



**ADMINISTRATIVE**  
**E-FILED**  
**CNMI SUPREME COURT**  
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Case No.: ADM-Administrative Orders  
Martha Mendiola

IN THE  
SUPREME COURT  
OF THE  
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

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IN RE THE MATTER OF DISBARMENT OF

JOSEPH ALDAN ARRIOLA aka  
JOEY ALDAN ARRIOLA, (Bar No. F0216).

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**Supreme Court No. 2010-ADM-0003-ADA**

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**AMENDED ORDER**

On July 12, 2010, the Office of the Clerk of Court of the United States District Court for the Northern Mariana Islands informed this Court that Joseph Aldan Arriola pled guilty to two counts of wire fraud in violation of 18 U.S.C. § 1343. Such acts constitute grounds for attorney discipline pursuant to the Commonwealth Disciplinary Rules and Procedures for Persons Practicing Law in the Courts of the Commonwealth. Pursuant to Rule 13(c) of the Commonwealth Disciplinary Rules the Chief Justice hereby refers this matter to Presiding Judge Robert C. Naraja so that the superior court has the opportunity to institute a disciplinary hearing. The sole issue to be determined at this hearing shall be the extent of the discipline to be imposed on Mr. Arriola as a result of his criminal conviction. To the extent applicable, the hearing shall be conducted in accordance with Rule 9 of the Commonwealth Disciplinary Rules.<sup>1</sup>

This Amended Order vacates the Order previously issued by this Court on this matter. *See In re the Matter of the Disbarment of Joseph Aldan Arriola*, No. 2010-ADM-003-ADA (NMI Sup. Ct. July 16, 2010) (Order of Disbarment).

SO ORDERED this 2nd day of August 2010.

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<sup>1</sup> Rule 9 disciplinary hearings are generally held to determine both whether misconduct occurred and the appropriate disciplinary action. Following Mr. Arriola's criminal conviction the only remaining issue is determining the extent of discipline to be imposed.

/s/

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MIGUEL S. DEMAPAN

Chief Justice

/s/

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ALEXANDRO C. CASTRO

Associate Justice

/s/

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JOHN A. MANGLONA

Associate Justice

Office of the Clerk  
District Court  
for the  
Northern Mariana Islands  
P.O. Box 500687  
Saipan, MP 96950

SUPREME COURT

JUL 13 2010

RECEIVED

Cell: (670) 236-2902  
Facsimile: (670) 236-2910

Galo L. Perez  
Clerk


**CERTIFICATE OF CONVICTION**

To The Honorable Miguel S. Demapan, Chief Justice  
CNMI Supreme Court  
Guma Hustisia/Imwal Aweewe/House of Justice  
P.O. Box 502165  
Saipan, MP 96950

The attached Judgement In A Criminal Case, for case number CR-08-00001-001, convicting **Joey Aldan Arriola** of criminal offenses, is certified to be a true and correct copy of the document filed by the U.S. District Court for the Northern Mariana Islands on June 23, 2010.

This certificate is issued on July 12, 2010.

GALO L. PEREZ  
CLERK OF COURT

By   
William Bezzant  
Chief Deputy Clerk

# UNITED STATES DISTRICT COURT

District of Northern Mariana Islands

UNITED STATES OF AMERICA  
V.  
JOEY ALDAN ARRIOLA

## JUDGMENT IN A CRIMINAL CASE

Case Number: CR-08-00001-001

USM Number: 00629-005

Steven P. Pixley, Esq.

Defendant's Attorney

**FILED**  
Clerk  
District Court

**JUN 23 2010**

### THE DEFENDANT:

pleaded guilty to count(s) I, II

pleaded *nolo contendere* to count(s) \_\_\_\_\_  
which was accepted by the court.

was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty.

For The Northern Mariana Islands  
By \_\_\_\_\_  
(Deputy Clerk)

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 USC §1343	Wire Fraud	5/10/2006	II

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has been found not guilty on count(s) \_\_\_\_\_

Count(s) III, IV and V  is  are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

6/23/2010

Date of Imposition of Judgment

*Consuelo B. Marshall*  
Signature of Judge

Hon. Consuelo B. Marshall

Name of Judge

District Judge

Title of Judge

6/23/2010  
Date

A TRUE COPY

Certified this 12<sup>th</sup> day of July 2010

By *[Signature]*  
(Deputy Clerk)

DEFENDANT: JOEY ALDAN ARRIOLA  
CASE NUMBER: CR-08-00001-001

### IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

58 months on Counts I and II, to be served concurrently with credit for time served (November 25, 2009 to June 10, 2010)

The court makes the following recommendations to the Bureau of Prisons:

That the defendant participate in the 500 hour drug rehabilitation counseling program while incarcerated.

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at \_\_\_\_\_  a.m.  p.m. on \_\_\_\_\_.

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on \_\_\_\_\_.

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

### RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this judgment.

UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: JOEY ALDAN ARRIOLA  
CASE NUMBER: CR-08-00001-001

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

Three years on each of Count I and Count II to run concurrent.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

### STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: JOEY ALDAN ARRIOLA  
CASE NUMBER: CR-08-00001-001

### **SPECIAL CONDITIONS OF SUPERVISION**

1. That the defendant shall not commit another federal, state, or local crime;
2. That the defendant shall not unlawfully possess a controlled substance and shall refrain from any unlawful use of a controlled substance. He shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, not to exceed eight tests per month, as directed by the U.S. Probation Officer, for the detection of drug and alcohol use;
3. That the defendant participate in a drug treatment program approved by the U.S. Probation Office;
4. That the defendant shall submit to the collection of a DNA sample at the direction of the U.S. Probation Office;
5. That the defendant shall comply with the conditions of supervision as adopted by this Court;
6. That the defendant shall be prohibited from possessing a firearm or other dangerous weapon or having such weapon where he resides;
7. That the defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation officer;
8. That the defendant shall provide the probation officer access to any requested financial information; and
9. That the defendant shall complete 100 hours of community service under the direction of the U.S. Probation Office.

DEFENDANT: JOEY ALDAN ARRIOLA  
 CASE NUMBER: CR-08-00001-001

**CRIMINAL MONETARY PENALTIES**

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>		<u>Fine</u>		<u>Restitution</u>
TOTALS	\$ 200.00		\$		\$ 625,775.00

- The determination of restitution is deferred until \_\_\_\_\_. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.
- The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>

TOTALS	\$ <u>625,775.00</u>	\$ <u>625,775.00</u>
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- Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_
- The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- The court determined that the defendant does not have the ability to pay interest and it is ordered that:
  - the interest requirement is waived for the  fine  restitution.
  - the interest requirement for the  fine  restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.



DEFENDANT: JOEY ALDAN ARRIOLA  
CASE NUMBER: CR-08-00001-001

### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A  Lump sum payment of \$ 625,975.00 due immediately, balance due
  - not later than \_\_\_\_\_, or
  - in accordance  C,  D,  E, or  F below; or
- B  Payment to begin immediately (may be combined with  C,  D, or  F below); or
- C  Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D  Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E  Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F  Special instructions regarding the payment of criminal monetary penalties:

If restitution is not immediately paid after sentencing, while incarcerated and if participating in the inmate Financial Responsibility Program, the defendant shall pay in regular monthly installments of 25% of the deposits in his inmate trust account toward restitution, and 25% of his inmate trust account while serving custody at a residential re-entry center. Any portion of the monetary obligation not paid in full prior to release from custody shall be due in monthly installments of \$300, or 10% of the defendant's gross income from employment, whichever is greater.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding ayee, if appropriate.

Luis K. Pelisamen, CR-08-00001-002, \$625,775.00 (Joint and Several)

- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.