

EXHIBIT A



Filed

Supreme Court of Guam, Clerk of Court

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IN THE SUPREME COURT OF GUAM

PEOPLE OF GUAM,)
)
 Plaintiff-Appellant,)
)
 vs.)
)
 ARTHUR U. SAN AGUSTIN and)
 MASATOMO NADEAU,)
)
 Defendants-Appellees.)
)

Supreme Court Case No. CRA24-023
Superior Court Case No. CF0446-23

ORDER

This matter comes before the court upon the Motion for Extension of Time to File a Petition for Rehearing filed on behalf of Plaintiff-Appellant People of Guam (“People”) by the Office of the Attorney General (“OAG”) on January 28, 2026. The OAG requested a 30-day extension of time to “consider, consult with legal constitutional experts, research, and brief the novel issues” it claims arise from this court’s dismissal order. Mot at 2 (Jan. 28, 2026). The motion referred to potential Organic Act questions, the court’s authority to compel appointment of substitute counsel, and related structural issues. *Id.* at 2-5. This court granted the application to shorten time and set shortened response and reply deadlines. Order at 1-2 (Jan. 29, 2026). The parties filed responses and replies as scheduled. San Agustin’s Opp’n to Mot. (Feb. 2, 2026); Nadeau’s Opp’n to Mot. (Feb. 2, 2026); OAG’s Reply to San Agustin’s Opp’n (Feb. 3, 2026); OAG’s Reply to Nadeau’s Opp’n (Feb. 3, 2026). San Agustin also filed a Second Motion to Disqualify the OAG in this appeal. San Agustin’s Second Mot. Disqual. OAG (Feb. 2, 2026).

Guam Rule of Appellate Procedure (“GRAP”) 30(a)(1) provides that “[u]nless the time is shortened or extended by order or local rule, a petition for rehearing may be filed within fourteen (14) days after entry of judgment.” GRAP 30(a)(2) further requires that a petition for rehearing

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1 “state with particularity each point of law or fact which the petitioner contends the court has
2 overlooked or misapprehended” and provides that “[a]n issue not previously briefed by the parties
3 cannot be raised for the first time in a petition for rehearing.” Guam R. App. P. 30(a)(2). This
4 court also has authority to regulate practice and enforce compliance with its rules and orders,
5 including by striking noncompliant filings. Guam R. App. P. 27(a), 32; *see* 48 U.S.C.A. § 1424-
6 1(a)(6); 7 GCA § 3108(c)(2).
7

8 **1. The People’s Time to File a Petition for Rehearing is Extended to February**
9 **12, 2026, and the Request for a 30-Day Extension to March 3, 2026, is Denied**

10 The OAG requested a 30-day enlargement to file a petition for rehearing and stated that
11 additional time was needed “to consider, consult with legal constitutional experts, research, and
12 brief the novel issues arising directly from the Court’s decision.” Mot at 2. Having reviewed the
13 parties’ submissions and considering the procedural posture of this appeal—including that the
14 appeal has already been dismissed by judgment entered January 15, 2026—the court **DENIES**
15 the People’s request for a 30-day extension to March 3, 2026. The court nevertheless finds it
16 appropriate, in the exercise of its discretion under GRAP 30, to allow a short additional period
17 beyond the February 4, 2026, deadline previously set by the court. *See* Order at 1-2 (Jan. 29,
18 2026).
19

20 Accordingly, the court **EXTENDS** the People’s time to file any petition for rehearing to
21 **Thursday, February 12, 2026**. No further extension will be granted.
22

23 **2. Any Future Filings Must Be Made By Conflict-Free Substitute Counsel**

24 The Superior Court entered an order disqualifying the OAG in CF0446-23, and no stay of
25 that order has been entered by the Superior Court or this court. Record on Appeal (“RA”), tab
26 230 at 1 (Dec. & Order (Mots. Disqualify, July 1, 2024)). The trial court ordered the appointment
27 of a special prosecutor within 30 days, otherwise the case would be dismissed. *Id.* at 22-23.
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1 Subsequently, the Superior Court dismissed the case with prejudice due to the failure to appoint
2 a special prosecutor. RA, tab 242 at 1-2 (Order Dismiss., Oct. 18, 2024) (“The People remain
3 unrepresented as [AG] Douglas Moylan has been disqualified and no special prosecutor has been
4 appointed . . .”).

5 In materially identical circumstances, this court has concluded that, where an unstayed
6 Superior Court disqualification order remains in effect, “we cannot simply ignore the Superior
7 Court’s order and allow a disqualified office to continue as counsel of record in this court.”
8 *People v. Ybanez*, CRA2024-024 (Order at 3-4 (Jan. 15, 2026)). This court further concluded
9 that, “out of deference to the Superior Court’s disqualification order, we conclude that the OAG
10 may not prosecute this appeal while that order remains in effect.” *Id.*

11 Consistent with that rationale and this court’s inherent authority to regulate practice and
12 enforce compliance with its orders, this court **PROSPECTIVELY CONDITIONS** any further
13 proceedings related to this appeal on the appearance of conflict-free substitute counsel. Any
14 petition for rehearing due February 12, 2026, and any other filings on behalf of the People, must
15 be filed by conflict-free counsel not subject to the Superior Court’s disqualification order.

16 If a petition for rehearing or any other filing is submitted by the OAG while the Superior
17 Court’s disqualification order remains in effect, this court will strike the filing and will not
18 entertain further filings from disqualified counsel. *See* Guam R. App. P. 27(a), 32; *see also* 48
19 U.S.C.A. § 1424-1(a)(6); 7 GCA § 3108(c)(2).

20 **3. San Agustin’s Second Motion to Disqualify the OAG is Denied as Moot for**
21 **Purposes of this Docket and in Light of the Prospective Requirement**

22 Because this appeal has already been dismissed by judgment entered, and because this
23 Order prospectively requires conflict-free counsel for any further filings, the court **DENIES** San
24 Agustin’s Second Motion to Disqualify the OAG as moot without prejudice for purposes of this
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