



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE SUPREME COURT OF GUAM

RE:)	Supreme Court of Guam
FOURTH UPDATED ORDER)	Administrative Order No. ADM20-392
RELATIVE TO COURT)	
OPERATIONS UNDER EXIGENT)	
CIRCUMSTANCES RELATED TO)	
COVID-19 (CORONAVIRUS))	
)	
)	
)	

Because of the continued public health concerns arising from the COVID-19 (coronavirus) pandemic, *I Maga'hågan Guåhan* has issued a series of executive orders to stem the spread of the virus. On July 19, 2020, in recognition of the island's increased testing capacity and the relatively low rate of positive COVID-19 tests, *I Maga'håga* issued Executive Order No. 2020-24. This order extended the public health emergency to August 29, 2020, and declared Pandemic Condition of Readiness (PCOR) 3, which expanded permissible activities and business operations.

Since the declaration of PCOR 3, Guam has seen a growing trend of positive COVID-19 cases. In light of this recent spike, *I Maga'håga* issued Executive Order No. 2020-27 on August 14, 2020, declaring a return to PCOR 1 status beginning August 16, 2020, through August 29, 2020. Under PCOR 1, all but essential in-person government operations are suspended.

In line with the various executive orders, the court, under its jurisdiction to issue orders in aid of its supervisory jurisdiction over the Superior Court of Guam and all other courts of the judicial branch of Guam, has issued several administrative orders to protect the public health, the most recent of such orders being ADM20-361, which, among other things, expanded court services and extended some court deadlines.

1 The court recognizes that the recent spike in the number of confirmed COVID-19 cases in
2 Guam requires more stringent measures to limit the transmission of the disease. With these
3 considerations in mind, the court issues this **FOURTH UPDATED ORDER** regarding the
4 suspension of certain court operations to protect the public health by reducing the risk of exposure
5 to COVID-19 and slowing the spread of the disease:

6 1. Effective August 16, 2020, this Fourth Updated Order shall repeal and replace
7 Administrative Order No. ADM20-361. To the extent this Fourth Updated Order
8 conflicts with any other existing administrative order of the court, this Fourth Updated
9 Order shall prevail.

10 2. The Supreme Court of Guam and Superior Court of Guam will continue to be
11 open to conduct court business, but until at least August 31, 2020, all court facilities—
12 including the Guam Judicial Center in Hagåtña, the San Ramon Temporary Courtroom,
13 the Northern Court Satellite in Dededo, the offices of the Probation Services Division,
14 and the Judicial Education Center—shall be closed to the general public, except where
15 entry is required to address essential matters that cannot be resolved remotely (i.e., by
16 telephone, videoconference, email, or comparable means, or through the electronic filing
17 system) because it is not practicable or would contravene the protection of constitutional
18 rights. Essential court operations shall continue at the Guam Judicial Center in Hagåtña.

19 3. The following essential matters shall continue to be scheduled and heard in
20 keeping with the urgency of those matters and consistent with statutory requirements,
21 either in person as provided in paragraph 2 or remotely by video conferencing or
22 telephonic appearance, with the court to notify all participants necessary to the
23 proceeding:

- 24 a. Magistrate proceedings;
- 25 b. Writs of habeas corpus;
- 26 c. Preliminary hearings for detained juveniles;
- 27 d. Persons In Need of Services (PINS) petitions;
- 28 e. Civil protection orders;

- f. Temporary restraining orders;
- g. Search warrants;
- h. Warrant returns;
- i. Emergency guardianships;
- j. Probation pretrial services;
- k. Probation post-judgment services involving high-risk offenders;
- l. Quarantine and isolation petitions and related proceedings;
- m. Other court proceedings under the Emergency Health Powers Act codified in Title 10, Chapter 19 of the Guam Code Annotated; and
- n. Any other locally or federally mandated hearings.

4. In addition to essential matters, courts will review their docket of pending cases, assess matters that can be advanced or resolved through remote court conferencing, and schedule and hold conferences in such matters upon its own initiative, and where appropriate at the request of parties. No non-essential proceedings shall be heard in person. In the event a non-essential proceeding scheduled to be heard on or before August 29, 2020, cannot be heard through video conferencing or telephonic means, such matter shall be rescheduled.

The following are appropriate for hearings on a virtual platform:

- a. Status, case management, and pretrial conferences in all case types;
- b. Non-evidentiary and evidentiary motion hearings in all case types;
- c. Arraignments and pleas in criminal cases;
- d. Hearings in juvenile delinquency cases;
- e. Hearings in traffic cases;
- f. Problem-solving court staffings and hearings;
- g. Probate petitions and guardianship petitions;
- h. Non-jury trials in all case types, except for criminal, juvenile delinquency, and termination of parental rights petitions in dependency cases unless the parties in an excepted case agree to conduct a virtual non-jury trial;

1 i. Settlement conferences held by the magistrate judges and the referee.

2 Such hearings shall be conducted using telephonic or electronic means available
3 unless a judicial officer determines that the remote conduct of the proceeding:

- 4 a. Is inconsistent with the Organic Act of Guam, a statute, or a rule of court
5 that has not been suspended by administrative order; or
6 b. Would be infeasible because the participants lack the resources necessary
7 to conduct the proceeding.

8 When scheduling hearings, it is recommended that the courts prioritize matters in
9 the following order:

- 10 a. Criminal, with those in custody having the highest priority
11 b. Juvenile
12 c. Civil Protection Orders
13 d. Mental Health
14 e. Domestic and Guardianship
15 f. Probate
16 g. Civil
17 h. Other case types

18 5. In-person appointments with the Probation Services Division are postponed
19 until further notice.

20 6. Criminal and civil jury trials currently ongoing or scheduled to be heard before
21 August 31, 2020, are postponed and shall not be heard before August 31, 2020. Where a
22 jury trial is postponed because of this Fourth Updated Order or any prior administrative
23 order, the parties may seek a conference with the court to address matters arising from
24 the postponement. Such conference should be conducted by teleconference or
25 videoconference, where practicable. In criminal cases, where appropriate, a defendant
26 may ask the court for reconsideration of bail or conditions of release. Nothing in this
27 Fourth Updated Order addresses the disposition of such requests for reconsideration.
28

1 7. No new grand juries shall be empaneled before August 31, 2020. Grand juries
2 whose terms expire on or before August 31, 2020, shall be extended until that date. No
3 orientation of new jurors shall take place before August 31, 2020. All active petit jurors
4 and grand jurors shall serve to the full extent of the law.

5 8. All grand jury proceedings are suspended until no earlier than August 31, 2020.
6 The time periods for a preliminary examination and for filing an indictment are tolled
7 until November 17, 2020.

8 9. Defendants serving weekend sentences at the Department of Corrections will
9 have their weekend sentences suspended until at least August 30, 2020, unless otherwise
10 ordered by the assigned Superior Court judge.

11 10. Defendants sentenced and set to commence serving on weekends will have
12 their time start no earlier than August 30, 2020, unless otherwise ordered by the assigned
13 Superior Court judge.

14 11. Defendants sentenced with delayed confinement to report to the Department
15 of Corrections will have their delays extended until at least August 30, 2020, unless
16 otherwise ordered by the assigned Superior Court judge.

17 12. Upon showing exceptional circumstances, a party may seek an exception to
18 this Fourth Updated Order by motion to the court in which the matter is pending.
19 Exceptions shall be granted only upon the approval of the judge presiding over the matter
20 and the Presiding Judge, or the Chief Justice, as applicable, but in no event shall a jury
21 empanelment or new jury trial occur before August 31, 2020, due to the inherent risk
22 involved in doing so.

23 13. With the exception of the filing of indictments, all filing deadlines—including
24 statutory filing deadlines—shall be tolled from August 16, 2020, until August 31, 2020,
25 unless otherwise specifically ordered by the applicable court. Any court filing due
26 during this period shall be deemed timely filed if filed on August 31, 2020.

27 14. Under Guam law and court rules, the court is deemed always open for filing
28 any proper paper, issuing and returning process, making a motion, and entering an order.

1 See 8 GCA § 1.31; Guam R. Civ. P. 77(a); Guam R. App. P. 31(a)(2). Instead of in-
2 person contact, filings will be accepted by the following methods:

- 3 a. E-filing
- 4 b. If e-filing is unavailable, pleadings may be filed by email to the respective
5 Clerk's Office: efile@guamcourts.org for Superior Court filings and
6 efile@guamsupremecourt.com for Supreme Court filings.
- 7 c. Facsimile in accordance with court rules
- 8 d. Postal mail
- 9 e. Designated drop boxes at the Judiciary

10 15. Any filing that requires payment of a filing fee should be paid online if
11 available, but if court users cannot do so, filing fees will be deferred until August 31,
12 2020. Clerk's Office personnel will be available by telephone to answer questions
13 regarding filing methods and fees.

14 16. The Clerks of Court and parties may continue to serve documents through
15 electronic means or by mail, except for those limited instances in which personal service
16 is required. Attorneys are encouraged to provide a dedicated email address for the service
17 of documents.

18 17. Any court rule that impedes the court's ability to use technologies to eliminate
19 or limit in-person contact in the conduct of court business is suspended until December
20 31, 2020, except such suspension is subject to constitutional requirements.

21 18. Members of the public or media who would like to access court proceedings
22 should contact the court's Public Information Officer, Kristina Blaz, by email at
23 kblaz@guamcourts.org. To the extent logistically possible, the court shall provide public
24 access by video or audio to court proceedings typically open to the public to maximize
25 the public's ability to observe these proceedings.

26 19. Individuals entering a Judiciary of Guam facility for any purpose shall wear
27 face masks or other appropriate face coverings and adhere to social distancing guidelines,
28 including maintaining a distance of at least six (6) feet from other individuals in the

1 courthouse except for those residing in the same household. Persons seeking entry shall
2 also be subject to a non-contact temperature test and questioning related to COVID-19.
3 Judiciary personnel will enforce these restrictions to protect the health and safety of court
4 patrons and employees.

5 20. The following persons shall not enter the Guam Judicial Center in Hagåtña,
6 the Northern Court Satellite in Dededo, or any Judiciary of Guam facility, including, but
7 not limited to, the San Ramon Temporary Courtroom, probation offices, and the Judicial
8 Education Center:

- 9 a. Persons diagnosed with or have had contact with anyone who has been
10 diagnosed with COVID-19 and have yet to be released from quarantine or
11 isolation by a medical provider or the Department of Public Health and
12 Social Services (DPHSS);
- 13 b. Persons with any acute respiratory illness symptoms (i.e., cough, shortness
14 of breath, headaches) flu-like symptoms, fever, or sneezing;
- 15 c. Persons asked to self-quarantine by any doctor, hospital, board of health,
16 or other medical provider or health agency, or who reside with anyone who
17 has been asked to self-quarantine;
- 18 d. Persons who have been in a country with confirmed COVID-19 cases
19 within the last fourteen (14) days; and
- 20 e. Persons who reside or have had close contact with someone who has
21 traveled to these countries in the last fourteen (14) days.

22 21. Anyone trying to enter in violation of this Fourth Updated Order will be
23 denied entry by Judiciary marshals, probation officers, or other security personnel.

24 22. If you are scheduled to appear in person and fall into any of the categories
25 listed in paragraph 20, you should proceed as follows:

- 26 a. If you are represented by an attorney, please contact your attorney.
27 b. If you have no attorney and are seeking emergency relief, please call the
28 Clerk's Office of the court in which you are seeking relief.

- c. If you are an attorney scheduled to appear before a judge, please contact that section or team directly by telephone.
- d. If you are scheduled to meet with a probation officer, please contact the probation officer or applicable probation section directly by telephone.
- e. If in doubt as to whom you should contact, please call the Clerk's Office of the court in which you are scheduled to appear.

23. The continuances occasioned by this Fourth Updated Order serve the ends of justice, protect the health and safety of criminal defendants, attorneys, court employees, and those called to jury service, and outweigh the best interest of the public and the defendant in a speedy trial. Therefore, the time periods of such continuances shall be excluded from speedy trial computations under 8 GCA § 80.60. All time periods involving the speedy trial procedure in criminal proceedings are tolled until November 17, 2020.

24. This Fourth Updated Order will be revised as circumstances warrant.

SO ORDERED this 14th day of August, 2020.

/s/
ROBERT J. TORRES
Associate Justice

/s/
KATHERINE A. MARAMAN
Associate Justice

/s/
F. PHILIP CARBULLIDO
Chief Justice