

GOVERNMENT OF GUAM
OFFICE OF THE GOVERNOR
AGANA, GUAM

EXECUTIVE ORDER NO. 82-26

WHEREAS, the Guam Legislature has created a separate executive agency known as the Office of the Territorial Prosecutor, for the prosecution of violations of Guam law, Public Law 16-72, as amended; and

WHEREAS, the Superior Court of Guam has ruled that such act was an invalid encroachment on the Governor's power to appoint, direct, and remove officers of the Executive Branch of government; and

WHEREAS, the decision of the Superior Court of Guam has created uncertainty about the legitimacy of certain criminal prosecutions in Guam; and

WHEREAS, the protection of the lives and property of the residents of Guam and the orderly administration of justice requires prompt action;

NOW, THEREFORE, I, PAUL M. CALVO, Governor of the Territory of Guam, by the authority vested in my by the Organic Act of Guam, as amended, hereby order:

1. That the staff, facilities, and budget of the Office of the Territorial Prosecutor, as constituted prior to the decision in Superior Court of Guam Criminal Case No. 59F-82, shall become, for a period of 90 days, the Criminal Division of the Department of Law under the cognizance of the Attorney General.
2. That, if a subsequent decision or order by a court of competent jurisdiction overturns the decision rendered in Criminal Case No. 59F-82, all prosecutions of the Criminal Division of the Department of Law, as designated

in Section 1 of this Order, shall constitute prosecutions by the Territorial Prosecutor, his Deputy, or Assistants.

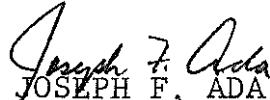
3. All acts and actions taken by attorneys in the Office of the Territorial Prosecutor from July 5, 1982 to date are specifically approved, ratified and adopted by me as having been done under my direction and control.

Signed and proclaimed in Agana, Guam, this _____ day of December, 1982.



PAUL M. CALVO
Governor of Guam

COUNTERSIGNED:



JOSEPH F. ADA
Governor of Guam