

Twenty-Fourth Northern Marianas Commonwealth Legislature

IN THE HOUSE OF REPRESENTATIVES

 Regular Session, 2025

H. Res. 24-4

A HOUSE RESOLUTION

Objecting to the acquittal of Shayne Blanco Villanueva on charges of legislative contempt; urging the CNMI Attorney General and the U.S. Attorney to investigate and prosecute any and all CNMI and federal crimes related to the BOOST program; condemning the demonstrated bias against CNMI Assistant Attorney General James Kingman; denouncing the denial of due process with respect to the Commonwealth's ability to effectively prosecute its case; and urging the Judiciary and the CNMI Bar Association to review and investigate Judge Kenneth L. Govendo's in-court comments made in Criminal Case No. 24-0028, as said comments undermine public confidence in the judiciary's impartiality and reflect a personal bias that was unbecoming of a member of the CNMI Judiciary.

1 **WHEREAS**, the House Special Committee on Federal Assistance & Disaster-
2 Related Funding (the "Committee") summoned Shayne Blanco Villanueva on March 5,
3 2024, to testify about the Building Optimism, Opportunities, and Stability Together
4 (BOOST) program to conduct fact-finding and draft better legislation regarding federal
5 funds and their proper use; and

6 **WHEREAS**, while the House of Representatives respects the proper invocation of
7 the Fifth Amendment, Mr. Villanueva's broad assertion of the privilege was legally
8 unfounded, even if the Superior Court determined that he was afraid of a criminal
9 investigation at the time of his testimony, as there was no "reasonable concern" that the
10 Committee's questions were incriminating; and

1 **WHEREAS**, Mr. Villanueva invoked the Fifth Amendment right against self-
2 incrimination in response to these four non-incriminating questions about his background:

- 3 1. Can you tell us about your post-secondary education?
- 4 2. Do you have a degree or certification in marketing or advertising?
- 5 3. What are your professional credentials?
- 6 4. What is Roil Soil, and where is it located?; and

7 **WHEREAS**, Mr. Villanueva also invoked the Fifth Amendment in response to the
8 non-incriminating question: "Are you unwilling to answer any of our questions from this
9 point forward?"; and

10 **WHEREAS**, the Committee found that Mr. Villanueva's refusal to answer
11 preliminary foundational questions, along with his blanket assertion of the Fifth
12 Amendment to all remaining questions, was improper, as he failed to assert the privilege
13 in response to actual incriminating questions; and

14 **WHEREAS**, the Committee held Mr. Villanueva in contempt and reported the
15 matter to the CNMI House of Representatives, after which Speaker Edmund Villagomez
16 certified a "Statement of Contempt" to the Office of the Attorney General pursuant to 1
17 CMC § 1306(b); and

18 **WHEREAS**, on August 28, 2024, Presiding Judge Roberto C. Naraja denied Mr.
19 Villanueva's Motion to Dismiss the contempt charge, ruling that his blanket assertion of
20 the Fifth Amendment privilege was improper because the questions posed were not
21 inherently incriminating; and

1 **WHEREAS**, although Judge Naraja previously ruled that Mr. Villanueva’s blanket
2 Fifth Amendment assertion was improper, Judge Kenneth L. Govendo nevertheless
3 acquitted him without a valid legal basis. This contradiction in judicial rulings raises
4 serious concerns about fairness and equal treatment under the law; and

5 **WHEREAS**, Judge Govendo’s comments, in which he advised Villanueva to be
6 "more forthcoming" if summoned to testify again because a future trial "might not end up
7 in a not guilty verdict," directly contradict his verdict and underscore the lack of
8 justification for the acquittal; and

9 **WHEREAS**, Judge Govendo should have reserved any leniency or sympathy for
10 the sentencing stage instead of issuing an unjustified not guilty verdict; and

11 **WHEREAS**, Judge Govendo’s refusal to permit the prosecution to cross-examine
12 Mr. Villanueva on the same questions posed by the Legislature—despite Mr. Villanueva’s
13 decision to testify—violated fundamental legal principles, including the right of the
14 Commonwealth to cross-examine a defendant who took the stand, raising concerns about
15 trial fairness; and

16 **WHEREAS**, Judge Govendo’s demonstrated bias against Assistant Attorney
17 General James Kingman, including his unprecedented decision to disqualify AAG
18 Kingman and his inappropriate and unprofessional remarks, violated judicial canons and
19 eroded public confidence in the CNMI Judiciary; and

1 **WHEREAS**, Chief Solicitor J. Robert Glass, Jr. was denied the opportunity to
2 make an offer of proof or obtain a stay of trial to seek an interlocutory appeal of Judge
3 Govendo's evidentiary rulings, depriving the Commonwealth of its right to challenge
4 potentially prejudicial decisions before final judgment; and

5 **WHEREAS**, the Legislature's authority to conduct investigative hearings to ensure
6 that federal funds are not misspent is critical to protecting the Commonwealth, and judicial
7 determinations that lack fairness and reasoning must not weaken this authority; and

8 **NOW, THEREFORE, BE IT RESOLVED** by the House of Representatives of
9 the Twenty-Fourth Northern Marianas Commonwealth Legislature that it strongly objects
10 to the acquittal of Shayne Blanco Villanueva on charges of legislative contempt, as the
11 decision contradicts both the well-reasoned prior ruling by Presiding Judge Naraja and
12 Judge Govendo's own in-court statement that future testimony "might not end up in a not
13 guilty verdict"; and

14 **BE IT FURTHER RESOLVED** that the House reiterates that it found Mr.
15 Villanueva in contempt not merely for invoking the Fifth Amendment, but because he
16 abused the privilege. The House affirms its legal right to subpoena witnesses, investigate
17 matters within the scope of legitimate legislative action, and hold individuals in contempt
18 for violations of House Rules or CNMI law; and

19 **BE IT FURTHER RESOLVED** that the House denounces Judge Govendo's
20 improper restriction on Chief Solicitor J. Robert Glass, Jr.'s ability to fully cross-examine
21 the defendant, as well as his improper denial of the prosecution's request to present an offer
22 of proof, all of which violated fundamental principles of due process; and

1 **BE IT FURTHER RESOLVED** that the CNMI Attorney General shall proceed
2 expeditiously with the legislative contempt cases of David Atalig, Salina Sapp, and Robert
3 Travilla in connection with the BOOST program, or be held accountable for failing to
4 prosecute these cases as mandated by CNMI law under 1 CMC § 1306(b); and

5 **BE IT FURTHER RESOLVED** that the United States Attorney’s Office for the
6 Districts of Guam and the Northern Mariana Islands shall investigate and prosecute any
7 underlying federal crimes related to the BOOST program, ensure accountability for any
8 violations of law, and take the necessary steps to recover taxpayer money lost to fraud and
9 abuse; and

10 **BE IT FURTHER RESOLVED** that this body condemns in the strongest terms
11 the demonstrated bias against Assistant Attorney General James Kingman. Judge Govendo
12 unjustifiably disqualified him from prosecuting the case and subjected AAG Kingman to a
13 personal attack unbecoming of a judge. This judicial misconduct undermines public
14 confidence in the judiciary’s impartiality and must not go unaddressed; and

15 **BE IT FURTHER RESOLVED** that the CNMI Judiciary and the CNMI Bar
16 Association should review and investigate Judge Kenneth L. Govendo’s comments for
17 potential violations of judicial ethics and impose appropriate sanctions if warranted; and

18 **BE IT FURTHER RESOLVED** that the Speaker of the House of Representatives
19 shall certify, and the House Clerk shall attest to the adoption of this resolution, and
20 thereafter the House Clerk shall transmit a certified copy to the Honorable Governor
21 Arnold I. Palacios, Presiding Judge Roberto C. Naraja of the CNMI Superior Court,
22 Attorney General Edward Manibusan, Special Prosecutor and Assistant Attorney General

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- 1 James Kingman, Charity Hodson, CNMI Bar Association President, and United States
- 2 Attorney Shawn N. Anderson for the Districts of Guam and the Northern Mariana Islands.

Prefiled: 2/7/2025

Date: _____

Introduced By: _____
Rep. Marissa Flores

A collection of handwritten signatures and initials in black ink. At the top is a large, stylized signature. Below it are several smaller, less legible signatures and initials. One signature appears to be 'Danzetmai'. At the bottom is a large, circular mark with a horizontal line through it.