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BY: 
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1 **FOR PUBLICATION**

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

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

CRIMINAL CASE NO. 13-0077

10 Plaintiff,

11 vs.

AMENDED
JUDGMENT OF CONVICTION
AND ORDER

12 **ANTHONY G. CASTRO,**
13 d/o/b 08/30/91

14 Defendant.

15 **THIS MATTER** came for a sentencing hearing on August 26, 2014 at 1:30 p.m. in
16 Courtroom 205A. The Commonwealth was represented by Assistant Attorney General,
17 Barbara Cepeda. Defendant Anthony G. Castro (“Defendant”) was present and represented by
18 Vincent DLG. Torres, Esq.

19 On August 26, 2014, the Court found Defendant **Guilty** of the following offense:

- 20 (1) **Sexual Abuse of a Minor in the Third Degree**, in violation of 6 CMC §
21 **1308(a)** and made punishable by 6 CMC § 1308(b).

22 The Court grants the Commonwealth’s request to dismiss all other counts contained in
23 the Information.

24 **ADJUDICATION OF GUILTY**

25 **IT IS HEREBY ADJUDGED AND DECREED** that Defendant, **ANTHONY G.**
26 **CASTRO**, is **GUILTY** of the following offense:

- 27 (1) **Sexual Abuse of a Minor in the Third Degree**, in violation of 6 CMC §
28 **1308(a)** and made punishable by 6 CMC § 1308(b).

1 IMPOSITION OF SENTENCE

2 The Court notes that sexual abuse cases, particularly those involving victims who are
3 minors, are taken seriously in the Commonwealth, with many criminal defendants receiving
4 harsh prison sentences. However, any sentencing decision must be individualized. The Court
5 must carefully consider of all relevant facts surrounding the case and all parties involved.

6 The facts of this case are exceptional, and the Court must consider not only the
7 Defendant and the Victim but must also consider the child born of their relationship. The
8 parties agreed that the Victim, a minor of only fifteen years of age at the time of contact,
9 pursued the Defendant. The Court did not take testimony from the Victim, but the Defendant
10 has stated, through counsel, that he was unaware of the Victim’s age during their brief
11 relationship. This Defendant was not in a position of authority over the Victim, and while he
12 is more than three years older than the Victim, they are not extremely far apart in age. The
13 Defendant is presently twenty-two years old, and the Victim is seventeen years old.

14 Further, the brief relationship between the Defendant and the Victim, consisting of
15 only two sexual encounters, resulted in the birth of a child. The Victim and her family are
16 unable to meet the financial needs of the child. The Defendant’s parents are also limited in
17 their financial ability to care for the child, as they have a combined income of less than \$600
18 per month. The Defendant, therefore, has taken on the responsibility of caring for his child,
19 both financially and emotionally. The child resides with the Defendant and his parents, and
20 the Office of Adult Probation (“OAP”) has attested to the fact that the child is well cared for
21 by the Defendant and is happy.

22
23 The Defendant cooperated fully with the Office of the Attorney General in this case
24 and has never denied this criminal responsibility, nor has he denied the obligations owed to
25 his child. In fact, he has readily admitted guilt and has accepted full responsibility for this
26 crime and for his child. The Victim’s aunt, who has raised the Victim, spoke on the
27 Defendant’s behalf and asked this Court to forgive the Defendant and to refrain from
28 sentencing him to a prison term. She has also asked that this Court not enter any order that
would prevent the Defendant from having contact with the Victim.

1 After considering the facts of this case, the recommendations of counsel, and the
2 mitigating circumstances as addressed above, the Court hereby sentences the Defendant to the
3 following:

- 4 a. Defendant is sentenced to a term of imprisonment of five years, all suspended;
- 5 b. Defendant shall be placed on supervised probation for a period of five years
6 through the OAP;
- 7 c. Defendant shall pay a fine of \$1,000, plus court costs in the amount of \$100, and
8 probation fees in the amount of \$500.
- 9 d. Defendant is required to pay for all costs associated with the birth of the child
10 resulting from his sexual encounters with the Victim;
- 11 e. Defendant shall not be alone with the Victim until she reaches the age of eighteen.
12 Any contact between the Defendant and the Victim until she reaches the age of
13 majority shall be supervised by either the Defendant's mother or father;
- 14 f. Defendant shall be employed for the entire duration of his probationary period;
- 15 g. Defendant shall obey all Commonwealth and Federal Laws, as well as the rules of
16 the OAP;
- 17 h. The failure to complete any of the aforementioned conditions by the expiration of
18 Defendant's probation term will constitute a violation of the terms of his probation
19 and subject him to extension of his term of probation, revocation of probation,
20 and/or imposition of all or part of the suspended portion of this sentence.

21
22 **IT IS SO ORDERED** this 28th day of August 2014.



KENNETH L. GOVENDO
Associate Judge

27 **NOTE:** Any Inconsistency between this written Order and the oral pronouncement of sentence in open court will
28 be resolved in favor of this written Order. Therefore, Counsel must move the Court for a correction of any
discrepancies within fifteen (15) days from the date of the entry of this Order, or it shall be deemed waived.