

IN THE SUPREME COURT OF GUAM
TERRITORY OF GUAM

PEOPLE OF THE TERRITORY OF GUAM

Appellee,

vs.

BEAU BRUNEMAN,

Appellant.

Criminal Case No. CRA96-001

Filed: August 22, 1996

Cite as: 1996 Guam 2

INTERIM ORDER DENYING RELIEF

[1] Appellant has been charged in Superior Court Criminal Case No. CF81-96 with Aggravated Murder (two counts) and First Degree Criminal Sexual Conduct (two counts), and in Superior Court Criminal Case No. CF218-96 with Attempted Third Degree Criminal Sexual Conduct (two counts), Assault with Intent to Commit Criminal Sexual Conduct (two counts), and Second Degree Criminal Sexual Conduct.

The Superior Court set bail at one million dollars (\$1,000,000.00). Appellant filed motions for release in both criminal cases.

The judge denied both motions after a hearing held on 30 July 1996.

[2] Appellant filed a motion for review of his release conditions pursuant to 8 GCA § 40.50 which provides for a Bail Redetermination Hearing before the judge who imposed the conditions within twenty-

four (24) hours of the initial release hearing.

After a second hearing, the judge denied the motion.

[3] On appeal, Appellant contends that the Guam release statutes violate the Fifth Amendment Due Process Clause, and the Eighth Amendment Excessive Bail Clause of the United States Constitution made applicable to Guam by the Organic Act.

[4] Title 8 GCA § 40.80 requires that appeals of release conditions imposed by the Superior Court be affirmed if "supported by the proceedings below." Section 40.80 further requires that appeals taken pursuant to § 40.80 be determined promptly.

People v. Bruneman, 1996 Guam 2, (Interim Order Denying Relief)

[5] Having reviewed the record on appeal, including items identified for supplementation in this Court's Order Supplementing Record on Appeal, we find that the proceedings below do in fact support the decision of the Superior Court denying Appellant's motions for release. Pursuant to § 40.80, the order of the Superior Court is hereby AFFIRMED.

[6] This Court will provide the reasoning that forms the basis of this Order in a separate written opinion.

SO ORDERED this 22nd day of August, 1996.

PETER C. SIGUENZA
Chief Justice

MONESSA G. LUJAN
Associate Justice