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1 FOR PUBLICATION

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

7 **COMMONWEALTH OF THE**)
8 **NORTHERN MARIANA ISLANDS,**)

CRIMINAL CASE NO. 12-0116

9 **Plaintiff,**)

10 **v.**)

ORDER GRANTING MOTION TO SET
BENCH TRIAL

11 **PEDRO MENDIOLA,**)

12 **Defendant.**)
13

14 **THIS MATTER** came before the Court on the Commonwealth of the Northern Mariana Islands
15 (“the Government”’s) motion to schedule a bench trial instead of a jury trial. Pedro Mendiola (“Defendant”)
16 indicated he did not oppose the motion. The Government brings its motion arguing Defendant does not
17 have a right to a jury trial because the offenses charged are not felonies.

18 6 CMC § 102(i) defines a felony as “any offense or conduct . . . punishable by more than one year
19 confinement.” 7 CMC § 3101(a) provides that defendants charged with a felony “punishable by more than
20 five years imprisonment or by more than \$2,000 fine” have a right to trial by jury. Defendant in this case
21 is charged with two counts of Possession of an Endangered Species, which carries a maximum sentence of
22 six months imprisonment and a \$5,000 fine, pursuant to 2 CMC § 5109(d). Because the maximum sentence
23 Defendant can receive per count is six months imprisonment, the offenses with which Defendant is charged
24 are not felonies as defined by statute. Therefore, Defendant is not entitled to a jury trial.

25 Based on the above, the Court hereby **GRANTS** Defendant’s motion to set a bench trial instead of
a jury trial. A bench trial is hereby scheduled for 9:00 a.m. in the Tinian Superior Court on May 13, 2013.

1 **SO ORDERED** this 26th day of April, 2013.

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4 *for*



David A. Wiseman, Associate Judge

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