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

COMMONWEALTH OF THE NORTHERN  
MARIANA ISLANDS,

Plaintiff,

v.

ANTONIO M. CAMACHO,

Defendant.

) Criminal Action No. 95-226

) **ORDER DENYING DEFENDANT'S  
MOTION TO DISMISS  
INFORMATION**

This matter came before the Court on motion by the Defendant to dismiss the  
Information for failure to state the full name of the victim.

**FOR PUBLICATION**

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**I. FACTS**

On November 13, 1995, the Government charged the Defendant, by Information, with two (2) counts of Rape and (2) counts of Assault and Battery. The **Information** alleged the name of the victim in each count by initials only. Defendant moved to dismiss the Information, claiming that the failure to identify the victim's full name results in the Court's lack of subject matter jurisdiction. The Government argues that the Information is sufficient to inform the Defendant of the charges against him, and to plead Double Jeopardy, as required by **Com.R.Crim.P. 7(c)(1)**. This matter was heard on December 18, **1995**, and now, having heard arguments and reviewed the parties' submissions, the Court renders its decision.

**n. ANALYSIS**

The Information charges two separate counts of Rape against the Defendant, allegedly occurring on November 4, 1995 and November 7, 1995. Rape is defined as:

"an act of sexual intercourse with a person not the spouse of the perpetrator..where it is accomplished against a person's will by means of force or fear of immediate and unlawful injury on the person or upon another." 6 CMC § 1301(a) (emphasis added).

**Com.R.Crim.P. 7(c)(1)** requires that an Information be a "plain, concise and definite written statement of the essential facts constituting the offense charged." The purpose of the Information is to state the facts and elements of the alleged offense necessary to inform the accused of the charge so that **he/she** can prepare a defense and, if appropriate, plead Double Jeopardy. *United States v. Debrow*, 74 S.Ct. 113, citing *Cochran* and *Sayre v. United States*, 15 S.Ct. 628; *Rosen v. United States*, 16 S.Ct. 434; *Hagner v. United States*, 52 S.Ct. 417. The sufficiency of the Information is not a question of whether it could have been more **definite** and certain, but whether it contains the elements of the offense intended to be charged. See *Debrow*, supra.

Nowhere does 6 CMC § 1301 require that the person be specifically identified by name. Indeed, the elements of the crime of Rape remain the same, regardless of the name of the victim.

1 Although the Court finds that the Information sufficient despite the fact that it does not disclose the  
2 **victim's** name, the Court notes that the Information does not state whether or not the victim was the  
3 defendant's spouse. This information is an essential element of the rape charge. Accordingly,  
4 Defendant's motion to dismiss the Information with respect to the charge of Rape is DENIED, and  
5 the Government is hereby ordered to amend the Information within ten days to include allegations  
6 concerning the victim's marital relationship, or lack thereof, to the Defendant.

7 The Court also **finds** the Information **sufficient** with respect to the two separate counts of  
8 assault and battery alleged. The Information plainly and concisely states that on November 4, 1995  
9 and November 7, 1995, the Defendant "...did have sexual contact with F.M.C. without her  
10 consent..."

11 Assault and Battery is committed if one:

12 "..."unlawfully strikes, beats, wounds, or otherwise does bodily harm to **another**, or  
13 has sexual contact with **another** without the **other person's** consent." 6 CMC §  
14 1202(a) (emphasis added).

15 The statute does not require that the **other person** be specifically identified by name for the crime of  
16 Assault and Battery to occur. Because the essential elements of Assault and Battery are **definitely**  
17 stated, Defendant's motion to dismiss the Information with respect to the charges of Assault and  
18 Battery is also DENIED.

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20 So ORDERED this 24 day of January, 1996.

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24 ALEXANDRO C. CASTRO, Presiding Judge  
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