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FOR PUBLICATION

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

COMMONWEALTH OF THE NORTHERN
MANANA ISLANDS,

Plaintiff,

vs.

LUCIO LITULUMAR SAURES,

Defendant.

CRIMINAL CASE NO. 00-0190D

**ORDER
CLOSING CASE**

THIS MATTER came before the Court on June 22,2006 at 1:30 p.m. for a Review Hearing in Courtroom 223A. The Government was represented by Assistant Attorney General John Aguon. The defendant appeared Pro Se.

For cause shown and based on the probation expiration on January 25,2002, the Court hereby closed this case along with the admonition to defendant that his substantial non-compliance with the terms and conditions of his probation have made him an extremely poor candidate for probation and that this fact be considered if and when he appears in Court again.

The Court deems it necessary to make a statement in closing this case. Defendant was convicted and sentenced in this case on January 1,2001. He was sentenced to one year, all suspended, except three days and placed on probation for one year subject to several terms and conditions. The probation defendant was placed on was an act of clemency and grace whereby the state takes a risk with the probationer that he may commit additional antisocial acts. People v. Hainline, (219 CAL 532, 28 P.2d 16.

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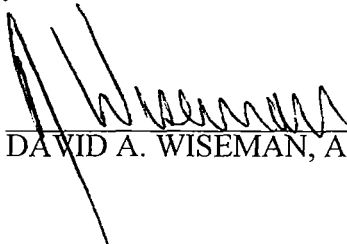
1 Probation fails as a rehabilitative device, when, as here defendant fails to abide by any of his
2 probation conditions. The state has a great interest in being able to imprison a probationer when there
3 are such gross violations of probation as in this case. We can not afford to have prior risk convicted
4 criminals being free in society and a potential danger to the community.

5 Our law provides for such a remedy as is set forth in 6 CMC § 4113(b) which provides that,

6 Upon violation of any of the terms and conditions of probation at any
7 time during the probationary period, the court may issue a warrant for the
8 rearrest of the person on probation and, after giving the person an
9 opportunity to be heard and to rebut any evidence presented against the
10 person, may revoke and terminate the probation.

11 It is unfortunate that the Government did not utilize the foregoing code section for revoking the
12 defendant's probation. As a result, we have a defendant who has, in effect, beat the system by not
13 complying with any of the several terms and conditions of his probation, which includes fines, court
14 costs, and fees. This defendant, Lucio Litulumar Saures, has demonstrated his total disregard for the
15 Court's orders and the terms and conditions set forth in his probation. Unfortunately, the probation has
16 expired and the case must now be closed.

17 **SO ORDERED** this 28 day of June, 2006.

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20 DAVID A. WISEMAN, Associate Judge
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