

COMMONWEALTH OF THE  
NORTHERN MARIANA ISLANDS  
OFFICE OF THE ATTORNEY GENERAL



**2022** ANNUAL  
**REPORT**



# Edward E. Manibusan

Attorney General of the  
Commonwealth of the Northern Mariana Islands

**T**he year 2022 concludes my second term as Attorney General. I am deeply humbled by your support and honored by the confidence you have placed in me to serve you as your Attorney General for a third term.

This report highlights the dedication and hard work of the attorneys and staff of the Office of the Attorney General. I am proud of the work presented in this Annual Report, and I look forward to this Office's future accomplishments. The Office of the Attorney General continues to provide legal advice to the Executive Branch, autonomous agencies and public corporations including providing comments on proposed legislation to the Legislative Branch of our government. The OAG continues to work in collaboration with the agencies of our government in order to continue the provision of services for the people of the Commonwealth.

Highlighted in this report is the OAG's continuing pursuit and prosecuting of criminal and civil activities against government officials. The OAG will continue to pursue justice and stay true to protecting our citizens from unlawful and criminal activities.

I will continue to work earnestly on behalf of the people of the Commonwealth and I welcome your ideas on ways that the OAG can better serve you. As your Attorney General, I will continue my dedication to the rule of law, honest and transparent and continue to provide a steady and consistent leadership for the benefit of the people of the Marianas.



# Lillian A. TENORIO

DEPUTY ATTORNEY GENERAL

Under the leadership of the Attorney General, the OAG team of attorneys and staff worked diligently to ensure that executive branch departments and agencies took full account of legal issues in the performance of their respective duties and responsibilities. The office continues to rely on the network of offices of the attorneys general providing us with information and resources on litigation matters including multistate litigation cases, best management practices, and the development of national policies and protocol. From the conduct of the general election to public housing to procurement and public contracts to scrutinizing legislation that affect the livelihood of everyday residents of the Commonwealth, the Office of the Attorney General has served and protected the public interest and the Commonwealth under the principle that no one is above the law.

## Office of the Attorney General

### DIVISIONS:

- 1 Civil Division
- 2 Criminal Division
- 3 Office of the Consumer Counsel
- 4 Solicitor's Division
- 5 Child Support Enforcement Unit (CSEU)
- 6 Attorney General Investigative Division (AGID)
- 7 Victim Witness Advocacy Unit (VWAU)
- 8 Administrative Services Division
- 9 Information Technology Unit
- 10 Grants Management and Public Information Office



# ADVISORY OPINIONS, LEGISLATIVE COMMENTS & OTHER LEGAL SERVICES

January – December 2022

The Attorney General provides advisory opinions and analysis to the Governor, Legislature, and CNMI Government agencies on a broad range of legal issues including legislation, administrative law, regulatory compliance and litigation. The legal guidance provided by the Attorney General is aimed at enhancing applicable laws and regulations, and serves to strengthen the legal framework that underpins the CNMI Government and its operations.

	<b>2022</b>
Legislation Review – Governor	35
Legislative Comments	65
<b>Total:</b>	<b>100</b>

## Legal Services Request

	<b>2022</b>
Department/Agencies	486
Governor	28
<b>Total:</b>	<b>514</b>

	<b>2022</b>
Agencies Served	70
Procurement Contract Review	767
Personnel Contract Review	1,532
Communication-Dept/Agencies	375
Communication-Private Sector	121
<b>Total:</b>	<b>3,479</b>

## Commonwealth Register:

	<b>2022</b>
Emergency Regulations	6
Proposed Regulations	2
Adopted Regulations	28
Agency Orders	131
Legal Opinions	0
Subscribers	1
<b>Total Collections:</b>	<b>\$160.00</b>

## Notary Public Applicants:

	<b>2022</b>
Total Notary Public	156
New	22
Renewed	41
Government NP	22
<b>Total NP Collection:</b>	<b>\$3,150.00</b>

## Apostilles/Certifications Issued:

	<b>2022</b>	<b>2022</b>
Apostilles	1,622	\$81,100.00
Certifications	79	\$3,950.00
<b>Total</b>		<b>\$85,050.00</b>



# Alison NELSON

## CHIEF, CIVIL DIVISION

The Civil Division advises the Office of the Governor and the executive branch of the Commonwealth, including all public corporations and autonomous agencies on all civil and administrative matters. The Division's team of assistant attorneys general (ranging in size from 10-14 attorneys from time to time) works tirelessly to review legisla-

tion, proposed regulations and policies, and proposed leases and contracts, as well as to advise Commonwealth agencies regarding employment matters, land claims, permitting, and all other issues facing the Commonwealth. The Division also provides legal representation to the executive branch departments and agencies in all ongoing civil litigation and administrative matters as needed.

In 2022, the Civil Division resolved important civil matters, including:

- A favorable decision from the U.S. District Court for the

Northern Mariana Islands granting summary judgment and dismissing claims for unlawful seizure against two officers sued in their individual capacities.

*Yarofalchuw v. Cabrera & Fitial*, Civil No. 1:22-cv-00001.

- A favorable decision from the NMI Superior Court upholding the Government Liability Act's statutory cap on the Commonwealth's tort liability and dismissing an equal protection challenge to the cap. *Maratita v. CHCC*, Civil No. 22-0063.
- A favorable decision from the NMI Superior Court affirming CUC's decision cancelling a solicitation for a wastewater treatment plant project. See *USA Fanter Corp. v. CUC*, Civil No. 22-0143.

The Civil Division also brought suits to enforce Commonwealth Law and uphold the NMI Commonwealth Constitution including:

- Suits to recover unlawful payments of overtime or premium pay from gubernatorial appointees for time worked during Typhoon Yutu;
- An action to collect on a settlement entered in the Luta Mermaid matter for repayment of public funds that were wrongly received;
- Actions against developers to collect penalties pursuant to settlement agreements entered to resolve litigation against developers who constructed structures without the necessary permits and violated various environmental laws.

### CIVIL CASE STATISTICS 2022:

#### Civil Litigation- Superior Court

New	30
Active	20
Dispositions	17

#### Supreme Court- Appellate Cases

New	5
Active	5
Oral Arguments	2
Dispositions	2
Pending Decision	0

#### U.S. District Court Cases

New	3
Active	11
Disposed	2

#### U.S., 9<sup>th</sup> Circuit Cases

New	1
Disposed	0



# Chester HINDS

## CHIEF, CRIMINAL DIVISION

- Made substantial progress executing arrest warrants for felony cases and all cases involving family violence. In addition, cases are being expedited through a program of making an early offer in exchange for waiver of a preliminary hearing and trial. The majority of criminal cases are successfully concluded with a guilty plea and agreed punishment recommendation.
  - Worked with the Commonwealth Health Center Corporation (CHCC) to update and revise their Application for Involuntary Civil Commitment Form, which better addresses the intake procedure for admission of arrestees and civilians with mental health issues. Continued to work and collaborate with CHC to update and revise the Application for Involuntary Civil Commitment, which was approved in January 2022. The Application for Involuntary Civil Commitment prompted the Criminal Division (OAG) to promote numerous trainings with DPS Saipan, Tinian, and Rota to ensure the proper use and procedure of the Application for Involuntary Civil Commitment Form.
  - Worked with Judiciary Treatment Courts to provide an opportunity for defendants to receive treatment in lieu of incarceration, which has led to a reduction in recidivism.
  - Worked with the Court and DPS to successfully finalize the revise DPS's traffic citation form for traffic cases to include the language ordering a defendant's appearance in court.
  - Appeared and presented written and oral protest of parole applicants. Successfully objected to the early release of a convicted murderer, sex offender, and numerous offenders before the Board of Parole.
  - Facilitated Mental Health Training regarding Involuntary Civil Commitment & DPS Involuntary Commitment Procedure for DPS.
- Trainings and Presentations Facilitated:**
- Facilitated DPS Training for Criminal Investigation Division (CID). General training on Mental Health, Cannabis and CID Case Management May 11, 2022.
  - Co-facilitated and presented to Customs on Cannabis Enforcement Training in collaboration with the CNMI Cannabis Commission.
  - Facilitated Mental Health Training regarding Involuntary Civil Commitment & DPS Involuntary Commitment Procedure for DPS Saipan on May 6, 13, 20, 27, August 29, 31, and September 2, 7, 2022.
  - Co-facilitated and presented on Sexual Assault Investigative Processes and Response Training on November 14, 16, 18, 2022 in collaboration with the SART Team.

# CRIMINAL CASE STATISTICS

New Cases	6500
Criminal	
Felony	194
Misdemeanor	293
Juvenile	28
Traffic	5985

Cases Received by Location:	
Saipan	6275
Rota	67
Tinian	158

Criminal Cases by Offenses	
Crimes Against Persons	
Family Violence	206
General Crimes	148
Property Crimes	94
Drugs	31
Crimes Involving Sexual Assault	31
Public Corruption	0
Firearms	5
Customs	0
Miscellaneous – Misdemeanors	0
Extradition	0
Prostitution	0
ECitations	0
DFEMS	0

BECQ	0
Traffic	
Non-payable	1179
Payable	4806
Stalking	0
Fish & Wildlife	0
COVID Task Force	0

Case Status	
Convictions	
Guilty Pleas	5013
Bench Trials	35
Guilty	26
Acquittal	1
Dismissal	7
Pending	1
Jury Trials	20
Guilty	0
Acquittal	1
Dismissal	0
Pending	19
Pending	1129
Dismissals	67
Off Calendar	31
Court Program	6
Declined	219





# Robby Glass

## CHIEF, SOLICITOR DIVISION

The Office of the Chief Solicitor is a division within the Office of the Attorney General. The Chief Solicitor is responsible for supervising and approving all appellate litigation for the Commonwealth of the Northern Mariana Islands and for ensuring consistency in legal positions taken by the Commonwealth. The Office of the Chief Solicitor is responsible for handling the appeals deemed most significant to the Commonwealth's interests and the development of federal and Commonwealth jurisprudence. Additionally, the Chief Solicitor provides legal review of pending legislation, handles litigation, advises both civil and criminal litigators, and advises various CNMI agencies. The Office of the Chief Solicitor also provides guidance to CNMI agencies through Attorney General opinions. The Chief Solicitor reviews potential issues in the Supreme Court of the United States, The Ninth Circuit, and the Commonwealth Supreme Court to see if the Commonwealth should intervene or appear as an *amicus curiae*.

### Highlights from 2022:

- Criminal Prosecution:** In 2022, the Office of the Chief Solicitor took on the responsibility of bringing criminal charges against now former Governor Ralph Torres. The Chief Solicitor brought criminal charges against Governor Torres while he was still in office. The former Governor stands accused of multiple counts of corruption for misconduct in office relating to his and his wife's first-class travel using Commonwealth funds. The Chief Solicitor defended the case through multiple rounds of motions, included seven motions to dismiss. All of which were denied. The case is still ongoing and is set for trial in June 2023.

### CNMI Supreme Court cases:

- Rios v. DOC, 2022-MP 2-** successfully applied laches in habeas corpus proceedings when an inmate who was convicted of multiple sexual crimes waited over 20 years to argue his plea agreement was illegal
- In re Commonwealth, 2022 MP 5-** successfully mandamus the Superior Court in arguing that prosecutors' signatures are not necessary for Rule 5 complaints
- Crisostomo v. DOC, 2022 MP 6-** successfully upheld the conviction of a murderer when he alleged ineffective assistance of counsel
- Commonwealth Casino Commission v. IPI, 2022 MP 7-** argued dismissal of appeal for opposing counsels' failure to file a docketing statement which led to a sanction of IPI's counsel for its late filing of the docketing statement. This case was handled by AAG Keisha Blaise.
- Commonwealth v. Kaipat, 2022 MP 9-** successfully argued a reversal of the Superior Court's suppression of DNA evidence thereby allowing the prosecutors to use DNA evidence at trial

Notably, of the 9 cases decided by the NMI Supreme Court in 2022, the Commonwealth was involved in 5 of them seeing successful outcomes in all 5 of its cases.



# Consumer Complaints

The Office of the Consumer Counsel (OCC) promotes and protects the interests of CNMI consumers while ensuring a competent and fair marketplace. Consumer Complaint forms may be obtained [www.cnmioag.org](http://www.cnmioag.org) under the Consumer Protection section or in person at the Civil Division on Capitol Hill, or via email by sending a request to [consumer\\_counsel@cnmioag.org](mailto:consumer_counsel@cnmioag.org). Complaint forms may be hand delivered to the Civil Division or submitted via email. Consumers may also contact the Attorney General Investigative Division Hotline at 237-7630.

The Office of the Consumer Counsel was created by the Consumer Protection Act of 1989, PL 6-46, to protect the consumers of the CNMI from unfair and deceptive business practices, to provide

a mechanism for resolving disputes between merchants and consumers, and to provide civil and criminal remedies for violations of the consumer protection laws. The Office of Consumer Counsel also oversees the CNMI's involvement in multi-state consumer protection-related litigation.

In 2022, the CNMI welcomed back tourists from both Korea and Japan. The economy of the Commonwealth, which had been reeling from the one-two punch of the Typhoons and Covid-19 pandemic began a recovery which has, when compared with the doldrums of 2020-2021, has been quite miraculous. With that recovery, the OAG Consumer Counsel's office has stood by to protect the citizens of the Commonwealth from predatory, unfair, and deceptive business practices.

## Participation in Multi-State Litigation

The Office of Consumer Counsel oversees the CNMI's participation ongoing multi-state litigations. The case primarily detailed to the Office of Consumer Counsel due to its consumer protection implications are the Generic Pharmaceuticals Pricing Antitrust Litigation in United States District Court for the Eastern District of Pennsylvania. The CNMI has been diligent in compiling its discovery information, and working with the Commonwealth Medicare Office to provide information to the States' Expert. As the case progresses, the prospects for settlement are good, and we may see a conclusion to the cases against some of the defendants within the next year.

## Consumer Complaints

Consumer counsel looked into numerous complaints of retail stores violating the Consumer Protection Act, particularly with regard to displaying prices, or indicating expired goods. With the assistance of the AGID, the Office of Consumer Counsel visited these stores and informed them of violations and necessary corrective actions.

The Office of Consumer Counsel also became a clearing house for several other types of complaints on the periphery of consumer protection, including several landlord-tenant disputes. Two of these disputes were resolved favorably when the landlords were served Civil Investigative Demands.



# Child Support Enforcement Unit

## MISSION

Every child needs the financial and emotional support of both parents. Our mission is to assist parents in obtaining the financial support necessary to raise their children. Our office assists parents by establishing paternity and enforcing child support and related orders issued by the court. Our goal is to collect and distribute support payments in a timely manner.

## ACCOMPLISHMENTS for 2022

The Child Support Collections have begun to rebound from the impact of the COVID-19 pandemic, approaching the level of collections seen prior to the pandemic. Additionally, the Child Support Enforcement Unit has implemented an annual update on child support arrears owed in each case. This update provides greater transparency and accountability in the child support system and ensures that all parties involved have access to the most up-to-date information.

## CASELOAD ACTIVITY:

### The number of child support cases:

Initiating	2022
Responding	9
Active	4
Closed	333
<b>Total:</b>	<b>13</b>
	<b>359</b>

### Child Support Collections:

Child support collected & Distributed	2022
Amount of child support distributed & attributable to Tax Rebate/Refund	\$341,091.27
Amount of child support distributed & attributable to Labor (FPUC/PUA)	\$8,651.63
<b>Total collections</b>	<b>\$14,571.16</b>
	<b>\$364,314.06</b>

### New Hire Directory:

Number of new hires reported by employers from 1/1/2022 (when NH law was passed) to 12/31/2022:	2022
	3,933
Total number of employees in the New Hire Database (Including employees before the law was passed):	24,698



# Ikluk MASAYOS

CHIEF, INVESTIGATIVE DIVISION

### MISSION STATEMENT

The Mission of the Attorney General’s Investigative Division is to safeguard and be faithful to the Constitution of the Commonwealth of the Northern Mariana Islands and the United States of America to zealously, effectively and indiscriminately enforce the law equally and impartially; to exemplify the finest law enforcement agency by providing the highest level of professionalism, standards, proficiency, loyalty, and commitment to the CNMI community ; and to investigate and reduce crime by enhancing co-operations and partnerships with other law enforcement and stakeholder agencies.

### AGID DOCUMENTS SERVED

Documents	Received	Served
Penal Summons (TR & CSC)	95	81
Witness Summons (TR & CSC)	107	103
Child Support Documents	7	7
Civil Documents	19	18
Bench Warrants	0	0
Subpoenas	17	16
Court Orders	8	5
Request to Appear	4	4
<b>TOTAL</b>	<b>257</b>	<b>234</b>

civil, and consumer cases. The cases range from theft, theft by deception, misconduct in public office, smuggling, fraudulent crimes, illegal notary, ethics violation, procurement violations, assault & battery, disturbing the peace, drug court participant violations, consumer complaints, theft of firearm, resisting arrest, and violations of conditions of release.

- In 2022, the Attorney General Investigative Division has expanded its role in supporting and assisting multiple different agencies both local and federal. In a joint effort AGID has been a part of numerous operations to combat consumer complaints, and other criminal cases that include misuse of food stamps, misconduct in government office, to include theft and theft by deception reports.
- Assisted the U.S. Coast Guard and the Food and Drug Administration Enforcement unit, along with local Customs and Quarantine agencies to conduct joint inspections of containers.
- Assisted the Alcohol, Beverage and Tabaco Control (ABTC) to conduct surveillance and confiscation of illegal sales of alcohol. AGID has taken over cases that were forwarded from Office of Public Auditor.
- Establishing a good working relationship with multiple different agencies enables AGID to be well-versed, well-informed, as it increases the chances of receiving key intelligence that may be vital in conducting their investigations.

### 2022 Highlights

- In 2022, AGID conducted both preliminary and full investigations of (16) total cases, which includes (6) 2022 cases that remained active. These cases are a combination of criminal,

# Victim Witness Advocacy Unit

Throughout 2022, the Victim Witness Advocacy Unit continued to provide services to victims of crime as well as temporary restraining orders assistance. Advocates continued to participate in community outreach efforts despite the demand in services and attend collaborative interagency meetings. Advocates were able to manage their caseloads and accommodate in-person and online training opportunities as it is a yearly need towards professional growth and improvement.



## Accomplished Highlights

- Increased staff capacity with the hire of a Case Worker I and a Victim Witness Assistant;
- Awarded VOCA and VAWA federal funding for operational and personnel costs;
- Continued collaboration with partnering agencies;
- Continued outreach participation;
- Continued to provide payment for language access, specifically, limited English proficiency victims and witnesses;
- Continued to provide victim services while maximizing technological means;
- Enhanced professional growth
- Initiated scanning and digitizing project for civil family court related case files;
- Initiated unit's relocation due to renovations

## Goals and Initiatives

- Retain current personnel
- Find ways to improve and continue victim services;
- To continue collaboration with networking agencies;
- Expand media outreach outlets to educate the community about what victims face;
- Expand victim communication capabilities;
- To continue professional growth;
- To continue community outreach efforts;
- Upgrade and maintain the use of VSTracking case management system;
- To continue to secure federal funding
- Maintain 80-hour work schedule
- Relocate back to the Criminal Division
- To complete the family court related scanning and digitizing project

### Overall New Victims Served in Calendar Year 2022

Persons	486
Business	55
Government	70
Family Court Related-Matters	55
<b>Total</b>	<b>666</b>



**Tina**  
**DELEON GUERRERO**  
 MANAGER, ADMINISTRATIVE SERVICES DIVISION

**MISSION STATEMENT**

The Administrative Division provides administrative support to all Divisions under the Office of the Attorney General by performing a variety of administrative task. The Division plans, organizes, and implements the office’s programs, policies and objectives, in addition to coordinating office services such as sound fiscal management, records management, recruitment and training/professional development. It also reviews and recommends to

management the technical and procedural needs of the office overall. The Division is further tasked with the management of grant awards as well as to research and produce grant proposals for submission, and is responsible for publishing the Commonwealth Register and registering of the Notaries Public. The Administrative Division is the primary hub for the evaluation and completion of all Human Resource functions of the office.

BUDGET & EXPENDITURES 2022			
General Funds	\$4,010,600.00	Personnel	
Personnel	\$3,234,916.00	Attorneys	24
Operations	\$ 775,684.00	Investigators	3
Federal Funds	\$ 259,647.00	Support Staff	24
<b>Total Expenditures</b>	<b>\$4,270,247.00</b>	Victim Advocates	4
		<b>Total Personnel</b>	<b>55</b>





# William RATHBURN

MANAGER, INFORMATION TECHNOLOGY

The Information Technology (IT) Unit manages and maintains the information systems and technologies for the Office of the Attorney General (OAG). The IT Unit's responsibilities include the management of computer and server systems, databases, network security, and physical security. The IT Unit coordinates office building maintenance and repairs when needed.

### Hardware, Software and User Support

In 2022 the IT Unit ensured OAG data systems provided timely, accurate, secure data capture, processing, and dissemination services. Hardware supported included network and database servers, network infrastructure, desktop and portable computers, printers, scanners, copiers, conferencing devices and telecom systems. Software included server and PC operating systems, network and database systems, local and web domain administration, conferencing and remote access software and access control and employee identification card programs.

### Case Management System Implementation

The IT Unit worked with end users and vendor to ensure Criminal Division's new Judicial Dialog case management system meets work and dataflow requirements. Criminal Division is preparing for primary user training for legal assistants. Victim Witness, investigation and prosecution sections will then receive training focused on their data processing requirements.

### Looking Forward

The IT Unit continually works hard to improve the office's information systems and technologies. Law enforcement reports are currently delivered to OAG for review via hard copy which must be scanned, renamed and uploaded to Criminal Division's case management system for processing. This is inefficient, time consuming and prone to error. A direct data connection with the Department of Public Safety, source of nearly all law enforcement reports received by Criminal Division, would allow delivery of digitized content, ready for uploading to databases. DPS was unable to maintain previously implemented connections. OAG should look into re-establishing such a connection, as it would greatly increase data processing efficiency at minimal cost.



# 2023 KEY INITIATIVES

Continue to support all law enforcement through meeting and training by means of academy or in service;

Focus on illegal business practices that hurt our consumers and other businesses;

Continue to foster a non-partisan position on all matters brought to our attention;

Continue to promote and ensure an open and transparent government;

Continue to improve/strengthen the Criminal Code;

Continue to work on new procurement regulations for the government and provide training to agencies;

Continue to implement Consumer awareness programs and investigate consumer complaints;

Continue to explore solutions to mental health issues in the criminal justice system;

Continue to collaborate with DPS and DYS to address juvenile delinquency issues in the Commonwealth;

Continue to collaborate with other jurisdictions to expand resource activities to combat illegal drug and criminal activity in the CNMI;

To increase child support collections and enforcements.

**CNMI Office of the  
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Investigative Division  
(670) 237-7627

Victim Witness Advocacy Unit  
(670) 237-7602

Grants/PIO  
(670) 237-7500

If you have any recommendations on what you would like to see included, please contact

Andrea Manese at (670) 237-7500 or email at [andrea\\_manese@cnmioag.org](mailto:andrea_manese@cnmioag.org)