



Commonwealth of the Northern Mariana Islands
Office of the Attorney General

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CRMemo 2021-012-ld

MEMORANDUM

TO: Edward Manibusan, Attorney General

ATTN: Sgt. Kevin Maratita, Special Victims Unit Supervisor

FROM: John Bradley, Chief Prosecutor 

DATE: January 13, 2021

RE: **Declined Prosecution as to Edwin Propst, DPS Case No. 20-007371**

I am writing to provide you with a summary of the results of the investigation conducted by DPS against Edwin Propst (DOB 2/14/71) and the related laws. I also am explaining why the Criminal Division is declining prosecution.

DPS Report.

Following recent receipt of information that had been posted on a social media site two years ago, DPS initiated an investigation into allegations that Propst had engaged in sexual contact/intercourse with several underage females approximately 20 years ago while employed as an educator for Marianas High School and Northern Marianas College (NMC). The investigation identified eight potential female victims, all but one of whom provided some details of the allegations. The names of the women are not being released, as that is the practice for victims of sexual assault and they have all indicated they do not want to pursue any charges or become identified in public after so many years after the incidents.

V1 reported that in 1999 she had a consensual sexual relationship with Propst, a teacher, when she was a 16-year old student at Marianas High School. The sex included oral copulation. V1 also reported that Propst had consensual sexual relationships with V4 and V5, both female teenagers at the time, at the high school, but provided no details.

V2 reported that in 2004 she was aware of V8, who was 18 at the time, having a consensual sexual relationship with Propst, an educator at NMC, while V2 and V8 were students. V2 also reported that Propst on one occasion indecently exposed his penis to V2 and V8 while they were in a car.

Civil Division

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V2 indicated that she reported the incident to the NMC administration and thought that Propst had received some administrative consequence. She further reported that she did not know if NMC reported the incident to DPS. She said that Propst later apologized to her.

V3 reported that, when she was 19 and attending NMC, she had a consensual sexual relationship with Propst.

V6, a teenager, reported she had a consensual sexual relationship with Propst while attending NMC.

Finally, V7 reported that in 1989, when she was 14, Propst was intoxicated and got on top of her in her home, resisting her efforts to push him off, attempted to touch her by trying to spread her legs. After she screamed, he got off her and left.

A subpoena to NMC resulted in various records being provided. The records confirmed that Propst was an employee of NMC and married during the times stated by the victims. Included in those records are undated notes of a meeting between Propst and NMC administrator, regarding a complaint by an unnamed student. The records provide no indication of any hearing or action taken. The records reflect that NMC had written policies prohibiting sexual harassment and a process for filing and hearing complaints.

A subpoena to Marianas High School resulted in various records being provided. The records confirmed that Propst was an employee of the high school during the times stated by the victims. There are no records of complaints or administrative action against Propst by the high school. The records reflect that Marianas High School had written policies prohibiting sexual harassment and a process for filing and hearing complaints.

Legal issues.

The allegations raised in DPS report focus on incidents that occurred some 20 years ago. At that time, the CNMI laws regarding sexual offenses were quite different from today. The following is a list of the relevant laws:

1. "Child" was previously defined as a person under the age of 16 years for the purpose of the offense of Sexual Abuse of a Child (PL No. 3-62);¹
2. The offense of Criminal Oral Copulation, unless without consent, only applied to victims under the age of 18 years (PL 3-71);
3. The statute of limitation for Sexual Abuse of a Child and Criminal Oral Copulation was four years after the commission of the crime (PL No. 3-71);
4. The statute of limitation for Indecent Exposure was two years after commission of the offense (PL 3-71);
5. The statute of limitation for sexual offenses was extended on January 7, 2002, to any time for those offense for which the statute of limitation had not yet expired (PL 12-82).

¹ The current sexual offense laws prohibit sexual abuse of a minor, regardless of consent, based on several circumstances, including the age of the victim up to 17, the position of authority of the defendant and the relative age difference. See 6 CMC §§ 1306-09.

In applying these legal principles to the limited facts available in the DPS report, the Office of the Attorney General must conclude that successful prosecution is unlikely. Several of these incidents did not involve a crime because the victims were 18 or older and seemingly provided consent. For those incidents that potentially establish probable cause to believe sexual crimes occurred, the passage of substantial time, expiration of the statute of limitations, and the desire of the victims for confidentiality weighs against prosecution. In short, while the information in the DPS report seem to confirm the concerns raised by the information received by DPS, there is insufficient factual information and legal justification for pursuing a criminal prosecution. The Office of the Attorney General, therefore, closes this case against Propst by declining prosecution.

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