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3 **FOR PUBLICATION**

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5 **IN THE SUPERIOR COURT**
6 **FOR THE**
7 **COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

8 COMMONWEALTH OF THE NORTHERN
9 MARIANA ISLANDS,

10 Plaintiff,

11 v.

12 BERNARDINO DIZON,

13 Defendant.

CRIMINAL CASE NO. 03-0005(E)

**ORDER DENYING
COMMONWEALTH'S
MOTION TO STAY OF
PROCEEDINGS**

14 **THIS MATTER** came before this Court on August 4, 2003 for a hearing on Defendant's *Motion*
15 *to Stay*. The Commonwealth was represented by Assistant Attorney General Alex Shapiro. The
16 Defendant was represented by Assistant Public Defender Mitchell J. Ahnstedt.

17 Recently, this Court has issued rulings related to the importance of adherence to the Rules of
18 Criminal Procedure. The rules exist to protect defendants in criminal actions. Moreover, the rules exist for
19 the purpose of ensuring fairness and serve both parties' interests by maintaining that standard. Part of that
20 distinction is the importance in adherence to the standards as provided by the Rules of Criminal Procedure.

21 With that in mind, the Court cannot grant the Commonwealth's motion for a stay of proceedings.
22 While the appeal pending on this Court's suppression order will be made within the appropriate 30 day
23 time frame, the motion for stay does not comport with any Rule of Criminal Procedure. Commonwealth
24 Rule of Criminal Procedure 45(d) requires motions to be served a minimum of five days before the hearing
25 date. The Commonwealth's motion submitted on August 1, 2003, violates that rule. This Court issued its
26 suppression order on July 17, 2003. That provided the Commonwealth with over two weeks to submit
27 the motion for stay. The current filing, essentially on the eve of trial, leaves no time for the Defendant to
28 make a proper reply.

The Court is left to assume that this motion is made on an ex parte basis. However, no certification
has been made to that effect. Even such a certification may substantially interfere with the Defendant's Due

1 Process rights in this instance.

2 The movant states that it intends to seek appellate review of the Court's ruling as permitted
3 pursuant to 6 CMC § 8101(b). Said section, in part, states as a prerequisite to filing an appeal of a
4 suppression order that the Attorney General certify to the Superior Court that the appeal is not taken for
5 the purpose of delay. This Court has received no such certification.

6 For the reasons stated above the Commonwealth's motion for stay of proceedings is **DENIED**.

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10 **SO ORDERED** this 5th day of August 2003.

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/s/ _____
DAVID A. WISEMAN
Associate Judge

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