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IN THE SUPERIOR COURT OF GUAM SUPERIOR COURT
OF GUAM *21*

PEOPLE OF GUAM,

v.

JOHN PAUL SAYAMA CHARFAUROS,
DOB: 02/01/1997

Defendant.

Criminal Case No. CF0539-24
GPD Report No. 24-15944

DECISION AND ORDER
GRANTING THE PEOPLE'S MOTION FOR
RELIEF

INTRODUCTION

This matter came before the Honorable Alberto C. Lamorena, III on November 21, 2025 for hearing on the People of Guam's ("the People's") Motion for Relief ("Motion"). Special Assistant Attorney General Curtis Van De Veld represents the People, and Attorney Terry Timblin represents John Paul Sayama Charfauros ("Defendant"). Having duly considered the parties' briefs, oral arguments, and the applicable law, the Court now issues the following Decision and Order and **GRANTS** the People's Motion.

BACKGROUND

Defendant is indicted on Charge One: Murder (as a 1st Degree Felony) and Charge Two: Aggravated Assault (as a 2nd Degree Felony), with each charge accompanied by a Special Allegation: Possession or Use of a Deadly Weapon in the Commission of a Felony. See Indictment (Aug. 8, 2024). The charges stem from an incident on July 4, 2024, in which Defendant is alleged to have recklessly caused the death of T.C. ("Victim") by drowning the Victim in a pool after repeatedly punching the Victim's ribs/face and slamming the Victim's head against a concrete floor. See Magistrate's Complaint (Aug. 1, 2024).

Dr. Jeffrey Nine performed the Victim's autopsy, and the People intend to call him as an expert-witness during their case-in-chief. See People's Witness List (Sep. 2, 2025). Dr. Jeffrey Nine previously served as the licensed Medical Examiner of Guam until 2024, when he moved from Guam to Ohio. See Declaration of Dr. Jeffrey Nine (Feb. 26, 2025). This move was done so that

1 Dr. Jeffrey Nine could assist his wife and son, who are each undergoing continuous medical
2 treatments in Ohio. Id. Due to these circumstances, Dr. Jeffrey Nine cannot travel to Guam for
3 purposes of giving testimony without endangering his wife and son's ongoing medical care and
4 treatment. Id.

5 On February 26, 2025, the People filed their Motion for Relief. The People request that Dr.
6 Jeffrey Nine be permitted to provide remote testimony, either by means of live, two-way, audio-video
7 telecommunication or by deposition in Ohio, the latter of which would require a lengthy trial
8 continuance. See Motion at 1-4 (Feb. 26, 2025). The People prefer an audio-video
9 telecommunication method over a deposition because of the many challenges and delays involved
10 with transferring the Defendant, his attorney, and a security team to/from Ohio. Id. at 4.

11 On March 4, 2025, Defendant filed his Opposition to the People's Motion ("Opposition").
12 Defendant claims the use of remote testimony would violate his Sixth Amendment right to confront
13 witnesses because remote testimony is not necessary and was requested merely for convenience. See
14 Opposition at 2-3 (Mar. 4, 2025). Defendant also challenges the People's proposed alternative
15 deposition of Dr. Jeffrey Nine, claiming it is not a viable option given the high expenses and
16 cumbersome delays it would necessitate. Id. at 3.

17 The Court held a hearing on November 21, 2025. After hearing the arguments of the parties,
18 the Court took the matter under advisement.

19 **DISCUSSION**

20 **I. Preliminary Law:**

21 The Sixth Amendment provides that "in all criminal prosecutions, the accused shall enjoy the
22 right ... to be confronted with the witnesses against him". See U.S. Const. amend. VI. If applied
23 literally, the Sixth Amendment would exclude any statement made by a declarant not present at trial.
24 However, doing so would nullify virtually every hearsay exception, so Courts have long rejected this
25 blanket view of the Confrontation Clause as "too extreme". See *Ohio v. Roberts*, 448 U.S. 56, 63
26 (1980).

27 Rather, Courts have specifically focused on "the right of cross-examination", which is
28 recognized as the "primary interest secured" by the Sixth Amendment. See *Douglas v. Alabama*, 380

1 U.S. 415, 418, 85 S.Ct. 1074, 1076, 13 L.Ed.2d 934 (1965). “The Confrontation Clause reflects a
2 preference for face-to-face confrontation at trial” during said cross-examination. Id. at 1076. This is
3 because a face-to-face confrontation provides the accused not only an opportunity to test a witness’s
4 memory, but also for the jury to gauge the witness’s demeanor on the stand and determine whether
5 their testimony is worthy of belief. Guam has followed suit, and generally requires that witnesses
6 testify in-person, in the defendant’s presence, and before an empaneled jury.

7 However, this “preference” for in-person testimony is not absolute and “must occasionally
8 give way to considerations of public policy and the necessities of the case”. See Maryland v. Craig,
9 497 U.S. 836, 849 (1990). Even in criminal cases, exceptions have been made where testimony taken
10 outside of the jury’s physical presence is admitted for their consideration. For example, in *Maryland*
11 *v. Craig*, the Supreme Court admitted testimony via a one-way closed circuit television procedure.
12 Id. at 852. In making their ruling, the Supreme Court recognized that “a defendant’s right to confront
13 accusatory witnesses may be satisfied absent a physical, face-to-face confrontation at trial only where
14 denial of such confrontation is necessary to further an important public policy and only where the
15 reliability of the testimony is otherwise assured.” Id. at 850.

16 Courts have applied the two-part analysis of *Craig* to two-way, remote video testimony such
17 as the one requested here. See United States v. Carter, 907 F.3d 1199, 1206 (9th Cir. 2018) [“We now
18 make clear that a defendant’s right to physically confront an adverse witness (whether child or adult)
19 cannot be compromised by permitting the witness to testify by video (whether one-way or two-way)
20 unless *Craig*’s standard is satisfied.”]. This two-part test is applied on a case-by-case basis. See
21 *People v. Coulthard*, 90 Cal.App.5th 743, 772 (Cal. Ct. App. 6th 2023).

22 **II. Dr. Jeffrey Nine may testify remotely via live, two-way, audio-video telecommunication
23 without violating Defendant’s Confrontation Clause rights because remote testimony is
24 necessary to further the important state interest of public health, and reliability of the
25 testimony is otherwise assured.**

26 Here, the critical inquiries are: (1) whether the procedure of taking Dr. Jeffrey Nine’s
27 testimony remotely is necessary to further an important state interest, and if so, (2) whether testimony
28 obtained through a live, two-way, audio-video telecommunication is otherwise assured reliable. The

1 People bear the burden of proving both of these inquiries in the affirmative. See People v. Coulthard,
2 90 Cal.App.5th 743, 774 (Cal. Ct. App. 6th 2023).

3 Regarding the necessity prong of the *Craig* analysis, the People have met their burden as taking
4 Dr. Jeffrey Nine's testimony remotely is necessary to further the important state interest of public
5 health. See Selkin v. State Board for Professional Medical Conduct, 63 F.Supp.2d 397, 402 (S.D.N.Y.
6 1999) (holding that states have an important interest in "protecting the health of its citizens").

7 Here, Dr. Jeffrey Nine's testimony is critical to the People's case because he personally
8 performed the autopsy on Victim. However, Dr. Jeffrey Nine gave sworn statements about how his
9 wife and son are both undergoing significant medical treatments multiple times per week in Ohio. See
10 Declaration of Dr. Jeffrey Nine (Feb. 26, 2025). Due to their health issues, Dr. Jeffrey Nine's wife
11 and son both require his physical presence and continual assistance in their medical battles. Id. This
12 physical presence and assistance would be halted for several critical days if Dr. Jeffrey Nine were
13 forced to physically testify in Guam. Guam is over 7,500 miles from Ohio, resulting in significant
14 travel time between the two locations. Because his presence is indefinitely needed in Ohio, Dr. Jeffrey
15 Nine cannot physically testify in Guam without endangering the health of several family members.
16 However, his testimony remains critical for the People's case. Therefore, this testimony must
17 necessarily be taken remotely to further the important state interest of public health.

18 As for the reliability prong of the *Craig* analysis, the People have also met their burden in
19 assuring that testimony received via live, two-way, audio-video telecommunication is reliable. This
20 procedure preserves elements critical to the confrontation clause, which have a combined effect of
21 ensuring reliability of the evidence. For example, any such telecommunication testimony will be
22 taken under an oath of truth, and Dr. Jeffrey Nine has expressed his understanding and willingness to
23 take this oath. Id. Any telecommunication testimony will also be subject to contemporaneous cross-
24 examination, and Defendant will be given just as much freedom to cross-examine Dr. Jeffrey Nine as
25 if he were to testify physically in Guam. Furthermore, the judge, jury, and Defendant will all be able
26 to view the demeanor and body language of Dr. Jeffrey Nine as he testifies. Although Dr. Jeffrey
27 Nine won't be physically present, jurors will retain the ability to look Dr. Jeffrey Nine in his eyes as
28

1 he testifies, judge both his demeanor on the stand and the manner in which he testifies, and ultimately
2 determine whether his testimony is worthy of belief.

3 **CONCLUSION**

4 For the reasons stated above, the Court **GRANTS** the People's Motion. Dr. Jeffrey Nine is
5 permitted to testify remotely via live, two-way, audio-video telecommunication because this remote
6 testimony is necessary to further the important state interest of public health, and this method of
7 testifying is otherwise assured reliable.

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9 **IT IS SO ORDERED** this Feb. 10, 2026.



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14 **HONORABLE ALBERTO C. LAMORENA, III**
15 Presiding Judge, Superior Court of Guam
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24 **SERVICE VIA E-MAIL**

25 I acknowledge that an electronic
copy of the original was e-mailed to:

26 AGS T. Tamblin

27 Date: FEB 10 2026 Time: 1:34

Evan L. Topasna

28 Deputy Clerk, Superior Court of Guam