

FILED

IN THE SUPREME COURT OF GUAM FEB -2 AM 11: 20

SUPREME COURT
OF GUAM

RE:

RELATIVE TO ADOPTION OF
PROPOSED RULE FOR HANDING
MAGISTRATE HEARINGS by the
SUPERIOR COURT MAGISTRATE

Supreme Court of Guam
Administrative Order No. ADM10-001

WHEREAS, Title 7 GCA § 4401 created the position of Magistrate for the Superior Court of Guam and granted the statutory authority on such Magistrate to handle certain matters coming before the Superior Court of Guam as set forth in 7 GCA § 4401(b); and


WHEREAS, the Supreme Court of Guam has regulatory authority over the Judicial Branch pursuant to Title 48 U.S.C. §1424-1(a)(3) and (4), which provides that the Supreme Court may issue "orders necessary for the supervision of the judicial branch of Guam;" and "have supervisory jurisdiction over the Superior Court of Guam," and this authority underlies the Guam Supreme Court's promulgation of the Guam Rules of Civil Procedure and the Guam Rules in Juvenile Proceedings; and

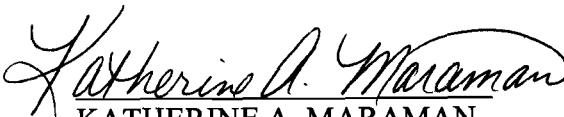
WHEREAS, in furtherance of judicial efficiency, in order to allow magistrate hearings and first appearances by criminal defendants to be handled expeditiously with all due process;

NOW, THEREFORE, it is hereby ORDERED that the below-referenced Magistrate Rule is hereby ADOPTED to be effective February 1, 2010.

SO ORDERED this 2nd day of February, 2010


ROBERT J. TORRES, JR.
Chief Justice


F. PHILIP CARBULLIDO
Associate Justice


KATHERINE A. MARAMAN
Associate Justice

20100207

MAGISTRATE RULE

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4 1. **Arraignments.** The Clerk of the Superior Court of Guam shall calendar all
5 criminal cases for arraignment before the Magistrate.

6 2. **Failure to Appear.**

7 a. **Warrant of Arrest to Issue.** If a criminal defendant fails to appear for
8 his or her arraignment, the Magistrate may recommend, by sworn affidavit
9 to the Presiding Judge, or, if the Presiding Judge is unavailable, the Ex
10 Parte Judge for a warrant of arrest of the defendant provided that:

11 i. defendant was served with a Notice to Appear ("NTA") to appear at
12 a specific date and place,

13 ii. defendant was served with a summons personally by a marshal to
14 appear,

15 iii. defendant after a court hearing was ordered by a Judge to appear,
16 or

17 iv. reasonable and diligent attempts were made by the marshal to
18 personally serve the defendant an NTA or summons without success.

19 b. **Summons to Issue.** If no warrant of arrest is authorized by Section 2(a)
20 and if a defendant was not personally served by the marshal, the
21 Magistrate may recommend by sworn affidavit to the Presiding Judge, or,
22 if the Presiding Judge is unavailable, the Ex Parte Judge to issue a
23 summons for the Defendant to appear and to have the Presiding Judge or Ex
24 Parte Judge set the date of appearance.
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