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FOR PUBLICATION

**IN THE SUPERIOR COURT
OF THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

COMMONWEALTH OF THE NORTHERN)
MARIANA ISLANDS,)
)
Plaintiff,)
)
v.)
)
VICENTE T. ALDAN,)
D.O.B. 04/04/1957)
)
Defendant.)
_____)

CRIMINAL CASE NO. 09-0103T
D.P.S. CASE NO. 09-000272T

**ORDER OF TEMPORARY
RELEASE PENDING HEARING**

On May 13, 2010, the hearing on the Order to Show Cause why Defendant Vicente T. Aldan should not be held in contempt concluded. Thereafter, the Court took the matter under advisement and issued a published nine (9) page Order finding Defendant Aldan in contempt of Court for failing to comply with several of the Court’s Orders requiring him to surrender a handgun used in the commission of the crime he pled guilty to. Defendant was remanded to custody for civil contempt subject to his ability to purge the contempt and obtain his release by committing an affirmative act which could take the form of new evidence that would show that there is no reasonable possibility of compliance with the Court Order.

On June 30, 2010, Defendant filed a declaration, under a caption of “Notice to the Court and Attorney General,” wherein Defendant provided the Court with new evidence that could lead to the whereabouts of said handgun.

1 Defendant's declaration states that the gun in question was issued to a DPS Officer who
2 dated his nephew and that said Officer gave the gun to his nephew instead of surrendering the
3 gun when it was being recalled or replaced by DPS. Thereafter, Defendant obtained the gun
4 from his nephew and believes that DPS retrieved the gun from where he hid it to protect an
5 alleged wrongdoing of a DPS Officer.

6 The Court welcomes this forthcoming information from Defendant, however, the Court
7 finds it necessary to clarify inconsistencies with Defendant's former testimony, as well as, the
8 declaration. Thus, the Court needs to hear additional testimony, in order to determine if
9 Defendant has purged himself of his contempt.

10 In view of Defendant's indefinite incarceration, the Court would like to hold a hearing
11 forthwith, however, because Defendant's counsel is off island, the earliest possible date for the
12 hearing would be August 3, 2010.

13 In the interim, in view of Defendant's affirmative act of filing said declaration the Court
14 will allow Defendant to be released on a temporary basis pending the hearing on August 3, 2010
15 to decide if Defendant has purged himself of contempt.

16 **IT IS HEREBY ORDERED** that Defendant is to be released from custody forthwith.

17 **IT IS FURTHER ORDERED** that Defendant appear in Court for a hearing on **August**
18 **3, 2010 at 9:00 a.m. in Courtroom 223A** to elaborate on his declaration.

19
20 **SO ORDERED** this 8th day of July, 2010.

21
22
23 /s/ _____

24 David A. Wiseman, Associate Judge