Request

Request for Additional Lapsed Funds for FY 2018	
--	--

Original Appropriation	4,341,373
Less	<u>(136,536)</u>
Adjusted per BBMR	4,204,837
Funds Not Available Per DOA	<u>(202,000)</u>
Total Adjusted Allotment Expected for FY 2018	4,002,837
Total Expenditures for FY 2018	<u>4,207,611</u>
Total Shortfall	(204,774)
Approved Use of Reserve Funds in FY 2018	<u>138,070</u>
Additional Amount of Funds Required from Reserve	<u><u>66,704</u></u>

Executive Session