

February 1, 2016; Get to Know Your Court

If you are like most people, the thought of having to go to the court is about as appealing as having to go to the dentist office – you're seized with a sense of dread. Unfortunately, I think all too often people have a very negative image of courts. After all, that's where nasty disputes get dragged out into the public eye and where bad guys and girls get sentenced to prison. Courts seemingly emit a negative vibe.

The media frequently reinforces this image. How many times have you opened a newspaper and seen the image of a handcuffed criminal suspect entering or leaving the courthouse, or watched your TV and witnessed verbal sparring between angry, warring parties as they argue their case before a judge? We hear stories of muggings, robberies, murders, as well as tales of corrupt public officials and greedy business people. All too often, the public perceives the court as a place to avoid, not to seek out.

Through series I'm calling, "Get to know your Court" I am hoping to reverse this negative perception. Today's courthouse is not your father's courthouse. That is, much has changed in the past twenty years. Yes, bad people still get sentenced to jail and warring parties continue to battle each other in court. But, the Guam Judiciary has evolved. The focus has shifted away from simply punishing and deciding controversies to a much greater emphasis on treatment and rehabilitation.

Over the course of the next several weeks, I will highlight these major changes and explore the services offered by the local Guam courts. I think you'll be surprised, as I was, to learn just how many services are available to the public. Fortunately, many of these services are aimed at healing individuals and families.

To begin with, I want to be sure we are all on the same page. There are two courthouses on Guam that have a direct impact on the civilian community. The Federal District Courthouse is located on Marine Corps Drive in Anigua. The main Guam Judiciary Center is located in Hagatna across from the Agana Shopping Center. There is also a satellite court located in Dededo, behind Taco Bell.

The Federal District Court is part of the federal court system that operates throughout the United States. The Guam Federal District Court handles criminal cases where the suspect is charged with violating a federal criminal statute. For example, it is a federal crime to smuggle illegal drugs across international, state, or territorial borders. So, someone who tries to smuggle illegal drugs into Guam onboard an airplane can be charged with a federal crime and prosecuted in the Federal District Court. The District Court also hears civil matters involving federal laws or U.S. Constitutional issues. I will not be discussing the Federal District Court in this series.

Rather, I will be focusing on the courts housed within the Guam Judicial Center. These courts are the Superior Court of Guam and the Supreme Court of Guam. The Superior Court is a trial court. In other words, Superior Court judges hear and decide criminal cases involving alleged violations of local Guam criminal statutes. For example, there is a Guam law against robbing stores. If someone flashes a gun at a store cashier and demands money from the cash register, that person will be charged with robbery and tried before a judge in the Superior Court. The Superior Court also hears cases involving civil disputes. For instance, if two parties both argue that they own the same piece of property, the matter will be decided in the Superior Court.

If criminal defendants or a civil litigants don't agree with either the judge's or jury's decision, they might be able to appeal the matter to Guam Supreme Court, which is an appellate court. Unlike a trial court where only one judge hears the matter, an appeal is decided by all three Supreme Court Justices who can either uphold the trial court's decision or reverse it if the judge or jury made a serious mistake.

The Guam Judicial Center is under the overall operational direction of the Chief Justice of the Supreme Court, currently Justice Robert J. Torres, Jr. The Superior Court Presiding Judge, a position held by Alberto C. Lamorena, III for the past 28 years, is tasked with managing the day-to-day operations of the Guam Superior Court. As we will explore over the next several weeks, both Courts have worked hard to expand services aimed at improving efficiency, helping victims, reducing crime, and rehabilitating criminal offenders.