



August 21, 2023



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Subject: Pilot Program; AG's Criminal Deportation Initiative

Hafa Adai Madam Bar President:

We request that this letter please be disseminated throughout the Bar membership. Please be informed that the People of Guam through the Attorney General of Guam has initiated a pilot program entitled "**AG's Criminal Deportation Initiative.**" The pilot program is intended to address 3 problems in our community. It protects our People against violent and non-violent criminals who are not U.S. Citizens, reduces the cost to we taxpayers in paying for their incarceration and reduces the recurring crime victim injuries arising from the "*catch – release and re-offend*" problem. The input of the crime victims will be an important consideration, but not the only one.

We issue this letter directly to our defense bar, who we anticipate will inform their non-U.S. Citizen clients of their legal options. The pilot program creates a voluntary, *pre and post-judgment* settlement option for their non - U.S. Citizen clients charged or convicted of a crime.

For pre-judgment cases, the People are open to discussing the chance for non-US Citizens to suspend all or part their jail sentence, provided that certain criteria exists. Those criteria for consideration include:

- defendant is a non - U.S. Citizen;
- a pre-judgment criminal case;
- nature of the criminal offense;
- being deported either with an ICE detainer & deportation order w/ non-reentry, or if the defendant does not qualify under an ICE detainer, a plea resulting with a bench warrant issued after deportation and lengthy suspended jail sentence, which would result in an immediate arrest upon reentry of the defendant into Guam, and serving the suspended jail sentence);
- crime victim's input; and
- other factors.

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"Guam's Toughest Law Enforcers"

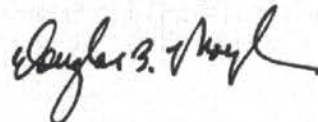
For post-judgment cases, the People are open to discussing the chance for non-US Citizens to suspend the balance of their jail sentences, provided that certain criteria exists. Those criteria for consideration include:

- defendant is a non - U.S. Citizen;
- a post-judgment criminal case, either by conviction or plea;
- nature of the criminal offense;
- remainder of time left at DOC on their criminal judgment;
- being deported either with an ICE detainer & deportation order w/ non-reentry; or if the defendant does not qualify under an ICE detainer for removal, a stipulated, modified judgment, with the balance of the sentence suspended and an arrest warrant to issue upon deportation, which would result in an immediate arrest upon reentry into Guam of the defendant, and serving the suspended jail sentence);
- crime victim's input; and
- other factors.

This initiative is subject to changes as we begin its implementation. It is also not binding upon the People of Guam (plaintiff) until such time as a final written and fully executed agreement is reached between the People of Guam, vis-à-vis the AG's Office prosecutors and the defendant and his counsel. It also is subject to being accepted by the Judge.

Attorneys wishing to send proposals under the above pilot program need only send a communication to us mentioning a request under the AG's Criminal Deportation Initiative. AG Investigator Jerome Lorenzo is the point person to receive your proposal, who will then coordinate with the Chief Prosecutor and assigned prosecutor. AG Investigator Lorenzo may be contacted at 671-475-3406 (extension 2250) or emailed at jlorenzo@oagguam.org. Thank you.

Cordially,



Douglas B. Moylan
Attorney General of Guam

cc: Joseph Guthrie, Chief Deputy Attorney General
Heather M. Zona, Acting Chief Prosecutor
Grant Olan, Assistant Chief Prosecutor
Joann Augustine, Supervisor, Crime Victims Advocate