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2 **FOR PUBLICATION**

3
4 **IN THE SUPERIOR COURT OF THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

5 **COMMONWEALTH OF THE**) **CRIMINAL CASE NO. 07-0162C**
6 **NORTHERN MARIANA ISLANDS,**) **DPS Case No. 07-08665**

7 Plaintiff,

8 vs.

)
)
) **SENTENCE AND
COMMITMENT ORDER**
)

9 **VICENTE LIMES LANIYO,**)
10 **(d.o.b. 04.24.67)**)
11 Defendant.)

12
13 THIS MATTER came before the Court for a Sentencing Hearing on January 14, 2009, at
14 9:00 a.m. in courtroom 220A of the Guma' Hustisia on Saipan. The Commonwealth of the
15 Northern Mariana Islands was represented by Chief Prosecutor Kevin Lynch. Defendant Vicente
16 L. Laniyo appeared in custody with his counsel, Assistant Public Defender Richard C. Miller.

17 On June 18, 2008, the Defendant entered a guilty plea pursuant to a Plea Agreement, and
18 this Court found him guilty of **Aggravated Assault and Battery, a crime involving domestic**
19 **violence in this case**, as charged in **Count IV** of the First Amended Information filed on
20 September 6, 2007, in violation of 6 CMC § 1203(a). The Court further finds that for the crime
21 of **Aggravated Assault and Battery**, Defendant is subject under 6 CMC §§ 1203(b) and 4101(a)
22 to a sentence of a minimum of no jail time to a maximum of ten (10) years; and to a minimum of
23 no fine to a maximum of \$10,000.¹

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¹ At the outset, Defendant's counsel raised a legal objection to paragraph VI of the Presentence Investigation Report's assertion that this crime carries a minimum mandatory sentence of 40 months pursuant to 6 CMC 4102(b).

1 At the sentencing hearing, the Commonwealth waived its right to present any testimonial
2 or physical evidence other than relying upon the Presentence Investigation Report prepared by
3 the Office of Adult Probation and admitted into evidence by the Court. Defendant thereafter
4 presented the testimony of his wife, Mrs. Emiliana C. Laniyo, the victim in this case, and former
5 Department of Corrections officer John Hosono, who is also Defendant's first cousin. After the
6 presentation of the witnesses, the Court heard the arguments of counsel.

7 **Defendant's Right of Allocution**

8 When given the opportunity to address the Court immediately before the imposition of
9 sentence, Defendant asked that if he is sentenced to a long period of incarceration, that he be
10 temporarily released for two weeks to prepare divorce papers so that his wife will not be troubled
11 with him being in prison.

12 **SENTENCE**

13 In the early morning hours of August 26, 2007, Defendant Vicente Laniyo, 41, inflicted
14 severe and numerous injuries on his wife over a span of hours. They were alone in their home in
15 Garapan, because Defendant had suggested that their children stay at his sister's residence that
16 night. A month prior to the attack, the victim and their three minor children left the Defendant
17 and stayed at his sister's house in Kagman, because they were having marital problems. On the
18 day of the incident, Defendant picked them up because the victim finally agreed to reconcile.
19 They had been married for sixteen years, and they have six children together. The two oldest
20 children were already adults when the Defendant committed the crime, but were not living on
21 Saipan with them.
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24 The Court noted that the written Plea Agreement states that Defendant agreed to a sentence wherein he would serve
25 a minimum of forty (40) months "pursuant to 6 CMC 4102(b)." Plea Agreement at 3. However, upon a joint review
of the statute with the prosecution, particularly 6 CMC 4102(c), as well as recognizing the fact that Defendant
originally was charged with three counts of assault with a dangerous weapon, which is undisputedly punishable by a
minimum term of 40 months each, the parties agreed that Defendant was subject to a sentence of at least 40 months
imprisonment pursuant to their agreement and not pursuant to 6 CMC 4102(b).

1 The Defendant has a history of domestic violence. On three prior occasions, Defendant
2 pleaded guilty to the crime of assault and battery against the same victim here. The most jail
3 time he was ordered to serve for all the prior cases was four days in the most recent case. In each
4 instance, the Defendant apologized to the victim, and the victim forgave him. At the sentencing
5 hearing, the victim herself testified on behalf of her husband. She is a petite woman, standing
6 four feet and ten inches tall, and weighing only 98 pounds. She asked for leniency for her
7 husband; she wanted a short prison sentence and to allow for a work release so that he can
8 support her and her children. Prior to his arrest, Defendant was working with the CNMI Public
9 School System on Saipan. The victim, however, is currently not working, although she used to
10 work in 2006. Their two oldest children are currently living in Texas, and both are single and
11 working. Their third oldest child lives on Saipan, but is not working and wants to go off-island
12 to attend college. The victim testified that she knows what her husband did to her was not right,
13 but she has forgiven him. At the hearing, the victim appeared completely healed from all the cuts
14 she sustained.
15

16 The scope of the injury Defendant inflicted on the victim was not readily apparent to the
17 Court at the hearing, but the photos taken on the night of the attack makes one wonder how she
18 even survived the ordeal. She sustained a deep 8-inch laceration on her head and hand,
19 numerous other cuts and puncture wounds on her arms, legs, both knees, and back, including a 4-
20 inch laceration on her back. The victim herself described one of injuries as follows: "I don't
21 know how many times he hit me on the head but I do know that the front top of my scalp is
22 hanging down already." According to the victim, the beating started when the CUC power went
23 off, and continued after the power came back on. Unlike most other domestic violence cases,
24 when Defendant committed these acts against her, he had not been drinking any alcohol, nor had
25 he been taking any drugs. The sole reason why Defendant inflicted all those cuts, stabs, and hits

1 on her is because he was accusing her of fooling around, and he wanted to know the names of all
2 the guys that she was seeing.

3 What is also troubling about this case is that despite the fact that Defendant is a large man
4 at 5 feet 7 inches and 260 pounds, he did not just assault her with his bare hands. He instead
5 assaulted her with a machete, a BB gun, and a small dagger, and inflicted these brutal cuts all
6 over her body. This case is similar to another criminal case that came before this Court
7 involving much of the same brutal acts and injuries and also involving a BB gun and knife. In
8 the criminal case against Larry Aguilar, the defendant brutally attacked the victim in front of her
9 young daughter. Fortunately for this family, none of their children were present in the home
10 when Defendant committed these brutal acts against their mother. In the *Aguilar* case, this Court
11 noted that “[s]ince this murder occurred, I have in my judicial capacity had at least three
12 different occasions to have seen domestic violence reports submitted to the Court in which the
13 complaining victim reported that their abuser threatened to kill them just like the Filipina lady
14 was cut up by her boyfriend. This case is not, and should not, be held as an example for other
15 abusers to treat their domestic partners. In fact, it is they, the abusers, that should fear the
16 consequences of any similar act.” *Commonwealth v. Larry Aguilar*, Cr. Case No. 03-0252C.
17 The victim in Aguilar’s case died. In this case, she is still here. Aguilar received a sentence of
18 fifty years imprisonment without the possibility of parole.

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20 Here, the parties previously agreed that the Court can sentence Defendant up ten years
21 imprisonment, the maximum term for the crime of aggravated assault and battery. Defendant
22 asked for a lenient sentence of not more than forty (40) months in prison and the balance
23 suspended, so that the Court can supervise him at the end of the incarceration period. The
24 Commonwealth asked that the Court impose the full ten years imprisonment, the same as the
25 recommendation of the Office of Adult Probation. The Commonwealth pointed out that

1 Defendant, in his statement to the probation officer, stated that he “felt he had lost control over
2 her.” Defendant needs to be incapacitated for a substantial amount of time to protect the victim,
3 and to deter others. Defendant’s remorseful conduct while in custody does not outweigh the risk
4 Defendant poses on the victim. The record shows Defendant’s pattern of violent conduct and
5 range of capabilities, despite being given prior opportunities to seek counselling and change his
6 ways. Rather than having the victim rely upon her abusive husband, the Court hopes that her
7 children will be the one to stand by her and support her financially, physically, and emotionally.

8 In view of the foregoing facts, this Court hereby sentences Defendant Vicente Limes
9 Laniyo as follows:

- 10 1. For **Count IV. Aggravated Assault and Battery** , in violation of 6 CMC §
11 1601(a), Defendant shall be imprisoned for a term of ten (10) years without the
12 possibility of parole, with credit for time served since his arrest on August 26, 2007.
Defendant shall be released on August 25, 2017 at 6 p.m.
- 13 2. Defendant shall pay a fine of \$1,000.
- 14 3. The Defendant shall submit himself for an evaluation by the Community
15 Guidance Center to determine if he needs any counseling and/or treatment, and shall
16 comply with any recommendation by CGC.

17 IT IS SO ORDERED this 20th day of January, 2009.

18
19 /S/
20 RAMONA V. MANGLONA, Associate Judge