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Case No.: ADM-2017
NoraV Borja

IN THE
SUPREME COURT
OF THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

IN RE THE STYLE MANUAL OF THE SUPREME COURT

SUPREME COURT NO. 2017-ADM-0020-RUL

ORDER ADOPTING NMI SUPREME COURT STYLE MANUAL

¶ 1 This matter comes before the Court on our own motion to adopt policies governing our internal style manual. The Court deems it necessary and proper to adopt a style manual to ensure consistency in the published and unpublished works of the CNMI Judiciary.

¶ 2 IT IS HEREBY ORDERED that the amended *NMI Supreme Court Style Manual*, attached as Exhibit A, is adopted effective January 1, 2017.

SO ORDERED this 26th day of October, 2017.

/s/

ALEXANDRO C. CASTRO
Chief Justice

/s/

JOHN A. MANGLONA
Associate Justice

/s/

PERRY B. INOS
Associate Justice



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NORTHERN MARIANA ISLANDS SUPREME COURT STYLE MANUAL

Approved by the
COMMONWEALTH SUPREME COURT
January 1, 2017

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INTRODUCTION

This manual sets forth formatting and citation standards for NMI Supreme Court opinions, orders, and judgments. Practitioners are encouraged to follow these standards, to the extent that they are consistent with the NMI Supreme Court Rules. This manual is based in large part on *The Bluebook: A Uniform System of Citation* (Columbia Law Review Ass'n et al. eds., 20th ed. 2010) ("Bluebook"), and cites it frequently. However, it is not identical to the Bluebook, especially with regard to citing local sources. This manual is not comprehensive, and the Bluebook controls where it is silent. For issues not covered in this Style Manual or the Bluebook, consult *The Redbook: A Manual on Legal Style* (3d ed. 2013) by Bryan A. Garner. If questions arise, please contact the Law Revision Commission staff for assistance.

Section 1. Format. Refer to the Appendix for examples of opinions, orders, and judgments.

- (a) Margins. Supreme Court opinions will use margins of 1.25" on the top and bottom of the document and 1.75" on the left and right.
- (b) Font and Spacing.
 - (1) **Paragraph Text.** Paragraph text should be set in 11 point Times New Roman, and justified. Each paragraph must be numbered, unless there is only one paragraph. The paragraph's indentation must be hanging by 0.1". The first line of text should be indented 0.5" to the right of the margin.
 - (2) **Headings.** Headings should be set in 11 point Times New Roman in bold font. Subheadings should be set in 11 point Times New Roman using italics. Headings and subheadings should be indented 0.1" from the left and centered. Headings and subheadings should appear on the same page as the first line of text following the heading or subheading. Use the paragraph menu and select "Don't add space between paragraphs of the same style" for headings or subheadings and the following paragraph.
 - (3) **Block Quotations.** Block quotations should be set in 11 point Times New Roman, justified, with a 0.5" indent from the left and 0.4" from the right. Block quotations in footnotes should be indented 0.6" from the left and 0.4" from the right. The paragraph structure of an indented quotation should be retained. Bluebook R. 5.1(a)(iii).
 - (4) **Footnotes.** Footnotes should be set in 10 point Times New Roman, and justified. The indentation must be hanging by 0.2". The first line of text should also be indented 0.2" to the right of the margin. Footnotes should otherwise be formatted consistent with these rules.

- (5) ***Bold and Italics.*** Do not use any other typeface except: (1) bold for case headings and roman numeral section headings and (2) italics for emphasis within quotes, descriptive headings, case names, introductory signals to citations (such as “*see*”), titles of certain published materials (including law review articles), words or phrases introducing prior or subsequent case histories, and Latin or other foreign terms not in common usage¹ (including “*supra*,” “*infra*,” and “*id.*”). Underlining should be used only in unusual circumstances, such as when it is important to exactly duplicate the appearance of quoted material.
- (6) ***Spacing.*** Use the paragraph menu to set the spacing to 6.6 points between paragraphs and 13.2 points between lines when the font size is set to 11. Footnotes, which are set in 10 point font, should be 6 points between paragraphs and 12 points between lines.²

Do not place an additional return after the end of a paragraph. If you need to prevent a paragraph from breaking awkwardly across a page, select the entire paragraph, then choose “Keep with next” in the line and page breaks tab of the paragraph menu.

Use one space after a period. Use a non-breaking space (which you can type in Word using control-shift-spacebar) after the section symbol and the paragraph symbol.

- (c) **Case Headings.** Case headings should be set in 11 point Times New Roman. The name of the court and the names of the parties should be in small caps and bold format. The designation of the parties should be in italics. The Supreme Court case number and the citation should be in bold. The panel members should be denoted by “BEFORE:” in capital letters, then the names of the justices in small caps, and their judicial position in ordinary text (“ALEXANDRO C. CASTRO, Chief Justice”). If a justice pro tempore is assigned to a case, “Justice Pro Tem” should follow the panel member’s name (“ROBERTO C. NARAJA, Justice Pro Tem”).
- (d) **Headers.** Each page following the case heading should contain a header. The header should list the case’s title and citation in the following

¹ Chamorro and Carolinian terms are not foreign and should not be italicized. *See* NMI Const. art. XXII, § 3 (stating that the Commonwealth’s official languages are Chamorro, Carolinian, and English). *See infra* 1.6.5 for the typeface of Latin phrases.

² That is, the spacing at the end of a paragraph should be 60% of the point size of the font, and the line spacing set to 120% of the point size of the font.

format: *Commonwealth v. Ignacio*, 2014 MP 99. The header should be 0.7" from the top, set in 10 point Times New Roman, and centered.

- (e) Quotations. Each page following the case heading should contain a header. The header should list the case's title and citation in the following format: *Commonwealth v. Ignacio*, 2014 MP 99. The header should be 0.7" from the top, set in 10 point Times New Roman, and centered.

- (1) **Block Quotation.** Quotations of fifty or more words should be placed in the "block quote" style. Bluebook R. 5.1. Block quotation format is mandatory when the quotation appears in a footnote in your document.

A citation to the source of a block quotation should be placed immediately below the quotation. Do not use additional line spacing before or after the block quotation. For example:

► Defendant's argument that his volunteered confession is inadmissible is without merit. As the United States Supreme Court noted:

There is no requirement that police stop a person who enters a police station and states that he wishes to confess to a crime, or a person who calls the police to offer a confession or any other statement he desires to make. Volunteered statements of *any kind* are not barred by the Fifth Amendment and their admissibility is not affected by our holding today.

Miranda v. Arizona, 384 U.S. 436, 478 (1966) (emphasis added).

- (2) **Ellipsis.** Indicate omissions in quotations with an ellipsis composed of three periods. Use non-breaking spaces between each period in the ellipsis. An ellipsis should never be included at the beginning of a quotation, or at the end of a quotation when a quotation ends at the completion of a sentence. If one or more entire paragraphs are eliminated, indent and insert four periods ("...") on a new line. Do not insert ellipses for an omitted footnote or citation; indicate the omission by the parenthetical phrase "(footnote omitted)" or "(citation omitted)" immediately following the citation to the quoted source.

► "Fraud is a 'generic term which embraces all the multifarious means . . . resorted to by one individual to gain advantage over another by false suggestions or by suppression of the truth.'" *In re Yana & Atalig*, 2014 MP 1 ¶ 30 (quoting *In re Shorter*, 570 A.2d 760, 767 n.12 (D.C. 1990)).

- (3) **Omission at End of Sentence.** Use an ellipsis between the last word quoted and the final punctuation: “To insure that justice is done, compulsory process must be available” (Note: Because the final punctuation must be shown, the last period in the preceding quotation is the period at the end of the sentence.)
- (4) **Brackets.** If language at the beginning of an original sentence is omitted, capitalize the first letter and place it in brackets if it is not already capitalized:

► “[C]ompulsory process must be available for the production of evidence needed by either the prosecution or the defense.”

Letters omitted from a common root word should be noted with empty brackets. Any editing inside a quotation should also be indicated in brackets. If an error appears in the quoted text, insert “[sic]” following the error.

- (5) **Emphasis.** When italicizing words within a quotation for emphasis, add the parenthetical phrase “(emphasis added)” after the citation. Only a change in emphasis should be noted. Therefore, if the emphasis appears in the original text, do not include the parenthetical phrase “(emphasis in original).” Bluebook R. 5.2.

(f) **Punctuation, Capitalization, Foreign Expressions, and Special Characters**

- (1) **Quotation Marks.** Periods and commas are always placed inside quotation marks. A colon, semicolon, question mark, or exclamation point should be placed inside the quotation marks if it is part of the quoted material; otherwise, it is placed outside the ending quotation mark. Similarly, footnote indicators should be placed inside the quotation marks only if the footnote is part of the quoted material.

Word automatically converts straight quotes (") to curly quotes (") and straight apostrophes (') to curly apostrophes ('). If copying and pasting text from other sources, make sure to replace straight quotes with curly quotes.

- (2) **Dates.** Where no day is indicated, a comma should not separate the month from the year (e.g., “March 1955”). Note that the preferred format is (Month) (Year), rather than (Month) “of” (Year). Where a day is indicated, it should be written as a numeral, not an ordinal (e.g., “March 15, 1955,” not “March 15th, 1955”). When the date appears in the middle of a sentence, commas should appear both before and after the year. (e.g., “On March 15, 1955, the plaintiff filed suit.”)

- (3) **Numbers.** Generally, numbers zero through ninety-nine should be spelled out except: when referring to a statute section or subsection; when material repeatedly refers to percentages or dollar amounts; or when the number includes a decimal point. Bluebook R. 6.2. However, when specifying a series of numbers in the same sentence, some under and some over 100, use numerals for all. Do not repeat numerals when using written numbers (e.g., “three years,” not “three (3) years”) unless the redundancy appears in a quotation. Additionally, unless otherwise included in a citation, ordinal numbers should not use superscripts (e.g., “2nd” not “2nd”). Bluebook R. 6.2.
- (4) **Capitalization.** Capitalize nouns referring to people or groups only when they identify specific persons, officials, groups, or government entities (e.g., Judge Soll, Captain Babauta, Chamorro, Carolinian, the Marianas Public Land Corporation, the NLRB). Do not capitalize “the judges and justices of this jurisdiction,” “the governor,” “the legislative hearings,” “the gubernatorial veto,” or “the agency.” Only capitalize party designations such as “Plaintiff,” “Defendant,” “Appellant,” “Appellee,” and “Petitioner” when referring to parties in the matter. Bluebook R. B.8

Capitalize “Court” only when naming a court in full, when referring to the United States Supreme Court or the Northern Mariana Islands Supreme Court, or when the Court is referring to itself (e.g., “this Court finds”). “Commonwealth” or “State” should be capitalized if it is part of the full title of a jurisdiction, if the word it modifies is capitalized, or when referring to a jurisdiction as a governmental actor or party to litigation:

- ▶ The Commonwealth of Kentucky
- ▶ The Commonwealth litigated the issue
- ▶ The Commonwealth Secretary of Finance
- ▶ The State Commissioner of Environmental Protection

Capitalize constitutional amendments in a narrative text (e.g., “Appellant in this action relies on his Fifth Amendment and Fourteenth Amendment rights.”). Capitalize “Constitution” when referring to any constitution in full or to the U.S. Constitution or NMI Constitution. Bluebook R. 8(c)(ii). Only capitalize articles, conjunctions, or prepositions that are four or fewer letters if they begin a heading or title, or follow a colon. Bluebook R. 8(a).

Do not capitalize “a.m.” or “p.m.”

- (5) **Latin Phrases.** Latin expressions like “inter alia” and “sub judice” should be avoided because English equivalents are readily available (“among other things,” “the present case”). Commonly used Latin terms should not be italicized (“per diem,” “i.e.,” “e.g.”) unless used as a signal in a citation clause. Bluebook R. 7. Do not italicize “pro tem” or “de novo.”
- (6) **Commas.** Use the Oxford comma. (“Thomas, Maria, and Harry,” not “Thomas, Maria and Harry.”)
- (7) **Special Characters.** Use one symbol when citing to a single paragraph or section and two symbols when citing to multiple paragraphs or sections.
- ▶ 1 CMC § 3806.
 - ▶ ¶ 13
 - ▶ 1 CMC §§ 3801–3806.
 - ▶ ¶¶ 13–18

Use ampersands in case citations, but do not use them in body text.

- (8) **En dashes.** An en dash is longer than a hyphen and shorter than an em dash. En dashes should be used to show the span of one value to another.
- ▶ 1 CMC §§ 3801–3806.
 - ▶ *Reyes v. Ebeteur*, 2 NMI 418, 427–28 (1992)
- (9) **Em Dashes.** Em dashes should be used to emphasize a phrase or to set off a midsentence phrase or an appositive phrase that contains internal commas. Use em dashes when commas are inadequate.
- ▶ “[R]eview of factual findings under the clearly-erroneous standard—with its deference to the trier of fact—is the rule, not the exception.” *Anderson v. Bessemer City*, 470 U.S. 564, 575 (1985)

Section 2. Citations. This section provides a brief guide to frequently used Bluebook citation rules and sets out several exceptions.

(a) **Interductory Signals and Citation Structure.**

Signals indicate the degree of support given by cited authority. Bluebook Rule 1.2 describes the appropriate form of introductory signals and when they should be used. Bluebook Rule 1.4 details the order of authorities

within each signal. Bluebook Rule 1.5 provides general information on parentheticals. Additional information should be given parenthetically if necessary to explain the authority's relevance. Bluebook R. 1.2.

No signal should be used if the cited authority clearly states the proposition, identifies the source of a quotation, or identifies an authority referred to within the text.

“*See*” indicates that the cited authority does not directly state the proposition but obviously supports it. Use “*see*” only when support for the proposition requires an inferential step. A “*see*” cite should be accompanied by an explanatory parenthetical.

The first time a statute, rule, or other legislative document is cited, it should receive a full citation. After the first mention, subsequent citations may use the short form if the citation is contained in a separate clause or sentence. The following example shows how to use full and short citations to the Bluebook.

- ▶ Bluebook Table 2.3 governs citations to Austrian legal materials. When citing to a decision of the Austrian Verwaltungsgerichtshof, abbreviate the court's name as “VwSlg.” Bluebook T2.3.

(b) Citing Court Opinions, Orders, and Filings

- (1) ***Case Names.*** Case names should always be italicized. Bluebook B1, B4.1. Bluebook Rule 10.2.1 applies to all case names, whether in a sentence or citation. Case names in citations must also comply with Bluebook Rule 10.2.2. Only the surname or corporate name of the first-listed party on each side as it appears at the beginning of the opinion in the official reporter or slip opinion should be used. Omit words indicating multiple parties, such as “et al.” Abbreviate “In the matter of,” “Petition of,” and similar expressions to “In re.” In citations, abbreviate the words set forth in Bluebook Rule 10.2.2 and Tables T6 and T10, except when they are the first word of a party's name. Other words of eight letters or more also may be abbreviated if doing so saves substantial space and the result is unambiguous. Do not rely on running heads prepared by West, LexisNexis, and other reporter publishers for proper abbreviations; they often fail to follow Bluebook requirements.
- (2) ***NMI Court Opinions, Orders, and Filings.*** NMI Supreme Court opinions published after June 12, 1996, should be cited using the

public domain format.³ No citation to the NMI Reporter should be given when public domain citations are used. Cite the NMI Reporter for Supreme Court opinions released on or before June 12, 1996. Commonwealth trial court orders published in the Commonwealth Reporter should be referenced by citing to the Reporter. The following examples correctly cite NMI opinions:

- ▶ *Am. Constr., Inc. v. Salgado*, 1997 MP 26 ¶ 4.
- ▶ *Commonwealth v. Campbell*, 4 NMI 11 (1993).
- ▶ *Manglona v. Civil Serv. Comm'n*, 3 NMI 243, 245 (1992).
- ▶ *Candelaria v. Yano Enters., Inc.*, 2 CR 220 (Dist. Ct. App. Div. 1985).
- ▶ *Sirok v. Rotec Eng'g, Inc.*, 2 CR 179 (Trial Ct. 1985).
- ▶ *Bauer v. McCoy*, 1 CR 248 (Dist. Ct. 1982).
- ▶ *Ychitaro v. Lotius*, 3 TTR 3 (Trial Div. 1965).

Note that the format for citations to the NMI Reporter has changed and no longer includes a period after each letter of “NMI.” This brings citations to the NMI Reporter in line with citations to the Commonwealth Reporter (“CR”).

NMI Supreme Court opinions not yet certified for final publication by the Supreme Court Clerk should include a parenthetical phrase identifying the opinion as a “Slip Op.” and providing the date of decision:

- ▶ *Commonwealth v. Quitano*, 2014 MP 5 ¶ 21 (Slip Op., Apr. 4, 2014).

NMI Supreme Court dissents or concurrences not yet certified for final publication by the Supreme Court Clerk should include a parenthetical phrase identifying the opinion as a “Slip Op.” and providing the date of the dissent or concurrence was published:

- ▶ *Commonwealth v. Guiao*, 2015 MP 1 ¶ 17 (Camacho, J., dissenting, Slip Op., March 23, 2015).

When citing NMI Supreme Court opinions not assigned a public domain citation, or Superior Court opinions approved for

³ The public domain format (e.g., 1997 MP 26 ¶ 4) applies to cases reported in NMI Reporter volume 5 and subsequent volumes. NMI Sup. Ct. Gen. Order No. 2001-100.

publication but not published in print form, list the case name and number, followed by a parenthetical phrase denoting the court (“Sup.” for Supreme or “Super.” for Superior) and a second parenthetical phrase giving the name of the court filing:

- ▶ *Commonwealth v. O’Connor*, No. 99–021 (NMI Sup. Ct. June 6, 2000) (Op. at ¶ 2).
- ▶ *Commonwealth v. Evangelista*, Crim. No. 93–0174 (NMI Super. Ct. Oct. 11, 1994) (Decision & Order on Def.’s Mot. to Close Courtroom & Seal Records at 4).
- ▶ *Ada v. J.J. Enters. Inc.*, Civ. No. 93–0644 (NMI Super. Ct. Aug. 11, 1993) (Order to Parties to Submit Supplemental Mem. of Law).

If an NMI opinion has been designated “not for publication,” then the above citation format should additionally include “(unpublished)” after the parenthesis containing the date of the opinion.

- ▶ *In re Estate of Dela Cruz*, No. 98–021 (NMI Sup. Ct. Jan. 25, 2000) (unpublished).

A slip opinion later withdrawn by the Supreme Court should include “(withdrawn)” in the citation.

The transcript, opening brief, response brief, reply brief, petition for writ, and response to a writ should be cited in accordance with Bluebook BT1.

- ▶ Tr. 1.
- ▶ Opening Br. 2.
- ▶ Resp. Br. 3.
- ▶ Reply Br. 4.
- ▶ Pet’r’s Br. 5.
- ▶ Resp’t’s Br. 6.

Citations to other court filings and a transcript, when there are more than one filed for the same appeal, should list the case name and number, followed by a parenthetical phrase denoting the court and filing date, and a second parenthetical phrase with the name of the court filing.

▶ *In re Estate of Olopai*, No. 09–0379-CIV (NMI Super. Ct. May 10, 2013) (Findings of Fact & Conclusions of Law at 1).

▶ *Commonwealth v. Rios*, No. 12-0110-CR (NMI Super. Ct. Mar. 21, 2014) (Tr. 1:1–5).

Bluebook Bluepages Table BT1 provides abbreviations for court documents.

- (3) ***United States Supreme Court Opinions.*** When citing a United States Supreme Court opinion, only cite the official United States Reports.

▶ *Miranda v. Arizona*, 384 U.S. 436 (1966).

Opinions not yet reported in the United States Reports should be cited to the Supreme Court reporter.

▶ *Schuetz v. Coal. to Defend Affirmative Action*, ___ U.S. ___, 134 S. Ct. 1623 (2014).

Denials of certiorari by the U.S. Supreme Court or of similar discretionary appeals by other courts need not be noted unless they are noteworthy.

- (4) ***Guam Supreme Court Opinions.*** When available, cite Guam Supreme Court opinions using Guam’s public domain format.

▶ *Adams v. Duenas*, 1998 Guam 15 ¶ 2.

- (5) ***Opinions from Other Jurisdictions.*** For other jurisdictions, cite to the regional reporter. If the opinion is not available in the regional reporter, cite to the official state or territorial reporter. If a state court opinion is not available in the regional reporter or the state or territorial reporter, it should be cited in accordance with Bluebook Table T1 (for United States jurisdictions) or Table T2 (for foreign jurisdictions). Do not use parallel citations.

Reporter citations should generally be followed by parentheses giving the jurisdiction and the year of opinion. However, the name of the jurisdiction should be omitted if unambiguously conveyed by the reporter title or the text immediately preceding or following the citation. Additionally, if the court cited is not the jurisdiction’s highest court, the court’s name should be abbreviated before the year. See Bluebook B4.1.3. The following examples correctly cite federal and state court opinions:

▶ *Thurman v. Whitfield*, 751 F.2d 90 (2d Cir. 1984).

▶ *Am. Water Works & Elec. Co. v. Allegheny Trust Co.*, 43 F. Supp. 99 (W.D. Pa. 1940).

▶ *Dixie-Land Iron & Metal Co. v. Piedmont Iron & Metal Co.*, 220 S.E.2d 130 (Ga. 1975).

▶ *Town of Preston v. Conn. Siting Council*, 571 A.2d 157 (Conn. App. Ct. 1990).

▶ *People v. Osorio*, 81 Cal. Rptr. 3d 1677 (Cal. Ct. App. 2008).

Do not leave spaces between adjacent single capitals within a citation. Treat individual numbers, including both numerals (“2”) and ordinals (“2d”), as a single capital (e.g., “F.2d”). Leave a space between single capitals and abbreviations of more than one letter (“S. Ct.,” “L. Ed. 2d”). Bluebook R. 6.1.

Citations to unpublished dispositions from other jurisdictions are governed by NMI Supreme Court Rule 32.1(a) and should be cited accordingly.

▶ *Woodward v. Taylor*, No. 70949–6 (Wash. Ct. App. Oct. 6, 2014).

- (6) ***Paragraphs, Pages, and Footnotes.*** For NMI Supreme Court opinions assigned a public domain citation, cite the authoritative proposition by noting the paragraph number in which it appears. Do not include “at” between the public domain citation and the pinpoint cite.

▶ *Am. Const., Inc. v. Salgado*, 1997 MP 26 ¶ 7.

For NMI Supreme Court cases without a public domain citation, cite to the NMI Reporter page number.

▶ *Lucky Dev. Co. v. Tokai, U.S.A., Inc.*, 3 NMI 343, 356 (1992).

▶ *Reyes v. Ebeteur*, 2 NMI 418, 427–28 (1992).

Always retain the last two digits of a page number, but drop other repetitious digits:

▶ *Baker v. Carr*, 369 U.S. 186, 195–96 (1962).

Cite nonconsecutive pages by giving the individual page numbers separated by commas.

▶ *Rios v. Marianas Pub. Land Corp.*, 3 NMI 512, 524, 526 (1993).

To cite a footnote, list the page on which the footnote appears, followed by an “n.” and the footnote number with no intervening space.

► *Mafnas v. Commonwealth*, 1 NMI 400, 403 n.3 (1990).

Bluebook R. 3.2. To cite both the page on which a footnote appears and a footnote, add an ampersand between the page number and footnote number. ► *Mafnas v. Commonwealth*, 1 NMI 400, 403 & n.3 (1990).

- (7) **Quoting or Citing Within a Parenthetical.** If an explanatory parenthetical quotes or cites to another source, the proper format is:

► *Marine Revitalization Corp. v. Dep’t of Lands & Natural Res.*, 2011 MP 2 ¶ 8 (“A claim is not ripe for adjudication if it rests upon ‘contingent future events that may not occur as anticipated, or indeed may not occur at all.’” (quoting *Texas v. United States*, 523 U.S. 296, 299 (1998))).

► *Commonwealth v. Salasiban*, 2014 MP 17 ¶ 11 (Slip Op., Dec. 9, 2014) (explaining that a defendant’s substantial rights are affected if “there is a reasonable probability [the error] affected the outcome of the proceeding” (quoting *United States v. Marcus*, 560 U.S. 258, 262 (2010)) (internal quotation marks omitted)).

- (8) **Short Citation Forms.** “*Id.*” may be used to cite to the immediately preceding authority. Thus, if there is a citation to *Miranda v. Arizona*, 384 U.S. 436, 445 (1966), and the next citation is to the same opinion at page 448, it should be cited: *Id.* at 448. If a subsequent cite is to the same case, but there is an intervening cite or cites, the proper format is: *Miranda*, 384 U.S. at 448. Bluebook R. 4.1, 10.9.

Short citations may also be used when citing NMI Supreme Court cases, and “*id.*” may similarly be used to cite to the immediately preceding authority. The format of the short citation will depend on whether the case is published before June 12, 1996; that is, whether the NMI Reporter format or public domain format is used.

► If there is a citation to *Mafnas v. Commonwealth*, 1 NMI 400, 402 (1990), and the next citation is to the same opinion at page 403, it should be cited: *Id.* at 403. If a subsequent

citation is to the same case, but there is at least one intervening cite, the proper format is: *Mafnas*, 1 NMI at 403.

► If there is a citation to *Commonwealth v. Taivero*, 2009 MP 10 ¶ 12, and the next citation is to the same opinion at paragraph 14, it should be cited: *Id.* ¶ 14. If a subsequent citation is to the same opinion, but there is at least one intervening cite, the proper format is: *Taivero*, 2009 MP 10 ¶ 14.

► If there is a citation to *Commonwealth v. Peter*, 2010 MP 15 ¶ 6 (quoting *Blockburger v. United States*, 284 U.S. 299, 304 (1931)), and the next citation is to the same opinion at paragraph 10, it should be cited: *Peter*, 2010 MP 15 ¶ 10.

- (9) **Prior and Subsequent Case History.** Whenever an opinion is cited in full, give the entire subsequent history of the case, including its disposition in the United States Supreme Court, but omit denials of certiorari or similar discretionary appeals unless the denial is particularly relevant. Omit case history on remand or any denial of a rehearing unless relevant to the point for which the case is cited. Give prior history only if it is significant to the case's cited proposition or precedential value. Bluebook R. 10.7. See Bluebook Table T8 for a complete list of abbreviations for explanations of prior or subsequent history.
- (c) Citing the Covenant, Constitutions, Statutes, Regulations, Court Rules, and Model Codes. Drug Court targets adult non-violent offenders where there is a reasonable assumption that the offender's criminal activity is connected directly to the ongoing, chronic, and habitual use of substances. The Program does not accept participants who are charged with violent or sexual assault offenses. On a case-by-case basis, the Program may accept participants who would otherwise be rejected if a significant period has elapsed since the violent crime charge was filed.
- (1) **Covenant.** On first reference, the Covenant may be cited in full, or may be short cited and accompanied with a footnote to the full citation:
- The Covenant defines the political relationship between the Commonwealth and the United States. Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, 48 U.S.C. § 1801 note.

► The Covenant⁴ defines the political relationship between the Commonwealth and the United States.

In subsequent references, the Covenant should be cited as follows:

► The Covenant allows the Commonwealth to amend its Constitution. Covenant § 201 (48 U.S.C. § 1801 note).

► Covenant § 201 allows the Commonwealth to amend its Constitution. 48 U.S.C. § 1801 note.

- (2) **Constitutions.** References to the Northern Mariana Islands Constitution should be spelled out in the body of a sentence: The Northern Mariana Islands Judiciary was established by Article IV, Section 1 of the NMI Constitution. When the NMI Constitution is cited outside of the body of a sentence, it should be abbreviated as follows: The Northern Mariana Islands has an independent judiciary. NMI CONST. art. IV, § 1. The United States Constitution should be cited: U.S. CONST. art. I, § 9, cl. 2; U.S. CONST. amend. XIV, § 2. Do not use the short citation “*id.*” when referring to constitutions.
- (3) **Statutes.** Northern Mariana Islands statutes should be cited: 2 CMC § 5327(a). Do not include a supplement date. Cite an entire act: “Commonwealth Auditing Act of 1983, 1 CMC §§ 7811–7851.” Bluebook R. 12.4. Cite to a Northern Mariana Islands public law or uncodified act: PL 9-17, § 2. When citing consecutive sections or subsections, use two section symbols (§§). When citing sections or subsections within the body of a sentence, spell out “section” and “subsection”: The trial court denied the motion concluding Section 7406(a)(2) was not impermissibly vague.

When citing across multiple sections, always retain the full section: 1 CMC §§ 7811–7851. Redbook R. 5.15(c).

Give inclusive numbers: do not use “*et seq.*” Bluebook R. 3.3.

Federal statutes should be cited: 5 U.S.C. § 352. Citations to statutes from other jurisdictions should be in the form set forth in Bluebook Rule 12 and Table T1.

⁴ Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, 48 U.S.C. § 1801 note.

Trust Territory statutes should be cited: 39 TTC § 103. The Mariana Islands District Code should be cited: MIDC § 1.16.020. Mariana Islands District Laws should be cited: DL 5-67.

- (4) **Regulations.** Regulations codified in the Northern Mariana Islands Administrative Code (“NMIAC”) should be cited as follows: NMIAC § 20-80-920. This example cites administrative code section “20-80-920,” where “20” is the title number (corresponding with the government department/agency), “80” refers to the chapter or subchapter (corresponding with the agency division or program), and “920” is the regulation section.

If a regulation has not yet been codified in the NMIAC, cite to the Commonwealth Register. Include in the citation the dates that the regulation was adopted and proposed, and corresponding page numbers: Adopted 31 Com. Reg. 29974 (Dec. 22, 2009); Proposed 31 Com. Reg. 29898 (Sept. 28, 2009). In this example, “31” is the volume number of the Register (corresponding with the number of years published; thus the thirty-first year of the Register’s publication); “Com. Reg.” means Commonwealth Register; “29974” is the page number of the notice of adoption; and “29898” is the page number of the notice of proposed new, repealed or amended regulations.

- (5) **Court Rules.** NMI and federal rule citation formats are generally similar (i.e., FED. R. CIV. P.). Bluebook R. 12.9.3.

The following is a list of NMI court rules and their citation formats:

Subject	Title	Citation
Administrative Appeals	Rules of Procedure for Administrative Appeals	NMI R. ADMIN. APPEALS P.
Attorney Discipline	Rules of Attorney Discipline and Procedure	NMI R. ATT’Y DISC. & P.
Civil Procedure	Rules of Civil Procedure	NMI R. CIV. P.
CLE	Rules for Continuing Legal Education	NMI R. CLE
Criminal Procedure	Rules of Criminal Procedure	NMI R. CRIM. P.
Electronic Filing	Rules for Electronic Filing and Service	NMI R. ELEC. FILING

NMI SUPREME COURT STYLE MANUAL
EFFECTIVE January 1, 2017

Evidence	Rules of Evidence	NMI R. EVID.
Filing Fees	Judicial Fee Schedule	NMI FEE SCHD.
Indigent Representation	Commonwealth Rules of Indigent Representation	NMI R. INDIG. REP.
Judicial Conduct	Code of Judicial Conduct	NMI CODE JUD. COND.
Judicial Discipline	Rules of Judicial Disciplinary Procedure	NMI R. JUD. DIS. P.
Judicial Retention Elections	Rules Governing Judicial Retention Election Conduct	NMI R. RETEN. ELECT.
Juvenile Delinquency	Rules of Juvenile Delinquency Procedure	NMI R. JUV. P.
Legal Interns	Rules for Legal Intern Program	NMI R. LEGAL INT. PROG.
Mediators	Rules Governing Court-Appointed, Certified Mediators	NMI R. CT. APPT. MEDIATORS
Practice	Rules of Practice	NMI R. PRAC.
Probate	Rules of Probate Procedure	NMI R. PROB. P.
Supreme Court Rules	Supreme Court Rules	NMI SUP. CT. R.
Tax	Tax Rules of Practice and Procedure	NMI R. TAX

Traffic	Rules Governing Procedure in Traffic Cases	NMI R. TRAFF.
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- (6) **Model Codes.** Model codes should not be cited in small caps, but otherwise follows Bluebook Rules 12.9.5 and 12.9.6.
- (d) Citing Treatises, Books, Nonperiodicals, Law Reviews, Restatements, and Other Materials.

- (1) **Treatises, Books, Nonperiodicals.** Cite treatises, books, and other nonperiodicals by: volume, if there is more than one (Bluebook R. 3.1); author (Bluebook R. 15.1); title (Bluebook R. 15.3); editor or translator (Bluebook R. 15.2); serial number, if any (Bluebook R. 15.7); page, footnote, endnote, and graphical material (Bluebook R. 3.2); section or paragraph (Bluebook R. 3.3); edition, publisher, and date (Bluebook R. 15.4). Generally, the author's full name as it appears on the publication should be used the first time a work is cited, including any designation such as "Jr." or "III," but any middle name (or names) should be shortened to a middle initial unless the author uses an initial in place of his or her first name. In that case, retain the first initial and the full middle name. If a work has more than two authors, use the first author's name followed by "*et al.*," or list all authors.

▶ Laurence H. Tribe, *American Constitutional Law* § 15-4 at 1314 (2d ed. 1987).

▶ Reynolds Robertson & Francis R. Kirkham, *Jurisdiction of the Supreme Court of the United States* § 445 (Richard F. Wolfson & Phillip B. Kurland eds., 2d ed. 1951).

▶ Alexander Spoehr, *Saipan: The Ethnology of a War-Devastated Island* at 224 (1954).

However, in citing standard treatises that are commonly referred to in a shortened form, the first name and initials of the author may be omitted and the title of the book abbreviated.

▶ 5 Williston on Contracts § 661 (Jaeger ed. 1961).

▶ 6 Wigmore on Evidence § 1819 Chadbourn rev. 1976).

- (2) **Law Reviews.** Cite law review articles by author, title of work, volume number, periodical name, first page of the work, the page or pages on which cited material appears, and date enclosed in parentheses at the end of the citation. The author's full name should be supplied in the same form as in a citation to a book or treatise. Bluebook R. 16. Law review journals should be abbreviated as set forth in Bluebook Table T13.

▶ Howard P. Willens & Deanne C. Siemer, *The Constitution of the Northern Mariana Islands: Constitutional Principles and Innovation in a Pacific Setting*, 65 Geo. L.J. 1373 (1977).

▶ William E. Tagupa, *The Constitution of the Northern Mariana Islands: Special Issues in Constitutional Law and Governance*, 5 Melanesian L.J. 285 (1977).

Signed and titled student notes and comments should be cited in the same manner as any other signed article in a law review, except that the designation of the piece should appear before the title of the work to indicate it is student-written. Bluebook R. 16.6.2.

▶ Robert Torres, Comment, *Ferreira v. Borja: Land Transactions in the Northern Marianas*, 29 New Eng. L. Rev. 209 (1994).

Cite unsigned notes, comments, and shorter commentary by the designation given by the periodical, such as "Note" or "Comment."

▶ Note, *From Private Places to Personal Privacy: A Post-Katz Study of Fourth Amendment Protection*, 43 N.Y.U. L. Rev. 968 (1968).

- (3) **Restatements.** Restatements should be cited in the following manner: Restatement (Second) of Agency § 20 (1957). Comments in a restatement should be cited: Restatement (Second) of Conflicts of Laws § 305 cmt. b, illus. 1 (1969). Bluebook R. 12.9.5.
- (4) **Annotations** (e.g., A.L.R.). The style for annotations is: William B. Johnson, Annotation, *Use of Plea Bargain or Grant of Immunity as Improper Vouching for Credibility of Witness in Federal Cases*, 76 A.L.R. Fed. 409 (1986). Bluebook R. 16.6.6.

- (5) ***Legal Dictionaries and Encyclopedias.*** Use the following citation formats for these frequently cited texts, Bluebook R. 15.8:
- ▶ Black’s Law Dictionary 712 (7th ed. 1999).
 - ▶ 89 C.J.S. *Trusts* § 146 (1955).
 - ▶ 17A Am. Jur. 2d *Contracts* § 74 (1991).
- (6) ***Analysis of the Commonwealth Constitution.*** Use the following citation format: *Analysis of the Constitution of the Commonwealth of the Northern Mariana Islands* 20 (1976). For subsequent cites, use the following format: *Analysis of the Constitution, supra* at 41.
- (7) ***Section by Section Analysis of the Covenant.*** The citation format is: *Marianas Political Status Commission, Section by Section Analysis of the Covenant to Establish a Commonwealth of the Northern Mariana Islands* 3 (1975).

Section 3. Appendices

- (a) **Sample Opinion**
- (b) **Sample Order**
- (c) **Sample Judgment**

Appendix A

Sample Opinion

NMI SUPREME COURT STYLE MANUAL
EFFECTIVE January 1, 2017

Notice: This slip opinion has not been certified by the Clerk of the Supreme Court for publication in the permanent law reports. Until certified, it is subject to revision or withdrawal. In any event of discrepancies between this slip opinion and the opinion certified for publication, the certified opinion controls. Readers are requested to bring errors to the attention of the Clerk of the Supreme Court, PO Box 502165 Saipan, MP 96950, phone (670) 236-9715, fax (670) 236-9702, e-mail SupremeCourtClerk@justice.gov.mp.

IN THE
SUPREME COURT
OF THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS,
Plaintiff-Appellee,

v.

SIMON SEBUU,
Defendant-Appellant.

Supreme Court No. 2008-SCC-0005-CRM

Superior Court No. 07-0109-CR

SLIP OPINION

Cite as: 2011 MP 15

Decided December 20, 2011

Adam Miles, Assistant Public Defender, Office of the Public Defender, Saipan,
MP, for Plaintiff-Appellant.

Tiberius D. Mocanu, Assistant Attorney General, Office of the Attorney General,
Saipan, MP, for Defendant-Appellee.

Revised April 2017

BEFORE: ALEXANDRO C. CASTRO, Acting Chief Justice; JOHN. A. MANGLONA, Associate Justice; EDWARD MANIBUSAN, Justice Pro Tem.

MANGLONA, J.:

¶ 1 Defendant Simon Sebuu (“Sebuu”) appeals his bench conviction for criminal mischief in violation of 6 CMC § 1803(a)(1). Sebuu contends that he should be granted a new trial on the charge of criminal mischief because he was improperly denied a trial by jury and, additionally, because the trial court failed to render in writing specific findings of fact after he requested them. For the reasons set forth in this opinion, we affirm the judgment.⁵

I. FACTS AND PROCEDURAL HISTORY

¶ 2 The Commonwealth charged Sebuu by information with one count each of: (1) burglary, pursuant to 6 CMC § 1801(a); (2) theft, pursuant to 6 CMC § 1601(a); and (3) criminal mischief, pursuant to 6 CMC § 1803(a)(1). After the jury was sworn, the Commonwealth petitioned the trial court for permission to make an oral amendment to the First Amended Information. The Commonwealth informed the court that it lacked evidence to prove the felony criminal mischief count and that it would reduce the criminal mischief charge to a misdemeanor. The First Amended Information charged Sebuu with felony criminal mischief pursuant to 6 CMC § 1601(b)(2), which requires proof that a defendant caused “at least \$250 but less than \$20,000” in damage. The Commonwealth sought to reduce the criminal mischief charge to 6 CMC § 1601(b)(3), which requires proof that the amount of damage caused is less than \$250. The trial court heard argument from both sides, determined that the amendment would not be prejudicial to Sebuu or his co-defendant, and permitted the Commonwealth to make the oral amendment. At the close of trial, the jury acquitted Sebuu of burglary, but the trial court convicted him of misdemeanor theft and misdemeanor criminal mischief. The trial court sentenced him to serve one year for theft and one year for criminal mischief, sentences to be served consecutively, with six months suspended.

¶ 3 After the trial court pronounced Sebuu guilty of theft and criminal mischief, it made oral findings of fact. Sebuu then requested that the trial court issue written findings of fact. At the sentencing hearing six weeks later, he

⁵ The Commonwealth was not permitted to file a brief in this matter after failing to adhere to deadlines. *Commonwealth v. Sebuu*, No. 2008-SCC-0005-CRM (NMI Sup. Ct. June 24, 2011) (Order Den. Mot. for Extension of Time to File Resp. Br.; Order to Show Cause).

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again requested written findings of fact. The trial court stated that its oral findings were sufficient and no written statement would be forthcoming. Sebuu filed a timely notice of appeal.

II. JURISDICTION

¶ 4 We have jurisdiction over this appeal pursuant to 1 CMC § 3102(a).

III. DISCUSSION

¶ 5 Sebuu's primary argument on appeal is that he was entitled to a jury trial for criminal mischief because it was charged as a felony in the First Amended Information and he did not waive his right to a jury trial. This contention is not in accord with the facts. The record shows that the trial court permitted the Commonwealth to orally amend the First Amended Information on the day of trial, over Sebuu's objection.⁶ The right to a jury trial attaches when the defendant is "accused by information of committing a felony punishable by more than five years imprisonment or by more than \$2,000 fine." 7 CMC § 3101. The amended information reduced the criminal mischief charge to a misdemeanor. Thus, Sebuu did not have a right to a jury trial because the orally amended information did not charge him with a felony.⁷

¶ 6 Sebuu also argues that the trial court erred because, although his counsel requested written findings of fact and conclusions of law, the trial court entered oral findings only. Appellant's Br. at 10. This argument implicates NMI Rule of Criminal Procedure 23(c) ("Rule 23(c)"), which governs the trial court's duty to enter findings of fact and conclusions of law in a case tried without a jury. The issue of whether Sebuu was entitled to written findings pursuant to Rule 23(c) is an issue of law that we review *de novo*. *See State v. Ricky G.*, 760 A.2d 1065, 1068 (Me. 2000) (reviewing *de novo* the issue of whether findings

⁶ The Supreme Court Rules place the burden of assembling a proper record on the appellant. NMI SUP CT. R. 11(a). We were not provided a written transcript of the entire proceedings below, and we therefore found it necessary to review the entire audio transcript in reaching our decision. *See* NMI SUP. CT. R. 2 (allowing the Court to suspend any provision of the rules to expedite its decision or for other good cause).

⁷ The relevant inquiry, under NMI Rule of Criminal Procedure 7(e), is whether the prosecutor's oral amendment prejudiced Sebuu's "substantial rights." Rule 7(e) provides in relevant part: "[t]he court may permit an information to be amended at any time before verdict or finding if no additional or different offense is charged and if substantial rights of the defendant are not prejudiced." NMI R. CRIM. P. 7(e). The propriety of the oral amendment to the information is not before us. *See Commonwealth v. Castro*, 2008 MP 18 ¶¶ 24–26 (concluding a criminal appellant waived his double jeopardy argument by failing to preserve it for appeal during trial and again failing to argue the issue in his opening brief).

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of fact entered by trial court after remand were sufficient to satisfy Federal Rule of Criminal Procedure 23(c)).⁸

¶ 7 Rule 23(c) provides:

In a case tried without a jury the court shall make a general finding and shall in addition, on request made *before* the general finding, find the facts specially. *Such findings may be oral.* If an opinion or memorandum of decision is filed, it will be sufficient if the findings of fact appear therein.

NMI R. CRIM. P. 23(c) (emphasis added). The “general finding” refers to the trial court’s determination of the defendant’s guilt or innocence. Thus, pursuant to the plain language of Rule 23(c), the trial court is only required to enter specific findings if the defendant requests those findings before the trial court finds the defendant guilty or not guilty. *See United States v. Igbinosun*, 528 F.3d 387, 392 (5th Cir. 2008) (interpreting FED. R. CRIM. P. 23(c) and stating that the rule “only requires that specific findings of fact be rendered if a party requests it before the finding of guilty or not guilty.”); *United States v. Lockhart*, 382 F.3d 447, 451 n.2 (4th Cir. 2004) (interpreting FED. R. CRIM. P. 23(c) and stating, “under Fed. R. Crim. P. 23(c), the district court is not required to make specific findings of fact unless requested by a party before a finding of guilt is pronounced.”).

¶ 8 Here, Sebuu requested the trial court issue written findings of fact and conclusions of law after the trial court pronounced him guilty of criminal mischief. He failed to make the request before the trial court’s general finding of guilt, as required by the plain language of Rule 23(c). Moreover, even if Sebuu’s request for written findings would have been timely, we would not have found error because Rule 23(c) explicitly permits the trial court to enter its findings orally. NMI R. CRIM. P. 23(c) (“Such findings may be oral.”).⁹

⁸ “[W]hen our rules are patterned after the federal rules it is appropriate to look to federal interpretation for guidance.” *Ishimatsu v. Royal Crown Ins. Corp.*, 2010 MP 8 ¶ 60 (citing *Ishimatsu v. Royal Crown Ins. Corp.*, 2006 MP 9 ¶ 7 n.3)).

⁹ Sebuu also argued that his conviction should be reversed because of cumulative error. Cumulative error, by definition, requires two or more individually harmless errors that prejudiced the defendant to the same extent as a single reversible error. *United States v. Rivera*, 900 F.2d 1462, 1469 (10th Cir. 1990). *See also United States v. Wallace*, 848 F.2d 1464, 1475 (9th Cir. 1988); *United States v. Canales*, 744 F.2d 413, 430 (5th Cir. 1984). Here, the lack of any error precludes cumulative error analysis.

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IV. CONCLUSION

¶ 9 For the reasons stated herein, the judgment of the trial court is
AFFIRMED.

SO ORDERED this 20th day of December, 2011.

/s/ _____

ALEXANDRO C. CASTRO

Acting Chief Justice

/s/ _____

JOHN A. MANGLONA

Associate Justice

/s/ _____

EDWARD MANIBUSAN

Justice Pro Tem

Revised April 2017

Appendix B

Sample Order

Revised April 2017

IN THE
SUPREME COURT
OF THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS,
Plaintiff-Appellee,

v.

SIMON SEBUU,
Defendant-Appellant.

Supreme Court No. 2008-SCC-0005-CRM

Superior Court No. 07-0109-CR

**Order Denying Motion for Extension of Time to File Response Brief;
Order to Show Cause**

¶ 1 Appellant Simon Sebuu (“Sebuu”) appealed his convictions for theft pursuant to 6 CMC § 1601(a) and criminal mischief pursuant to 6 CMC § 1803(a)(1). On July 23, 2010, the Court issued the briefing schedule. Attorney General Edward T. Buckingham received service of all documents in this case commencing with the Court’s briefing schedule.¹⁰ Sebuu timely filed his opening brief on April 11, 2011.¹¹ Pursuant to the Court’s previously issued briefing schedule and Northern Mariana Islands Supreme Court Rule 31(a)(1), the Office of the Attorney General’s (“OAG”) brief was due on or before May

¹⁰ Assistant Attorneys General Anne-Marie Roy and Melissa Simms previously represented the OAG, but these attorneys did not substitute out of the case prior to leaving Saipan. The OAG did not formally substitute counsel until June 6, 2011.

¹¹ Pursuant to the briefing schedule, Sebuu’s brief was initially due August 29, 2010. The OAG’s brief was due no later than 30 days after service of Sebuu’s brief. NMI SUP. CT. R. 31(a)(1). Thereafter, the Court granted Sebuu a 120-day extension on August 2, 2010. On December 14, 2010, Sebuu filed a second stipulated 120-day extension of time. Assistant Attorney General Shelli Neal signed the second stipulated extension on behalf of the OAG but did not substitute into the matter.

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11, 2011. On June 3, 2011, the Supreme Court Clerk of Court notified the OAG that it had not filed a brief in this matter. On June 6, 2011, twenty-six days after the filing deadline expired, the OAG submitted a motion to file an out-of-time brief.¹²

¶ 2 The facts of this case are procedurally identical to those of *Commonwealth v. Owens*, 2011 MP 6 (Slip Op., June 8, 2011). As in *Owens*, the OAG's time to file its response brief expired several weeks before the OAG petitioned the Court to file an out-of-time brief. Moreover, the OAG could have petitioned for an extension of time to file its brief before the filing deadline, but did not. Finally, the OAG's motion reveals that its petition to file a late brief resulted from the OAG's failure to follow its internal appellate procedures.¹³ The foregoing facts place this matter on "all-fours" with *Owens*. The OAG's motion to file a late brief is "highly disfavored" pursuant to Northern Mariana Islands Supreme Court Rule 31-1(b), and the facts surrounding the OAG's failure to file cannot overcome this standard. Thus, the Court DENIES the OAG's petition to file a late brief.

¶ 3 The Court is mindful that *Owens* was issued before the OAG moved to file a late brief in this case. We state plainly that the Court would have denied the OAG's motion to file a late brief regardless of *Owens*, given the gravity of the OAG's failure to timely file in this instance.¹⁴

¶ 4 Moreover, the Court recognizes the danger inherent in merely barring the OAG from filing a brief in cases where there is no cross-appeal. Specifically,

¹² The Court notes that the OAG first filed its motion for extension of time on June 6. Thereafter, the OAG filed several duplicate copies of its motion. For the purposes of this disposition, the Court accepts the filing date of the first motion as the effective filing date.

¹³ See *Commonwealth v. Sebuu*, No. 2008-SCC-0005-CRM (NMI Super. Ct. June 6, 2011) (Appellee's Mot. for Extension of Time to File Resp. Br. Pursuant to Rule 31-1(b) of the NMI Sup. Ct. R. at 1) ("There are procedures in place in the Office of the Attorney General to receive information such as deadlines and motions, and had they been followed, a timely brief would have been filed.").

¹⁴ In addition to *Owens* and the instant matter, there is other evidence that the OAG has been lax in filing its briefs. See *Commonwealth v. Pua*, No. CR-06-0045-GA (NMI Sup. Ct. Dec. 12, 2008) (unpublished) (Op. & Order Re: Order to Show Cause) (noting that the OAG inexcusably failed to file briefs in two appeals); see also *Commonwealth v. Taivero*, CR-06-0037-GA (NMI Sup. Ct. July 31, 2009) (Consent to Ruling on the Merits) (OAG stipulated that it would not file a brief after failing to file for two years); *Commonwealth v. Peter*, No. CR-06-0019-GA (NMI Sup. Ct. June 19, 2007) (Mot. for Late Filing of Br.) (OAG motioned to file a late brief three months after the brief was due).

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this rewards the OAG's failure to file a brief by relieving the OAG of burden to file a brief.¹⁵ To stave off this undesirable outcome, the Court deems further action necessary in the form of an order to show cause.

¶ 5 The Court hereby ORDERS Attorney General Edward T. Buckingham to show cause as to why he should not be sanctioned. Attorney General Buckingham was served with both the briefing schedule and Sebuu's brief, and thus, knew or should have known of the filing deadline.

¶ 6 A written response from the OAG is due on or before July 15, 2011. Attorney General Buckingham is hereby ordered to appear at the order to show cause hearing which shall be held on Thursday, August 4, 2011 at 10:00 a.m. in the Supreme Court courtroom. The Court additionally requests that Chief Prosecutor Michael Ernest attend the hearing.¹⁶

SO ORDERED this 24th day of June, 2011.

/s/ _____
JOHN A. MANGLONA
Associate Justice

¹⁵ As compared to Owens, the Court notes that the result of being denied an extension to file a principal or cross appeal brief is significantly more consequential than denying leave to file a response brief because the Court is obligated to fully assess the merits of the appeal regardless of whether the OAG files a brief.

¹⁶ This matter is of serious importance to the Criminal Division of the OAG, and the Court believes that the Commonwealth's interest would be best served if Chief Prosecutor Ernest were present.

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Appendix C

Sample Judgment

Revised April 2017

IN THE
SUPREME COURT
OF THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

PREMIER INSURANCE CO., INC.,
Petitioner-Appellant,

v.

COMMONWEALTH DEPARTMENT OF LABOR,
Respondent-Appellee.

Supreme Court No. 2011-SCC-0032-CIV

Superior Court No. 09-0323E

Judgment

Petitioner-Appellant Premier Insurance Co., Inc. (“Premier”), appeals the trial court’s order affirming a decision of Respondent-Appellee Commonwealth Department of Labor, which found Premier liable for certain bond claims. For the reasons stated in the accompanying opinion, the Supreme Court **REVERSES** the trial court on all grounds and **REMANDS** the matter for further proceedings consistent with the accompanying opinion.

ENTERED this 18th day of December, 2012.

/s/

DEANNA MANGLONA
Clerk of the Supreme Court