

# DeSoto closed-door jury deliberations to resume

By Gina Tabonares-Reilly  
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Variety News Staff

AFTER a long Liberation Day weekend, 10 women and two men will return to closed-door deliberations inside the courtroom of Superior Court of Guam Judge Anita Sukola to determine the fate of murder suspect Chad Ryan DeSoto.

DeSoto is facing three counts of aggravated murder for the deaths of three Japanese tourists and 11 counts of attempted murder for seriously wounding 11 others on the night of Feb. 12, 2013 in Tumon.

The jury started its deliberations Friday weighing evidence and testimony to determine whether the 22-year-old defendant is innocent by reason of insanity.

Jury instructions state "a person is not criminally responsible for conduct if at the time of such conduct, as a

result of mental illness, disease or defect, he lacked substantial capacity to know or understand what he was doing, or to know or understand that his conduct was wrongful, or to control his actions."

The defense claimed that DeSoto falls under the three elements and should not be criminally responsible.

Under Guam law, conviction of murder has a maximum of a life sentence. However, if the defendant is acquitted because of mental illness or disease, the court may order an evaluation of his condition and may initiate further government action against him.

The trial that started July 15 is expected to end this week with the jury's verdict.



Media pool photo

► Chad Ryan DeSoto is facing three counts of aggravated murder.



Through the years, the Office of Sen. Ben Pangelinan has been opening its doors to the community to encourage eligible members of the community to sign up for the Guam Decolonization Registry. senbenp.com photo

## Guam Decolonization Registry still open

By Louella Losinio  
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Variety News Staff

DURING the 70th Guam Liberation Day Parade, the Office of Sen. Ben Pangelinan opened its doors to the community just as it had in previous years to encourage eligible members of the community to sign up for the Guam Decolonization Registry.

Lisa Dames, chief of staff, said the staff hopes to continue the initiative, for which the late senator had been strongly advocating over the past years.

"This will be the last one that we will do for Liberation Day but we hope to continue the senator's work," she said, adding that the

staff is committed to sustaining the initiative.

As of April, the Guam Election Commission reported that the list had grown to 6,569 names.

The registry was created by law 14 years ago.

With the passage of another piece of legislation introduced by former Sen. Judith Guthertz, now P.L. 31-244, a mechanism was created to expand the registration process by identifying more registrars. The law also tasks the Decolonization Commission with developing a plan of action and an education campaign.

Maria Pangelinan, executive director of the election commission, recently reported that prior to receiving funding for

the registry in 2011, only 938 people had registered.

However, in August that same year, the commission received an additional 3,843 names from the Chamorro Land Trust.

According to the law, a lessee under the Chamorro Land Trust is listed automatically in the Guam Decolonization Registry.

Under Guam's plebiscite law, the self-determination exercise is restricted to "native inhabitants," defined as "those who became U.S. citizens by virtue of the 1950 Organic Act and their blood descendants."

The law sets a threshold of 70 percent of the eligible voters as a prerequisite for holding a plebiscite for self-determination.

### GUAM HOUSING AND URBAN RENEWAL AUTHORITY

Board of Commissioners Meeting  
10:00 A.M., Thursday, July 24, 2014

GHURA's Main Office, 2ND Floor, Conference Room,  
117 Bien Venida Avenue, Sinajana

#### Agenda:

- |  |                                     |
|--|-------------------------------------|
| I. I. ROLL CALL  | V. NEW BUSINESS                     |
| II. II. APPROVAL OF PREVIOUS BOARD MINUTES - June 30, 2014 | VI. GENERAL DISCUSSION/ANNOUNCEMENT |
| III. CORRESPONDENCE AND REPORTS                            | VII. ADJOURNMENT                    |
| IV. OLD BUSINESS   |                                     |

For special accommodation, contact Ms. Kathy Taitano  
Tel. No. 475-1322 or TTY #472-3701

A.B. WON PAT  
INTERNATIONAL AIRPORT AUTHORITY GUAM

The Honorable  
EDWARD B. CALVO  
Governor

The Honorable  
RAYMOND S. TENORIO  
Lt. Governor

### IMPROVING our Infrastructure & ENHANCING GUAM's BUSINESS Investment Potential

#### INVITATION | Purchase & Delivery of for BID | Boom Lift and Trailer

IFB NO: GIAA-005-FY14

SUBMISSION | 2:00 pm - August 5, 2014  
DEADLINE: | GIAA Executive Office

PRE BID MEETING: | 10:00 am - July 25, 2014

The Antonio B. Won Pat Int'l. Airport Authority, Guam (GIAA) will receive sealed bids for project listed above. Bid documents may be obtained between 8:00 am - 5:00 pm Monday through Friday, excluding holidays from the 3rd floor GIAA Executive Office, Main Terminal and is available at [www.guaairport.com](http://www.guaairport.com). All bids must be accompanied by a bid security in the amount of 15% of the bid price. Bid security may be in the form of a bid bond, certified/cashier's checks made payable to the GIAA. A non-refundable fee of Twenty Five U.S. Dollars (\$25.00) will be charged for each printed packet or Ten U.S. Dollars (\$10.00) for an electronic file (pdf) on cd, payable in cash or certified/cashier's check payable to GIAA. The GIAA recommends that all prospective bidders, register contact information with GIAA by submitting the Acknowledgment of Receipt Form included in the bid packet and by writing to the Executive Manager or by visiting the GIAA Administration Office. GIAA shall not be liable for failure to provide notice(s) to any bidder who did not register contact information. The GIAA will affirmatively insure Small (Disadvantaged) Business Concerns will be afforded full consideration in contract awarding. GIAA also reserves the right to reject any and all bids and to waive any and all informalities, and to disregard all non-conforming or conditional bids. For additional information, contact the GIAA Procurement Office at (671) 646-0300-02 during the hours stated above.

CHARLES H. ADA II  
Executive Manager

PETER ROY MARTINEZ  
Deputy Executive Manager

PHS 804 BY: P.O. Box 8770, Tamuning, GU 96931  
Tel. (671) 646-0300 Fax: (671) 646-8873  
ATUNDRAT PUEITON BAYSON ARREN ENSENGNANT GUAMIAN

## Enjoying the view



Julia Duenas Borja, 80, enjoys the 70th Guam Liberation Day Parade yesterday from the spot she won in the Marianas Variety-Guam Edition's Ultimate Liberation Parade Spot Giveaway. Photo courtesy of Candy Perez Concepcion

**Marianas Variety-Guam Edition** is circulated by home and office delivery, consignments, and vending machines throughout Guam, as mail delivery to the Federated States of Micronesia, the Marshall Islands, South Pacific, Hawaii, Japan and the continental U.S. Daily coverage can also be read from our website [www.mvguam.com](http://www.mvguam.com).

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## PDS appeals termination of telecommunications contract

By Jasmine Stole  
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Variety News Staff

PACIFIC Data Systems Inc. (PDS) has filed an appeal with the Office of Public Accountability after the General Services Agency fired the company for a breach of contract.

According to documents filed with the OPA, PDS was awarded the bid to install telecommunication services to government agencies including the Guam Fire Department and the Department of Public Health and Social Services. During the delivery of those services, Teleguam Holdings LLC GTA filed a motion alleging contempt of court against PDS and GSA related to the services.

PDS wrote in its appeal that "it was decided by PDS and GSA that during the pendency of this motion, all work on the installation of the new voice services should be suspended."

The bid specified that the services be completed within 150 days after PDS received the purchase order.

The appellant, PDS, stated that on April 22, the company provided an update to GSA regarding the status of the installations for the voice services and requested GSA confirm a revised schedule of service installation. GSA had yet to reply to the request, the appellant wrote.

A month later, on May 30, GSA issued default notices to PDS regarding the telecommunications services and last month, on June 10, PDS was

sent a termination memorandum. "The GSA memo stated that the PDS services were being terminated based on PDS's failure to timely deliver the voice services specified under these (purchase orders)," appeal documents said.

The next day, PDS requested that GSA reconsider the termination in a letter to the agency, including notification justifying its position that PDS had not failed to meet the deadline. Instead, PDS wrote that the deadline for delivery of the services had not lapsed because of previous excusable delays, including the motion filed by GTA regarding the services.

PDS wrote that the termination of the company's services by GSA was "invalid, without justification and an illegal act."

"The facts show that PDS was complying with the terms of the procurement related to the delivery of the voice services covered by these GSA purchase orders," documents state. "Rather than being late, PDS was actually ahead of the delivery timeline under the allowed procurement."

GSA acting Chief Procurement Officer Robert Kono sent a memo to the OPA in connection with the appeals filed by PDS on June 25. Kono wrote that an upfront hearing with the hearing office would be valuable in resolving the issue.

The OPA responded and a status hearing is scheduled for Wednesday, July 9 before the hearing office.

## First Ninth Circuit Court hearing on Guam set

*Class-action voting discrimination appeal to be heard*

By Gina Tabonares-Reilly  
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Variety News Staff

FOR the first time, the United States Ninth Circuit Court of Appeals will hear oral arguments on Guam in August and the historic event will be open to the public.

Chief Judge Frances Tydingco-Gatewood, of the District Court of Guam, announced that on Aug. 27 at 10 a.m., the Ninth Circuit judges will hear arguments on one criminal and two civil cases in the fourth-floor courtroom of the District Court of Guam courthouse.

According to the Tydingco-Gatewood, no hearings of the Court of Appeals have ever been conducted on Guam.

The proceeding will be streamed on the Internet for viewing by the public and media will be allowed to record, broadcast and take still photographs provided they will file an application beforehand.

The cases that will be heard are:

► **USA v. Melvin Diaz** — Melvin Diaz is appealing his jury conviction and sentence for allegedly traveling from Guam to Rota in 2010 with intent to engage in sexual activity with a 14-year-old minor.

► **Arnold Davis v. Guam** — Arnold "Dave" Davis on behalf of himself and all others similarly situated, is appealing the District Court's dismissal of his action alleging discrimination in the voting process by Guam



Arnold "Dave" Davis on behalf of himself and all others similarly situated, is appealing the District Court's dismissal of his action alleging discrimination in the voting process by Guam and by Guam officials in violation of the Voting Rights Act of 1965. Variety file photo

and by Guam officials in violation of the Voting Rights Act of 1965. The case is filed in relation to the proposed Guam political-status plebiscite, which he contends is open to Chamorros only; and

► **Guam Industrial Services v. Zurich American Insurance Co.** — Guam Industrial Services Inc., which does business as Guam Shipyard, is appealing the District Court's judgment in favor of Zurich American Insurance Co. and Starr Indemnity

and Liability Co. in Guam Shipyard's insurance coverage action arising from the sinking of a drydock it owned. The shipyard case stemmed from the sinking of its drydock on Jan. 2, 2011 at the height of a high surf advisory issued by the National Weather Service.

Tydingco-Gatewood had ruled in favor of the insurance companies after the court concluded

that Guam Shipyard breached the insurance policy by failing to get the drydock certified by the U.S. Navy. The company is trying to collect \$646,643 from its insurer.

According to the Ninth Circuit Court calendar, each side will be given 15 minutes to present their arguments during the proceedings.

The court, however, did not disclose which circuit judges will be coming to hear the historic court proceedings.

### GUAM WATERWORKS AUTHORITY

578 North Marine Corp Drive • Tumon, Guam 96931

(This Ad paid by the Guam Waterworks Authority)

### INVITATION TO BID IFB-06-ENG-2014

The GUAM WATERWORKS AUTHORITY will receive sealed bids for the **W13-002-BND, PW05-11 DEEP WELL CHLORINE ANALYZER**. Bids will be accepted until **3:00 pm** Chamorro Standard Time, **August 15, 2014** at the GWA Engineering Conference Room, DNA Building, Suite 502, 238 Archbishop Flores Street, Hagatna, GU 96910 at which time and place all bids will be publicly opened and read aloud. The contract time for the project is **365** calendar days. All Bids must be accompanied by a Bid Bond in the amount of fifteen percent (15%) of the total bid amount. Bid security may be in the form of a bid bond, certified check or cashiers check made payable to Guam Waterworks Authority. A non-refundable amount of fifty dollars (\$50.00) is required for the purchase price of every set of bidding documents which are available at the Engineering Division on or after **July 7, 2014**.

The right is reserved to reject any or all proposals and to waive any imperfection in the bid proposal in the interest of the Guam Waterworks Authority.

A Pre-Bid conference has been scheduled at **10:00 a.m. on July 22, 2014** in the Engineering Conference Room. All bidders are requested to be present. All questions or clarifications must be submitted in writing on or before the pre-bid conference date. Bids and amendments will be available on GWA's website for downloading. Vendors should also routinely check for updates on the website as well as for e-mails from GWA notifying vendors about changes in bid status or providing responses to queries.

/S/ **THOMAS F. CRUZ, P.E.**  
Acting General Manager



Mina'trentai Dos na Liheslaturan Guahan  
**32nd GUAM LEGISLATURE**  
Senator Vicente (ben) Cabrera Pangolinan  
Committee on Appropriations, Public Debt,  
Legal Affairs, Retirement, Public Parks, Recreation,  
Historic Preservation, and Land

### NEKUNGOK PUPBLEKO (PUBLIC HEARING)

gi Metkoles, gi diha 9 gi Hulo, 2014  
Wednesday, July 9, 2014

Kuáttón Inekungok Pupbleko gi Liheslaturan Guahan  
(Guam Legislature Public Hearing Room)

### TAREHA (AGENDA)

alas nuebi gi egga'an  
(9:00AM)

### Para Komitmasion: (Confirmation Hearing)

Confirmation Hearing for Appointees to the Guam Historic Preservation Review Board:

**Richard K. Olmo, Archaeologist Representative**  
**Joaquin P. Perez, Planning Representative Alternate**  
**Pále Eric Forbes, History Representative**  
**Michael W. Makio, Architect Representative**  
**Rebecca A.R. Duenas, Chamorro Culture Representative Alternate**

Xanggen un nikitá espesial na setebison, put fabot jipang i lhislan Senado Vicente (ben) Cabrera Pangolinan gi 473-4236/7. Xanggen un nikitá kopan i prinipori siha ginen este na tarem, halom gi i sepaat i Liheslaturan Guahan gi [www.guamlegislature.com](http://www.guamlegislature.com) xanggen para un na halom testigo mu, chela para i rifinan mami gi 324 West Salsabat Avenue gi Ilo Hagatna, put kuáttón gi Kuáttón Katta gi i Liheslaturan, put faks gi 473-4738, partison mami gi [office@guamlegislature.com](mailto:office@guamlegislature.com) ike na niritu hasapi na i frendos gubernamanto.

If you require any special accommodations, auxiliary aids or other special services or for further information, please call the Office of Senator Vicente (ben) Cabrera Pangolinan at 473-4236/7. For copies of any of the Bills listed on this agenda, you may log on to the Guam Legislature's website at [www.guamlegislature.com](http://www.guamlegislature.com). Testimonies may be submitted directly to our office at 124 West Salsabat Avenue in Hagatna or at the Mail Room of the Guam Legislature, via fax at 473-4238, or via email at [office@guamlegislature.com](mailto:office@guamlegislature.com).

This ad paid with government funds.

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