



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

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PRESS RELEASE

Supreme Court Upholds Conviction

The Commonwealth Supreme Court recently upheld Patrick M. Calvo's conviction for sexually abusing his daughter. The case involved more than a dozen issues, including whether the prosecution asked improper questions and whether the court's sentence was excessive and in violation of certain sentencing technicalities.

The Court started with the prosecution's cross-examination of Calvo. During that examination, the prosecutor repeatedly asked Calvo if the Commonwealth's witnesses had lied earlier in the trial. The Court concluded these questions were improper but ultimately harmless because most of the questions were blocked through objection and the others were cured by the trial court, which issued an instruction telling the jury to disregard the questions.

The Court then turned to the substance of the sentence. In particular, Calvo alleged his eight-year sentence was excessive because the evidence did not include aggravating factors such as nudity, penetration, or attempted penetration. The Court disagreed because the sentence was within the permissible statutory range and because the crime was egregious.

Finally, the Court looked at the form of the sentence; namely, whether the restitution order was vague and whether the probation, restitution, and community-service aspects of the sentence complied with the sentencing statute's procedural requirements. The Court held that the restitution order was vague because it was not clear how long Calvo would have to pay for his daughter's counseling. The Court also held that the sentence needed redoing because it imposed probation, restitution, and community serve without suspending some of Calvo's jail term.

The Supreme Court's full opinion is *Commonwealth v. Calvo*, 2014 MP 7, and can be found at <http://www.cnmilaw.org/supreme14.html> .

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