

1 For Publication

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6 **IN THE SUPERIOR COURT**
7 **OF THE**
8 **COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

9 **COMMONWEALTH OF THE NORTHERN**)
10 **MARIANA ISLANDS,**)

Criminal Case No. 03-0029

11 Plaintiff,))

JUDGMENT OF CONVICTION

12 v.))

13 **FELIX JONATHON CAMACHO,**)

14 Defendant.)
15 _____)

16 THIS MATTER was set for bench trial on June 16, 2003 and concluded on June 18, 2003.
17 The government was represented by Assistant Attorney General Phillip Tydingco. The defendant
18 appeared with counsel, Perry Inos, Esq. Upon hearing the testimony of witnesses and the arguments
19 of counsel, the Court found Defendant Camacho **Guilty** of the charge of **Assault and Battery**, in
20 violation of 6 CMC §1202(a), as charged in Counts I and II of the Information. The Court now
21 issues the following written order.

22 **FINDINGS OF FACT**

- 23 1. Defendant Felix Jonathon Camacho was on duty as a corrections officer on December 28,
24 2002. He was working in Central Male Detention.
25 2. At approximately 4:00 p.m., Mr. Camacho, accompanied by a fellow corrections officer,
26 Anthony Cruz, left the Control Center and proceeded to cell D5, where inmate Jesse Saralu
27 was detained.
28 3. Mr. Camacho opened the door to Mr. Saralu's cell and told Mr. Cruz to go inside. Mr.
Camacho then closed and locked the cell door.

- 1 4. Mr. Camacho then instructed Mr. Cruz to beat up Mr. Saralu. Mr. Cruz repeatedly kicked
2 and punched Mr. Saralu in the chest. During this time, Mr. Camacho watched and laughed,
3 at one point instructing Mr. Cruz to remove his wristwatch and turn his badge around before
4 continuing the beating. Mr. Saralu repeatedly said “na para, na para” meaning “stop, stop”
5 and raised his hands in an attempt to block the punches.
- 6 5. Finally, Mr. Cruz stopped and Mr. Camacho let both him and Mr. Saralu out of the cell. Mr.
7 Saralu proceeded to the restrooms, with Mr. Camacho and Mr. Cruz following.
- 8 6. Another detainee, Ronald Kaipat, was in the restroom preparing to shower. Mr. Camacho
9 approached Mr. Kaipat and punched him repeatedly, hitting Mr. Kaipat’s right thigh and
10 both of his arms. Mr. Kaipat told Mr. Camacho to stop because the punches hurt. Mr.
11 Camacho did not stop, but instead he continued punching Mr. Kaipat and laughing at him.
- 12 7. Eventually Mr. Camacho stopped hitting Mr. Kaipat and approached Mr. Saralu, who was
13 seated on one of the toilets. He then began punching Mr. Saralu’s right arm and his chest.
14 Mr. Saralu asked Mr. Camacho to stop, complaining that the punches were making it
15 difficult to breath. Mr Camacho did not stop, but instead continued punching Mr. Saralu and
16 laughing at him. Mr. Camacho eventually ended his attack on Mr. Saralu and left the
17 restroom.

18 ANALYSIS OF CHARGES

19 **A. Assault and Battery of Mr. Jesse Saralu.**

20 The Court finds that the Commonwealth has presented testimony and evidence proving
21 beyond a reasonable doubt the essential elements of Assault and Battery, in violation of 6 CMC §
22 1201(a), as alleged in Count I of the Information. Assault and Battery occurs where a “person
23 unlawfully strikes, beats, wounds or otherwise does bodily harm to another...” 6 CMC § 1201(a).
24 Here the Court finds credible the accounts of multiple witnesses that Mr. Camacho repeatedly
25 struck, beat, and wounded Mr. Saralu. The Court further finds that Mr. Camacho had no lawful
26 justification for his action, such as self-defense, to prevent escape, or to break-up a fight between
27 detainees. Therefore, Mr. Camacho is adjudged **GUILTY** of the charge of Assault and Battery, in
28 violation of 6 CMC § 1201(a), as charged in Count I of the Information.

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B. Assault and Battery of Mr. Ronald Kaipat

The Court finds that the Commonwealth has presented testimony and evidence proving beyond a reasonable doubt the essential elements of Assault and Battery, in violation of 6 CMC § 1201(a), as alleged in Count II of the Information. Assault and Battery occurs where a “person unlawfully strikes, beats, wounds or otherwise does bodily harm to another...” 6 CMC § 1201(a). Here the Court finds credible the accounts of multiple witnesses that Mr. Camacho repeatedly struck, beat, and wounded Mr. Kaipat. The Court further finds that Mr. Camacho had no lawful justification for his action, such as self-defense, to prevent escape, or to break-up a fight between detainees. Therefore, Mr. Camacho is adjudged **GUILTY** of the charge of Assault and Battery, in violation of 6 CMC § 1201(a), as charged in Count II of the Information.

Sentencing is set for July 15, 2003 at 9:00 a.m. in Courtroom 217A.

SO ORDERED this 19th day of June, 2003.

/S/
JUAN T. LIZAMA, Associate Judge