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2 FOR PUBLICATION

3  
4 **IN THE SUPERIOR COURT**  
5 **OF THE**  
6 **COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

7 COMMONWEALTH OF THE NORTHERN )  
8 MARIANA ISLANDS, )

9 Plaintiff, )

10 v. )

11 ALEX A. CAMACHO and )  
12 ALVIN A. CAMACHO, )

Defendants. )

CRIMINAL CASE NO. 00-0504(A)

**ORDER OF DISMISSAL**

13 **I. INTRODUCTION**

14 This matter came before the Court at 9 a.m. on February 24, 2003, pursuant to the Court's *sua*  
15 *sponte* status conference. The Commonwealth was represented by Kevin A. Lynch, Assistant Attorney  
16 General. The Defendants were not present and their attorney, Anthony Long, Esq. was excused from the  
17 status conference because he is off-island.

18 The Court scheduled this status conference because this case is scheduled for a jury trial on March  
19 3, 2003. At approximately 4:00 p.m. on February 21, 2003, the Court was informally notified by the  
20 Attorney General's Office that they must dismiss the case, because they could not locate one or more key  
21 witnesses.

22 **II. ORDER**

23 The Commonwealth's actions leading up to their motion to dismiss are inexcusable and detrimental to  
24 the interests of justice.

25 This case commenced in October 2000, when charges were filed against the Defendants for assault  
26 and battery, assault with a dangerous weapon, robbery and theft. This case was assigned to this Court in  
27 September 2001.

28 The case history reveals a series of trial dates, pretrial orders and pretrial conferences with the most  
recent trial date of March 3, 2003. The most recent pretrial conference was scheduled, after two

1 continuances on February 18, 2003. At that time, all parties informed the Court that they were ready to  
2 proceed with trial on March 3, 2003.

3 In this Court's view, the pretrial conference is the time when litigants make their final commitment  
4 toward trial readiness. Following a pretrial conference, after the litigants have made a commitment that they  
5 are ready for trial, jury summonses are issued and the Department of Public Safety begins the difficult and  
6 time-consuming task of serving potential jurors.

7 An obvious aspect of trial readiness is having made contact with key witnesses. The Attorney General's  
8 Office has displayed gross indifference and lack of diligence in their responsibility to prosecute this case.  
9 The Attorney General's Office, as the legal representative of the Commonwealth, has a legal and  
10 professional obligation to prosecute cases diligently and act in the best interests of the people. In this case,  
11 the Attorney General's Office has absolutely failed in that responsibility.

12 This Court will not engage in a futile proceeding by forcing the Commonwealth to proceed with a case  
13 in which it cannot present proof of the charges. However, the Attorney General's Office could have  
14 concluded the status of key witnesses at an earlier time. Indeed, the pretrial conference on February 18,  
15 2003 would have been appropriate. This could have all been avoided had the Attorney General's office  
16 made proper, diligent and responsible inquiries into this case prior to Mr. Lynch's eleventh-hour discovery.

17 Substantial sanctions should be levied against the Attorney General's Office. However, the Court will  
18 not impose sanctions at this time in the hope that the Attorney General's office will act diligently in the future  
19 with its prosecutorial duties.

20 For the foregoing reasons this case is dismissed with prejudice. The Defendants are hereby discharged  
21 and any bail posted is hereby exonerated and ordered released.

22  
23 So **ORDERED** this 25th day of February 2003.

24  
25 /s/ David A. Wiseman  
26 DAVID A. WISEMAN, Associate Judge  
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