

2024 JAN 22 AM 8:49

CLERK OF COURT

BY: _____

IN THE SUPERIOR COURT OF GUAM

PEOPLE OF GUAM

vs.

RICKEY CHRIS MCINTOSH, JR.,
aka Rickey Chris McIntosh, aka Ricky Chris
McIntosh, aka Ricky Chris McIntosh, Jr., aka
Joey Tole Chariss Santiago,
DOB: 3/15/1977

Defendant.

CRIMINAL CASE NO. CF343-22
GPD REPORT NOS. 21-10914/22-13561

DECISION AND ORDER GRANTING
MOTION TO WITHDRAW AS COUNSEL
AND ORDER APPOINTING
NEW COUNSEL

This matter came before the Honorable Judge Maria T. Cenzone on Attorney Rodney Jacob's ("Attorney Jacob") Motion to Withdraw as Appointed Counsel (the "Motion") to Defendant Rickey Chris McIntosh, Jr.'s ("Defendant") filed on November 22, 2023. Present at the hearing on the Motion on November 28, 2023, were Defendant, Attorney Jacob and Assistant Attorney General Christine Tenorio. During the hearing, Attorney Jacob sought relief from the order appointing him to represent Defendant, citing numerous reasons under the Guam Local Rules of Professional Conduct Rule 1.16, including a potential violation of the rules of professional conduct as well as for other good cause. *Mot.* at 2.

The basis for Attorney Jacob's Motion relating to a potential violation of the ethics rules involved the naming of Sophia Diaz as a government witness, as she has a "close personal relationship" with Attorney Jacob which "relationship will affect the zealous representation of

1 Defendant.” *Id.* The People, however, disclosed that it did not intend to call Ms. Diaz as a witness
2 during the trial of this matter, thereby making moot those grounds. *Min. of Pre-trial Conf.* at
3 9:43:22 AM to 9:44:38 AM (Nov. 28, 2023).

4 Attorney Jacob further proffered as additional grounds for relief that he and other
5 members of his firm CALVO JACOB & PANGELINAN LLP (the “Firm”) had been appointed
6 to several criminal cases in 2023, with four cases having been specifically assigned to him. The
7 Court ordered Attorney Jacob to submit further information regarding the court-appointed cases
8 to which he and other members of the Firm have been appointed pursuant to the Supreme Court
9 of Guam Promulgation Order No. 06-006-25 (the “Promulgation Order”) providing for an interim
10 procedure for the appointment of indigent legal counsel for criminal misdemeanor and felony
11 defendants. *Id.* at 9:40:53AM to 9:50:11AM (Nov. 28, 2023). On November 29, 2024, Attorney
12 Jacob submitted a Declaration indicating that the Firm, through its members, has been appointed
13 to a total of 11 criminal felony cases in 2023, 7 of which continue to be active. *Jacob Decl.* at ¶¶
14 4 - 7.
15
16

17 The Promulgation Order mandates that “each Judge of the Superior Court shall appoint
18 counsel in the order set forth below: (1) the Public Defender Service Corporation; (2) the
19 Alternate Public Defender Office (3) [SUSPENDED]; and (4) Active members of the Guam Bar
20 Association, from a membership list as approved by the Supreme Court.” The Promulgation Order
21 allows a trial court to “appoint counsel in derogation of the order set forth above for good cause
22 shown, such good cause to be entered on the record.”
23
24

25 //
26 //

1 In this case, the Court finds the following factors constitute "good cause" under the
2 Promulgation Order supporting Attorney Jacob's Motion permitting him to withdraw and to
3 appoint new counsel in derogation of the order set forth in the Promulgation Order:

4 (1) Attorney Jacob has been appointed to represent criminal defendants in four *felony*
5 cases, including the instant matter. *Jacob Decl.* at ¶ 4.

6
7 (2) The Firm has been appointed to represent eleven (11) indigent defendants in felony
8 cases, in total, for 2023, and following the issuance of the Promulgation Order, was
9 appointed in four felony criminal cases within the span of ten (10) days. *Jacob Decl.*
10 at ¶¶ 4-7.

11 (3) The court-appointed cases have placed an unreasonable burden on the Firm and its
12 staff in order to prepare for the several trials of these felony cases. *Jacob Decl.* at ¶¶
13 3, 8.
14

15 Therefore, for the reasons set forth herein, it is hereby ORDERED that Attorney Jacob is
16 relieved from representing the Defendant in this matter. Ryan Marsil Johnson is
17 hereby APPOINTED to represent Defendant.
18

19 Attorney Jacob is further ORDERED to forward all discovery to Defendant's new
20 counsel. Further Proceedings shall be held on January 30, 2024 at the hour of 9:00a. .m.

21 SO ORDERED this ^{32nd} day of January, 2024.


22
23 **SERVICE VIA EMAIL**

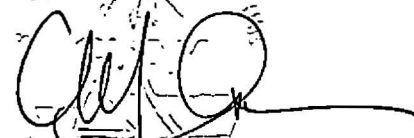
24 I acknowledge that an electronic
copy of the original was e-mailed to:

25 AG's Rodney Jacob

26 Ryan Johnson

27 Date: 1/22/24 Time: 9:00

28 Caulerio 
Deputy Clerk, Superior Court of Guam



HONORABLE MARIA T. CENZON
Judge, Superior Court of Guam