



By the order of the court, Judge David A Wiseman

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

ANTHONY RAYMOND M. CAMACHO,)	CIVIL CASE NO. 14-0095
)	
Petitioner,)	ORDERS DENYING
)	MOTION TO DISMISS
v.)	
)	WRIT OF HABEUS CORPUS
RAMON C. MAFNAS IN HIS OFFICIAL CAPACITY AS COMMISSIONER DEPARTMENT OF CORRECTIONS,)	VACATING SUMMONS, AND
)	ORDERING RESPONDENT TO SHOW
Respondent.)	CAUSE
)	
)	

I. INTRODUCTION

THIS MATTER came before the Court on September 11, 2014, at 1:30 p.m. in Courtroom 223A. Attorney Richard W. Pierce appeared for the Petitioner,¹ Anthony Raymond M. Camacho. Assistant Attorney General Teresita J. Sablan appeared for the Respondent, Ramon C. Mafnas.

Based on review of the filings, oral arguments, and applicable law, the Court hereby **DENIES** Respondent’s motion to dismiss. In addition, the Court vacates the summons issued on April 23, 2014. The Court also issues an order for Respondent to show cause under 6 CMC § 7104.

II. BACKGROUND

The following paragraphs explain the events preceding the filing of the instant motion.

A. The Petitioner’s Charges

On March 8, 2011, the Commonwealth filed an information charging Anthony Raymond M. Camacho (“Petitioner”) with the following: Count I, false arrest in violation of 6 CMC § 1422(a); Count II,

¹ While 6 CMC § 7102 refers to an Application for Writ, the Court refers to the plaintiff as Petitioner as the term is commonly known and understood in the Commonwealth.

1 kidnapping in violation of 6 CMC § 1421(a)(2)(B); Count III, indecent exposure in the second degree in
2 violation of 6 CMC § 1316(a); Count IV, sexual assault in the first degree in violation of 6 CMC § 1301(a);
3 Count V, attempted sexual assault in the first degree in violation of 6 CMC §§ 301(a) and 1301(a); and
4 Count VI, disturbing the peace in violation of 6 CMC § 3101(a). *Commonwealth v. Camacho*, Crim No. 11-
5 0054 (NMI Super. Ct. Mar. 8, 2011) (Information).

6 **B. Pre-Trial Negotiations and Defense Counsel’s Advice to Plead Guilty**

7 The Commonwealth provided initial discovery to Petitioner’s defense counsel, Stephen C.
8 Woodruff,² on or about March 10, 2011, and then extended two plea offers on or about March 14, 2011.
9 Petitioner alleges that defense counsel never provided the discovery to Petitioner. Appl. for Writ of Habeas
10 Corpus (“Application”) at 3. Instead, defense counsel allegedly advised Petitioner to reject the
11 Commonwealth’s plea offers until the Commonwealth produced discovery – discovery that the
12 Commonwealth had, in fact, already produced. *Id.* And when the Commonwealth produced additional
13 discovery, defense counsel allegedly failed to make a request to continue the trial in order to investigate said
14 additional discovery. *Id.*

15 The process moved to the trial-stage where defense counsel advised Petitioner to plead guilty. *Id.*
16 at 4. Although the Court advised Petitioner of the mandatory minimum sentence, defense counsel allegedly
17 advised Petitioner that he could still receive the benefit of the proposed plea agreement. *Id.*

18 **C. Conviction and Sentence**

19 Petitioner entered an open plea of guilty to Counts II, IV, V, and VI, and the Court accepted his plea.
20 *Commonwealth v. Camacho*, Crim No. 11-0054 (NMI Super Ct. May 14, 2012) (Sentence and Commitment
21 Order) (“Judgment”). The Court sentenced Petitioner to consecutive terms of imprisonment for twenty-three
22 years and six months; five years for Count II, the mandatory minimum sentence of fifteen years without
23

24 ² The Court takes judicial notice of the fact that defense counsel, Stephen C. Woodruff, was disbarred from the
25 practice of law in the Commonwealth by this Court on June 7, 2013. *In re Woodruff*, Civ. No. 13-0017 (NMI Super. Ct. June
7, 2013) (Disciplinary Action: Disbarment). An appeal is currently pending from orders issued in *In re Woodruff*.

1 parole for Count IV, three years for Count V, and six months for Count VI. Judgment at 4.

2 Petitioner's conviction was allegedly materially longer than those offered to Petitioner by the
3 Commonwealth. Application at 4.

4 **D. Application for Writ of Habeas Corpus**

5 On April 15, 2014, Petitioner filed the instant application. Petitioner raised a claim for ineffective
6 assistance of counsel, a constitutional violation under the Sixth Amendment. Application at 4. He argued
7 that defense counsel's performance was deficient because of counsel's failure to inform Petitioner of the
8 initial discovery by the Commonwealth, failure to pursue discovery or investigate the allegations, and failure
9 to advise Petitioner that the offered plea bargains were effective until the eve of trial. *Id.* Petitioner claimed
10 that he suffered prejudice because, but for defense counsel's deficient performance, he would have entered
11 into a plea bargain that resulted in less imprisonment. *Id.*

12 Petitioner requests that the Court vacate his conviction in *Commonwealth v. Camacho* and order the
13 prosecution to re-offer the rejected plea proposals. *Id.* at 5.

14 **E. The Court's Issuance of Summons**

15 On April 23, 2014, the Clerk of Court issued a summons directing Respondent to answer to the
16 Application.

17 **F. Respondent's Rule 12(b)(6) Motion**

18 In response to the Court's issuance of summons, Respondent filed the instant motion under Rule
19 12(b)(6) of the Rules of Civil Procedure ("Rule 12(b)(6)"), for failure to state a claim for relief.

20 **III. LEGAL STANDARD**

21 When a person convicted of a crime files an application for writ of habeas corpus, 6 CMC § 7104
22 requires that the judge entertaining the application issue an order directing the named respondent to show
23 cause as to why the application for writ should not be granted. 6 CMC § 7104 also provides for an exception:
24 a judge should not issue an order to show cause if it appears from the application that the Petitioner is not
25 entitled to relief.

1 **IV. DISCUSSION**

2 Here, Respondent points out that the Court has yet to issue an order to show cause. Resp't's Mot.
3 Memo. at 3. The Court issued a summons instead. *Id.* In response, Respondent filed a Rule 12(b)(6) motion
4 and sought for the Court to deny the Application under 6 CMC § 7104's exception to the Court's
5 requirement to issue an order to show cause. *Id.* The Court denies Respondent's motion for two reasons.

6 First, the plain language construction of 6 CMC § 7104 limits the Court's review of an application
7 for writ of habeas corpus to within the four corners of the application. While the Court appreciates the
8 parties' informative and thorough briefs, it regretfully exercises its discretion to not consider the arguments
9 contained in the briefs filed in relation to Respondent's Rule 12(b)(6) motion at this time. Accordingly, the
10 Court vacates the summons as issued on April 23, 2014.

11 Second, to deny the Application at this stage in the litigation would deprive Petitioner of a possible
12 evidentiary hearing as to whether Petitioner can show the requisite element of prejudice: a reasonable
13 probability that, but for counsel's errors, Petitioner would have accepted either of the offered pleas. Cf.
14 *Lafler v. Cooper*, ___ U.S. ___, 132 S. Ct. 1376, 1389, 182 L. Ed. 2d 398, 407 (2012); *Commonwealth v.*
15 *Taman*, 2014 MP 8 ¶ 22 (citing *Commonwealth v. Shimabukuro*, 2008 MP 10 ¶ 11). Therefore, the Court
16 denies Respondent's motion.

17 In regards to the Application, the Court finds that Petitioner has raised sufficient allegations of facts
18 to warrant consideration of the Application on its merits. Accordingly, for good cause shown, the Court
19 orders Respondent to show cause as to why the Court should not grant Petitioner his relief.

20 **CONCLUSION**

21 Based on the foregoing, the Court **DENIES** Respondent's motion to dismiss.

22 The Court **VACATES** its summons issued on April 23, 2014.

23 The Court further **ORDERS** Respondent to show cause as to why the Court should not grant
24 Petitioner Anthony Raymond M. Camacho's application for writ of habeas corpus within ten days of the
25 issuance of this order.

