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2025 DEC -9 PM 4: 19

SUPERIOR COURT
OF GUAM

IN THE SUPERIOR COURT OF GUAM

THE PEOPLE OF GUAM,

Plaintiff,

v.

BRANDY NGIRAIBAI STEPHANUS,
DOB: 05/31/1979

Defendant.

CRIMINAL CASE NO. CF0049-19

DECISION AND ORDER

INTRODUCTION

This case asks a simple question that turns out not to be so simple: Can a court, years after imposing a lawful prison sentence, put that sentence on hold so the defendant can be deported? The People say yes. They argue that suspending custody would serve practical ends—saving resources and aligning criminal justice with immigration enforcement. The Defendant agrees, urging that a stay would smooth the path for removal and avoid unnecessary incarceration.

But statutes and structure tell a different story. Guam law sets a firm deadline for changing sentences, and that deadline passed long ago. And even if the statute left room, the Constitution does not. It draws bright lines between what judges do and what the executive does. Those lines matter here. They keep courts from rewriting sentences to achieve executive objectives, however sensible those objectives might seem.

1 The Court then examines whether, even assuming statutory authority, the requested relief would
2 violate the constitutional separation of powers by intruding upon functions reserved to the
3 executive branch.

4 **I. The Court Lacks Authority To Amend A Sentence After 120 Days Under**
5 **8 GCA § 120.46.**

6 Under Guam law, a court may reduce a sentence “within one hundred twenty (120) days
7 after the sentence is imposed, or within one hundred twenty (120) days after receipt by the court
8 of a mandate issued upon affirmance of the judgment or dismissal of the appeal.” 8 GCA §
9 120.46. The Supreme Court of Guam has clarified that the Superior Court may exercise general
10 jurisdiction over post-conviction motions where no statutory bar exists. *People v. Adriatico*,
11 2024 Guam 7 ¶ 14. But this general jurisdiction is limited by explicit legislative commands.

12 Here, Defendant seeks to “stay” or “amend” his custodial sentence more than four years
13 after judgment was entered. Re-labeling the relief as a “stay” does not avoid the statute’s
14 prohibition because the effect is the same: it asks the Court to alter the execution of a sentence
15 after the period in which the Legislature has authorized judicial intervention has closed. The
16 Guam Supreme Court’s recognition of general jurisdiction over post-conviction motions is
17 expressly conditioned on the absence of a statutory bar. Section 120.46 is such a bar—it is not
18 procedural but jurisdiction-stripping. Once the 120-day window lapses, the Court’s jurisdiction
19 to disturb a sentence is extinguished, regardless of equities or collateral immigration
20 consequences. Because the statutory deadline has expired, the Court no longer retains authority
21 to amend, stay, or otherwise modify the sentence, and the motions are therefore barred.

22 Accordingly, Defendant’s Motion to Amend Judgment and the People’s Motion to
23 Amend Release Conditions are denied for lack of jurisdiction under § 120.46.
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II. Separation Of Powers Principles Prohibit Judicial Modification Of A Valid Custodial Sentence To Facilitate Deportation.

Even if § 120.46 did not foreclose relief, fundamental separation of powers principles prevent the judiciary from modifying a valid custodial sentence after execution has begun. The Constitution vests legislative, executive, and judicial powers in distinct branches. *INS v. Chadha*, 462 U.S. 919, 946 (1983). The Supreme Court of the United States has held that once a defendant begins serving a custodial sentence, the court may not alter that sentence into a probationary one without infringing on executive powers. *Affronti v. United States*, 350 U.S. 79, 83–84 (1955).

Here, Defendant’s request to stay the sentence so that deportation proceedings may occur would intrude upon the executive branch’s authority over parole, deportation, and clemency. Removal decisions are carried out by federal executive agencies; they are not effectuated through judicial alteration of criminal sentences. The Supreme Court rejected similar efforts to judicially re-engineer custodial terms once service has begun because doing so would displace executive authority over the consequences and administration of criminal judgments. The structural allocation of powers under the Constitution does not permit a court to convert, suspend, or postpone custody to achieve an executive objective. The Defendant’s request therefore falls outside the judicial function and cannot be granted without violating separation of powers principles. Accordingly, the Court lacks jurisdiction to grant relief on that basis.

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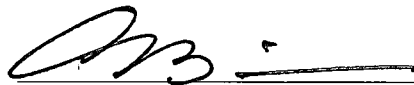
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CONCLUSION

For the reasons stated above, the Court **DENIES** Defendant's Motion to Amend Judgment and **DENIES** the People's Motion to Amend Release Conditions.

IT IS SO ORDERED DEC 09 2025.



HONORABLE ARTHUR R. BARCINAS
Judge, Superior Court of Guam

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