



**Supreme Court
Commonwealth of the Northern Mariana Islands**

Guma' Hustisia · Iimwal Aweewe · House of Justice

P.O. Box 502165
Saipan MP 96950
T: (670) 236-9805
F: (670) 236-9702

**JIM STOWELL
PUBLIC INFORMATION OFFICER**

**DECEMBER 4, 2014
FOR IMMEDIATE RELEASE**

PRESS RELEASE

Commonwealth v. Palacios, 2014 MP 16

The NMI Supreme Court affirmed the trial court's sentencing of Roberto Jake Palacios' sentence for felony theft. He was charged with stealing items from an Assistant-Attorney General in a courtroom. After agreeing to plead guilty, Palacios was sentenced to five years in prison. On appeal, Palacios claimed his due-process rights were violated when the trial court sentenced him for felony theft because the plea agreement's facts section only supported a misdemeanor-theft sentence. Palacios also asserted that the trial court abused its discretion by imposing the maximum sentence because he presented numerous mitigating factors warranting less time in prison.

The Court began by addressing the factual-basis claim. There was no due-process violation because once a defendant pleads guilty to a crime there is not a constitutional requirement that the plea agreement provide facts adequately supporting the sentence. It is enough that the defendant pled guilty to crime for which he was sentenced. Here, Palacios pled guilty to felony theft so the court could sentence him for that crime without violating his constitutional rights.

Next, the analysis turned to whether the trial court abused its discretion by imposing the maximum sentence. The trial court has nearly unfettered discretion in determining what sentence to impose. A sentence will be affirmed so long as a reasonable person could justify the sentence. Under this deferential standard, the Court concluded the trial court did not abuse its discretion. The sentence was reasonable because there were significant aggravating factors—such as the nature of the crime and Palacios' lengthy criminal history—that would warrant the maximum even in light of the mitigating factors Palacios presented.

Accordingly, the Supreme Court affirmed Palacios' sentence.

The Supreme Court's full opinion, 2014 MP 16, can be found at:
<http://www.cnmilaw.org/supreme16.html>.

For further information, contact me at 236-9805.

JWS

