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

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS, Plaintiff, **vs.** **BRANDON RUSSELL CAMACHO,** Defendant.	**CRIMINAL CASE NO. 25-0078** **ORDER DENYING DEFENDANT'S MOTION TO FIND LEGAL ELIGIBILITY FOR MENTAL HEALTH COURT**

I. INTRODUCTION

This matter came before the Court on Defendant's Motion for an Order Finding Defendant Legally Eligible for Mental Health Court on October 15, 2025, at 1:30 p.m., in Courtroom 217A, at the Guma' Hustisia, Susupe, Saipan, Commonwealth of the Northern Mariana Islands. The Commonwealth was represented by Chief Prosecutor Chester Hinds. Brandon Russell Camacho ("Defendant") appeared and was represented by Charity Hodson, Esq. Based on a review of the parties' filings, oral arguments, and applicable law, the Court now **DENIES** Defendant's Motion for an Order Finding Defendant Legally Eligible for Mental Health Court.

II. BACKGROUND

The Commonwealth charged Defendant with one count of Assault with a Dangerous Weapon, in violation of 6 CMC § 1204(a), and one count of Disturbing the Peace, in violation of 6 CMC § 3103(a). The charges arose from an incident on or about August 6, 2025, where Defendant allegedly struck Jesse Fitial Rangamar ("Victim") multiple times on the shoulder, arm, and head with a baseball

bat. The Commonwealth also charges that Defendant pushed Victim several times and struck him with a baseball bat, depriving Victim of his right to peace and quiet, or which provoked a breach of peace. *See* Information (Aug. 26, 2025). On August 21, 2025, the Office of the Attorney General ("OAG") determined that Defendant did not meet the legal eligibility criteria for the Mental Health Court Program ("MHC" or "Program") and was thus, denied entry into the Program. On September 8, 2025, Defendant submitted a Motion for an Order Finding Defendant Legally Eligible for Mental Health Court, alleging that the Prosecution abused their discretion in denying Defendant legal eligibility into MHC on grounds that are not listed in the legal eligibility criteria in the Mental Health Court Docket Policies and Procedures. On September 29, 2025, the Commonwealth timely filed their Opposition to Defendant's Motion. On October 10, 2025, Defendant timely filed his Reply to the Commonwealth's Opposition. On October 14, 2025, the Court held a hearing on Defendant's Motion.

III. LEGAL STANDARD

The MHC Docket is a non-adversarial specialty docket established within the Superior Court's general docket. NMI MHC PP § 1(g)(3). Participation in the MHC is expressly defined as a privilege, not a right. *Id.* § 2. The Program operates under a plea-in-abeyance model, whereby a participant enters a plea of guilty, and the Court holds that plea in abeyance pending the participant's outcome in the program. *Id.* at GUIDING PRINCIPLES (c). To gain entry, a defendant must be both legally and clinically eligible. Legal eligibility is evaluated based on the following criteria:

(i) At least 18 years of age;
(ii) A United States citizen or legal resident;
(iii) Legally competent;
(iv) Has a pending criminal charge;
(v) If there are any restitution fees, the amount is less than $5,000;
(vi) Must not have been convicted of a dangerous offense within the past 10 years; and

(vii) Must not have a sentence imposed which renders the applicant ineligible for probation, whether as a result of a plea or a finding of guilt.

Id. § 2(b)(1).

Under the Policies and Procedures, the OAG has the authority to determine legal eligibility. *Id.* § 2(b)(2).

There is no constitutional right to a plea bargain. *Commonwealth v. Camacho*, 2002 MP 21 ¶ 9. Thus, the decision whether to offer a plea bargain lies within the discretion of the prosecution. *Commonwealth v. Attao*, 2005 MP 8 ¶ 13 *(citing United States v. Moody*, 778 F.2d 1380, 1385-86 (9th Cir. 1985)). However, prosecutorial discretion is not absolute and is subject to constitutional limitations. *United States v. Armstrong*, 517 U.S. 456, 464 (1979).

The exercise of prosecutorial discretion is presumed to be lawful, and this presumption may only be overcome with exceptionally clear proof of abuse. *Commonwealth v. Malabanan*, 2022 NMI 7 at 3. Courts will generally not interfere with a prosecutor's discretion unless it is so improper as to be arbitrary and capricious. *United States v. De Rosa*, 783 F.2d 1401, 1404 (9th Cir. 1986). An action is deemed to be arbitrary and capricious if it is "willful and unreasonable… without consideration or in disregard of facts or without determining principle." *In re Blankenship*, 3 NMI 209, 217 (1992).

IV. DISCUSSION

A. The Court Cannot Compel the Commonwealth to Enter into a Plea Agreement.

The MHC operates under a plea-in-abeyance model, which requires a valid, negotiated plea agreement as a condition precedent to entering the program. *See* NMI MHC PP GUIDING PRINCIPLES (c). Participation in the MHC is a privilege, not a right, and there exists no constitutional entitlement to a plea bargain. *Id.* § 2; *see Camacho,* 2002 MP 21 ¶ 9. The Court acknowledges the differences between the Drug Court and Mental Health Court legal eligibility standards. *Compare* NMI DRUG CT. P.P. § 3(c)(2) *with* NMI MHC PP § 2(b) (indicating that Drug Court legal

eligibility standards expressly allow applicants to be reviewed on case-by-case bases by OAG). However, fundamental principle behind these eligibility frameworks remains the same: the Court does not possess the authority to compel the Commonwealth to enter into plea negotiations or to deem a defendant legally eligible absent the Prosecution's consent first. To hold otherwise would usurp prosecutorial discretion and violate established separation of powers.

B. Prosecutorial Discretion was Properly Exercised and is Not Arbitrary or Capricious.

The Court finds that Defendant did not meet his burden to show that the Commonwealth's actions were so improper as to be arbitrary and capricious. *See Armstrong*, 517 U.S. at 465. The discretion afforded to the Commonwealth in determining whether to enter into plea negotiations is presumed lawful and may only be invalidated upon exceptionally clear proof of abuse. *See Malabanan*, 2022 NMI 7 at 3. Here, the Commonwealth's stated reason for declining to enter into a plea whereby Defendant would be found legally eligible for the Program is expressly based upon the nature and circumstances of the charged offense—assault with a dangerous weapon—and the Commonwealth's corresponding obligation to ensure public safety and seek justice on behalf of the victim. The Court finds these considerations to be legitimate governmental objectives and directly relevant to the underlying criminal case. *See Blankenship*, 3 NMI at 217.

Defendant additionally raises an equal protection concern, asserting that the OAG has adopted an unwritten categorical policy excluding all applicants charged with violent offenses from the Program. Defendant clarifies that he is not asserting selective prosecution or disparate treatment, but rather challenges the alleged categorical policy itself as being arbitrarily chosen by the Commonwealth. Defendant further argues that this extra-policy classification departs from the criteria expressly written in the MHC Policies and Procedures, and therefore, fails the rational basis review. *See* Def's Reply to Opp. at 7 (Oct. 14, 2025).

The Court does not find Defendant's equal protection argument persuasive. First, Defendant does not fall within a suspect class, and no fundamental right is implicated by the Prosecution's decision to decline entry into plea negotiations. Accordingly, the Commonwealth's decision need only satisfy rational basis review. *See Nordlinger v. Hahn*, 505 U.S. 1, 10 (1992). Under this standard, the classification need only be rationally related to a legitimate governmental interest, which the Court finds has been met. *See Heller v. Doe*, 509 U.S. 312, 320-21 (1993).

Thus, the Court finds the Commonwealth's exercise of discretion in this case is neither arbitrary nor capricious, nor does it violate equal protection principles under rational basis review. The Commonwealth's position is grounded in lawful considerations that go to the heart of the case and is therefore, within the bounds of its prosecutorial authority.

C. The Court Acknowledges Public Safety and Victim Justice as Paramount Considerations.

The Court emphasizes that public safety is a central component of the MHC eligibility. *See* NMI MHC PP GUIDING PRINCIPLES (a)(2). Violent offenders are generally excluded from treatment courts under both federal law and nationally recognized best practices. *See* 34 U.S.C. § 10612(2) (requiring suspension of funding for any drug court grants which allow for violent offenders to participate); *see also* 34 U.S.C. § 10611(a)(1) (including treatment courts that address mental health problems geared towards nonviolent offenders); ALLRISE, ADULT TREATMENT COURT BEST PRACTICE STANDARDS at 3 (Jul. 28, 2025) (finding that excluding candidates from admission based on current charges or criminal history if such person cannot be served safely or effectively in treatment courts as best practice). This restriction is grounded in well-established principles of public safety and program efficacy. Admitting violent offenders may heighten the burden on the program due to elevated supervision demands and risks to therapeutic effectiveness. Additionally, the Court is concerned that inclusion of participants with high criminogenic risk factors may

heighten the burden on fellow participants who are low-risk. Accordingly, limiting participation to non-violent offenders is not only consistent with statutory mandates, but is also recognized as a best practice essential to maintaining the efficacy and integrity of treatment courts.

Additionally, the Court has a duty to consider the rights of the victim and the community's interest in deterrence, accountability, and just reparation. In the present case, the victim has a direct and compelling interest in seeing justice served. These factors weigh heavily against overriding prosecutorial discretion.

The Court recognizes that the CNMI is home to a large veteran population and further acknowledges the lack of adequate local support services for veterans.[1] However, the MHC cannot be used as a substitute mechanism to compensate for the deficiencies in governmental or social services. The Court is bound to apply MHC Policies and Procedures as written and cannot expand program admission criteria on that basis.

D. The Court finds Defendant's Alternative Solutions to be Unpersuasive.

Defendant presents additional interpretations and solutions available to find him legally eligible for the Program. First, Defendant argues that finding him legally eligible does not bar the OAG from later expressing their desire to not enter into a plea agreement with Defendant. Consequently, Defendant suggests allowing him to be found legally eligible and move onto the next steps of screening and clinical eligibility before determination of whether or not the OAG would be amenable to a plea negotiation. However, the Court does not find this argument to be persuasive. Under the MHC framework, the OAG's determination of legal eligibility inherently

[1] *See* Emma Moore and Brent Peabody, Veteran Benefits in U.S. Territories, Center for New American Security (Feb. 25, 2020), https://www.cnas.org/publications/commentary/state-level-veteran-benefits-in-u-s-territories? (finding that veterans comprise an average 5.6 percent of the population in American Samoa, the Northern Mariana Islands, and the U.S. Virgin Islands); *see also* U.S. Gov't Accountability Office, Actions Needed to Improve Access to Care in the U.S. Territories and Freely Assoc. States, GAO-24-106364 (May 2024) (acknowledging Veteran Affair efforts not sufficiently addressing veteran's access to care in the territories and FAS).

signals its willingness to proceed with a plea agreement. *See* NMI MHC PP § 2(b)(2). There is no provision allowing for the Prosecution to defer that decision to a later procedural stage. Additionally, to require clinical screening in the face of prosecutorial refusal would be a waste of judicial resources, as Defendant would remain legally barred from proceeding. The Court will not mandate a futile process.

Second, Defendant suggests that his high criminogenic risk could be mitigated by obtaining separate treatment off-island. The Court finds this argument unavailing. If Defendant were to relocate off-island, the Court would lack jurisdiction to supervise him. The Court does not hold authority to compel treatment in another jurisdiction or to retain jurisdiction outside its territorial reach. Therefore, this proposed alternative is neither legally nor practically feasible.

V. CONCLUSION

Based on the foregoing, the Court finds that it lacks the authority to compel the Commonwealth to enter into plea negotiations, and that the Prosecution's decision is neither arbitrary nor capricious. Thus, the Defendant's Motion for an Order Finding Defendant Legally Eligible for Mental Health Court is hereby **DENIED**.

SO ORDERED this **27th** day of October 2025.

TERESA K. KIM-TENORIO
Associate Judge