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

6 **COMMONWEALTH OF THE**  
7 **NORTHERN MARIANA ISLANDS,**

8 **Plaintiff,**

9 **v.**

10 **LANCE JUDE TENORIO CAMACHO,**

11 **Defendant.**

) **Traffic Case No. 17-04719**  
)  
) **ORDER DENYING MOTION TO**  
) **TRANSFER CASE TO JUVENILE**  
) **COURT OF SIXTEEN-YEAR OLD**  
) **DEFENDANT PURSUANT TO 6 CMC**  
) **§ 5121(d) AS THE TRAFFIC COURT**  
) **HAS JURISDICTION OVER THE**  
) **TRAFFIC VIOLATIONS**  
)  
)  
)  
)

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13 **I. INTRODUCTION**

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15 **THIS MATTER** came before the Court for a Motion Hearing on Wednesday,  
16 February 13, 2019 at 9:00 a.m. at the Marianas Business Plaza on Defendant Lance Jude  
17 Tenorio Camacho’s Motion to Transfer to Juvenile Court (“Camacho’s Motion”). Assistant  
18 Attorney General Jonathan Glass, Jr. represented the Commonwealth. Assistant Public  
19 Defender Heather Zona represented the Defendant, who also appeared.

20 **II. STATEMENT OF FACTS**

21 Lance Jude Tenorio Camacho (“Camacho”) was born on September 23, 2001.

22  
23 On October 14, 2017, the Commonwealth charged sixteen year old Camacho with  
24 violating 9 CMC § 2202(a) (operating a vehicle without a license), 9 CMC § 7104(a)  
25 (reckless driving), 9 CMC § 6101(a) (failing to “immediately stop the vehicle at the scene of  
26 the accident”), 9 CMC § 5251(a) (failing to operate a motor vehicle “at a careful, prudent  
rate of speed”), 9 CMC § 7111 (“fleeing or attempting to elude a police officer”), and 9

**By order of the Court, Judge Joseph N. Camacho**

1 CMC § 7105(a)(5) (“[h]aving a Blood Alcohol Concentration (BAC) of 0.01 percent or  
2 more for a person under the age of 21”). (“Traffic Case TR 17-04719”).

3 On February 14, 2019, the Court granted the Commonwealth’s Request for Leave  
4 to Amend Citation to amend the citation to substitute the 9 CMC § 7105(a)(5) charge for 9  
5 CMC § 7105(a)(2) (“under the influence of alcohol”).

### 6 III. DISCUSSION

7 The Commonwealth Juvenile Justice Act states that:

8 The Superior Court shall have exclusive, original jurisdiction over any  
9 juvenile and over any adult who was a juvenile at the time of any act,  
10 omission or status offense: [...]

11 (d) This chapter shall not apply to juvenile violators of non-felony-level  
12 traffic statutes, except: [...]

13 (1) a juvenile violator under the age of sixteen years at the time of such  
14 violation may, at the discretion of the court, be treated under the  
15 provisions of this chapter; and

16 (2) a juvenile charged with violation of 9 CMC § 7105(a)(5).

17 6 CMC § 5121(d). The Commonwealth Code defines “Juvenile” as “any person less than  
18 eighteen years of age or who was less than eighteen years of age at the time of any act,  
19 commission or status bringing the person within the purview of this chapter.” 6 CMC §  
20 5101(m).

21 Camacho is a Juvenile as defined by the Commonwealth Code because Camacho  
22 was sixteen years old at the time of the alleged offenses.

23 Under the plain language of 6 CMC § 5121(d)(2), the Juvenile Court had exclusive,  
24 original jurisdiction over Camacho prior to the dismissal of the 9 CMC § 7105(a)(5) charge.

25 Therefore, had the Commonwealth not dismissed the 9 CMC § 7105(a)(5) charge,  
26 the Court would be required by law to grant Camacho’s Motion and transfer his case to the

1 Juvenile Court.<sup>1</sup> See *Oden v. N. Marianas Coll.*, 2003 MP 13 ¶ 10 (stating that statutory  
2 interpretation should begin with the plain language of the statute and courts should only look  
3 beyond a statute’s plain wording if the statute is unclear); see also 9 CMC § 1104(e) (stating  
4 that “[t]he provisions of this title shall be construed according to the plain meaning of their  
5 terms, with a view to effect its object and to promote justice”).<sup>2</sup>

6 However, when the Office of the Attorney General substituted the 9 CMC §  
7 7105(a)(5) charge with the 9 CMC § 7105(a)(2) charge, the Commonwealth divested the  
8 Juvenile Court of jurisdiction to adjudicate the alleged violations because Camacho no  
9 longer charged either of the 6 CMC § 5121(d) exceptions – Camacho was sixteen years old  
10 at the time of the traffic violation, too old to qualify for the 6 CMC § 5121(d)(1) exception,  
11 and is no longer being charged with a 9 CMC § 7105(a)(5) violation, thereby not qualifying  
12 for the 6 CMC § 5121(d)(2) exception.  
13

14 Therefore, Camacho’s Motion to transfer his cases to the Juvenile Court is moot.

#### 15 IV. CONCLUSION

16 For the reasons stated above, because Defendant Camacho is sixteen years old and is  
17 not currently charged with a violation of 9 CMC § 7105(a)(5), pursuant to 6 CMC § 5121(d)  
18 the law requires that Defendant Camacho’s Traffic Case TR 17-04719 remain in the CNMI  
19 Traffic Court. Therefore, Camacho’s Motion to Transfer to Juvenile Court is **DENIED**.  
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21 IT IS SO ORDERED this 8<sup>th</sup> day of April, 2019.

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JOSEPH N. CAMACHO, Associate Judge  
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25 <sup>1</sup> The Parties did not brief or argue whether all of the charges or only the 9 CMC § 7105(a)(5) charge would be  
26 transferred to the Juvenile Court. However, the Court may have considered transferring all of the charges to  
the Juvenile Court as a matter of judicial economy.

<sup>2</sup> The Commonwealth also argues that Camacho’s case should remain in traffic court regardless of 6 CMC §  
5121(d)(2) because the CNMI Superior Court allegedly kept juveniles charged with a 9 CMC § 7105(a)(5)  
violation in traffic court if the juvenile was sixteen or seventeen years old. The Office of the Attorney  
General’s argument is now moot as 9 CMC § 7105(a)(5) has been substituted for 9 CMC § 7105(a)(2)