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CLERK OF COURT

IN THE SUPERIOR COURT OF GUAM BY: 

THE PEOPLE OF GUAM,

vs.

CURTIS JAMES BLAS,
DOB: 01/12/1998,

DONAVAN ELLIOTT ALIANZA
CARRIAGA,
DOB: 11/05/1997,

BRANDON JAMES FLAHERTY,
DOB: 09/11/1992,

Defendant(s).

Criminal Case No. CF0543-21

**DECISION AND ORDER
(Severance)**

INTRODUCTION

This matter came before the Honorable John C. Terlaje on January 23, 2024, for a Pre Trial Conference regarding three defendants who allegedly committed murder: Defendant Donovan Carriaga ("Carriaga"), Defendant Curtis Blas ("Blas"), and Defendant Brandon Flaherty ("Flaherty"). Attorney Samuel Teker appeared for Carriaga, Attorney Terence Timblin appeared for Blas, and Flaherty appeared without counsel. During the hearing, Attorney Teker raised an Ex Parte Motion in Limine to Sever for Defendant Carriaga. Based on the relevant law and authorities the Court now issues the following decision and order **SUA SPONTE** severing

1 the case between Defendant Flaherty, Defendants Blas, and Defendant Carriaga into three
2 separate cases.

3 4 **BACKGROUND**

5 On November 4th, 2021, the Office of the Attorney General charged Defendants Blas,
6 Carriaga, and Flaherty with Aggravated Murder (As a First Degree Felony) of Adam James
7 Messier, in violation of 9 GCA §§ 16.30(a)(1) and 4.60. Blas, Carriaga, Flaherty, Indictment,
8 (November 4, 2021). On January 22, 2024, Defendant Carriaga filed an Ex Parte Motion in
9 Limine to Sever. Def. Carriaga's Ex Parte Mot. in Limine to Sever (January 22, 2024). A Pre
10 Trial-Conference was held on January 23, 2024.

11 **DISCUSSION**

12 Guam law provides when severance is allowed and reads as follows:

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14 If it appears that a defendant or the government *is prejudiced* by a joinder of offenses or
15 of defendants in an indictment or information or by such joinder for trial together, the
16 court *may* order an election or separate trials of courts, grant a severance of defendants
17 or *provide whatever other relief justice requires*.

18 8 GCA § 65.35 (2005) (emphasis added).

19 The Court must balance the rights of the defendant to a fair trial absent prejudice, which
20 may result from the joinder. *United States v. Lewis*, 787 F.2d 1318, 1321 (9th Cir. 1986).

21 **A. Justice requires that the Court sever Defendant Carriaga from the case to preserve 22 Carriaga's right to due process**

23 Defendant Carriaga denies the acts alleged by the People, while his co-Defendants have
24 admitted guilt. This means that Carriaga will likely offer a conflicting and antagonistic theory of
25 defense from Defendants Blas and Flaherty, who have both made incriminating statements
26 implicating Carriaga. This would cause definite hardship for Carriaga as he endeavors to prove
27

1 his innocence and, in such a case, severance is appropriate. *See United States v. Johnson*, 478
2 F2d 1129 (5th Cir. 1973).
3

4 **B. Justice requires that the Court sever Defendant Blas from the remaining defendants**
5 **in this case to preserve Blas's right to a speedy trial**

6 Defendant Flaherty cannot move forward to trial at this time because Flaherty does not
7 have proper legal counsel. Therefore, based on the fact that Defendant Blas has asserted his right
8 to a speedy trial and cannot wait for Flaherty, the Court finds that severance is a relief justice
9 requires so as not to prejudice Defendant Blas.

10 **CONCLUSION AND ORDER**

11 By preponderance of the evidence and based on the foregoing reasons, the Court Sua
12 Sponte severs the case between Defendant Flaherty, Defendants Blas, and Defendant Carriaga
13 into three separate cases in order to preserve Defendant Carriaga's right to due process and
14 Defendant Blas's right to a speedy trial.

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16 SO ORDERED, this 24 day of January, 2024.

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20 HONORABLE JOHN C. TERLAJE
21 Judge, Superior Court of Guam
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