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By Order of the Court, Judge **KENNETH L. GOVENDO**

**IN THE SUPERIOR COURT
FOR THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

**COMMONWEALTH OF THE NORTHERN
MARIANA ISLANDS,**

Plaintiff,

vs.

**PEDRO AYUYU,
D.O.B. 07/04/1972**

Defendant.

CRIMINAL CASE NO. 20-0162
DPS CASE NO. 20-005948
CRIMINAL CASE NO. 20-0145
DPS CASE NO. 20-005357

**JUDGMENT OF CONVICTION AND
COMMITMENT ORDER**

THIS MATTER came before the Court for a Change of Plea Hearing on October 20, 2020, at 1:30 p.m., in Courtroom 212B, Marianas Business Plaza. The Commonwealth was represented by Assistant Attorney General Heather Barcinas. The Defendant, Pedro Ayuyu, was present under the custody of the Department of Corrections (DOC) and was represented by his Court Appointed Counsel, Assistant Public Defender Vina Seelam.

On October 20, 2020, Defendant pled Guilty in Criminal Case No. 20-0145-CR to the offense of **Disturbing the Peace**, as charged in **Count I** of the Information, in violation of **6 CMC § 3101(a)**, made punishable by 6 CMC §§ 3101(b) and 4101(c) and in Criminal Case No. 20-0162-CR to the offense of **Assault and Battery**, as charged in **Count I** of the Information, in violation of **6 CMC § 1202(a)**, made punishable by 6 CMC §§ 1202(b) and 4101(c).

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ADVISEMENT AND WAIVER OF RIGHTS

The Defendant was advised of his constitutional rights and the consequences of a guilty plea. The Defendant was further advised of the maximum possible penalty of said offenses and any minimum penalty required by the statute. The Defendant waived his rights and entered a plea of guilty to the charges listed hereinabove.

The Court accepted Defendant's plea of guilty to the charges listed hereinabove. The Court finds that (1) Defendant's decision to plead guilty was freely, knowingly, voluntarily and intelligently made; (2) he had the advice of a competent counsel with whom he said he was satisfied; (3) he understood the consequences of his plea; and (4) there is a factual basis for the plea.

ADJUDICATION OF GUILT

IT IS HEREBY ADJUDGED AND DECREED that Defendant, Pedro Ayuyu, in Criminal Case No. 20-0145-CR to the offense of **Disturbing the Peace**, as charged in **Count I** of the Information, in violation of **6 CMC § 3101(a)**, made punishable by 6 CMC §§ 3101(b) and 4101(c) and in Criminal Case No. 20-0162-CR to the offense of **Assault and Battery**, as charged in **Count I** of the Information, in violation of **6 CMC § 1202(a)**, made punishable by 6 CMC §§ 1202(b) and 4101(c).

IMPOSITION OF SENTENCE

After considering the facts of this case, the recommendations of counsel, the mitigating circumstances and the plea agreement between the parties, the Court hereby sentences the Defendant to the following:

- 1 a. In Criminal Case No. 20-0145, the Defendant is sentenced to six (6) months imprisonment
2 all suspended except six (6) days with credit of six (6) days for time already served.
- 3 b. In Criminal Case No. 20-0162, the Defendant is sentenced to one (1) year, all suspended
4 except for thirty (30) days to be served day for day without the possibility of parole, early
5 release, weekend release or other similar programs, with credit for time already served since
6 September 30, 2020. The Defendant shall be released on October 29, 2020. Both sentences
7 shall run concurrently.
- 8 c. The Defendant shall be placed under supervised probation for two (2) years upon
9 Defendant's release from imprisonment and under the following conditions:
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- 11 i. The Defendant shall pay fine of \$100.00, court cost of \$25.00 and probation of
12 \$240.00 before the expiration of his probationary period;
- 13 ii. The Defendant shall perform 40 hours of community work service at a rate of no
14 fewer than 8 hours per month;
- 15 iii. The Defendant shall have no direct or indirect contact with the Commonwealth of
16 the Northern Mariana Islands Governor, The Honorable Ralph DLG. Torres and
17 shall stay away from the Governor's Office and the Office of the Legislative Bureau
18 during his entire probationary period;
- 19
- 20 iv. The Defendant shall not possess or consume any alcohol or controlled substances
21 during his entire probationary period;
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- 23 v. The Defendant shall attend and complete any recommended counseling by the
24 Community Guidance Center;

vi. The Defendant shall obey all CNMI and Federal Laws as well as the rules of OAP;

vii. The Defendant's failure to comply with any of the enumerated conditions above (except for conviction for minor traffic infractions) shall be grounds for revocation of probation.

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of probation.

The Defendant is ordered to report to the Office of the Adult Probation on or before October

30, 2020 for an intake assessment. Any bail posted in this matter is hereby exonerated and travel documents shall be returned to the Defendant.

documents shall be returned to the Defendant.

SO ORDERED this _____ day of October, 2020.

SO ORDERED this _____ day of October, 2020.

/s/

KENNETH L. GOVENDO, Associate Judge