

## Statutory Notes and Related Subsidiaries

## EFFECTIVE DATE

Section effective on ninetieth day following Oct. 5, 1984, see section 1005 of Pub. L. 98-454, set out as an Effective Date of 1984 Amendment note under section 1424 of this title.

**§ 1424-3. Appellate jurisdiction of District Court; procedure; review by United States Court of Appeals for Ninth Circuit; rules; appeals to appellate court**

**(a) Appellate jurisdiction of District Court**

Prior to the establishment of the appellate court authorized by section 1424-1(a) of this title, which is known as the Supreme Court of Guam, the District Court of Guam shall have such appellate jurisdiction over the local courts of Guam as the legislature may determine: *Provided*, That the legislature may not preclude the review of any judgment or order which involves the Constitution, treaties, or laws of the United States, including this chapter, or any authority exercised thereunder by an officer or agency of the Government of the United States, or the conformity of any law enacted by the legislature of Guam or of any orders or regulations issued or actions taken by the executive branch of the government of Guam with the Constitution, treaties, or laws of the United States, including this chapter, or any authority exercised thereunder by an officer or agency of the United States.

**(b) Appellate division of District Court; quorum; presiding judge; designation of judges; decisions**

Appeals to the District Court of Guam shall be heard and determined by an appellate division of the court consisting of three judges, of whom two shall constitute a quorum. The district judge shall be the presiding judge of the appellate division and shall preside therein unless disqualified or otherwise unable to act. The other judges who are to sit in the appellate division of any session shall be designated by the presiding judge from among the judges who are serving on, or are assigned to, the district court from time to time pursuant to section 1424b of this title: *Provided*, That no more than one of them may be a judge of a court of record of Guam. The concurrence of two judges shall be necessary to any decision of the appellate division of the district court on the merits of an appeal, but the presiding judge alone may make any appropriate orders with respect to an appeal prior to the hearing and determination thereof on the merits and may dismiss an appeal for want of jurisdiction or failure to take or prosecute it in accordance with the applicable law or rules of procedure.

**(c) United States Court of Appeals for Ninth Circuit; jurisdiction; appeals; rules**

The United States Court of Appeals for the Ninth Circuit shall have jurisdiction of appeals from all final decisions of the appellate division of the district court. The United States Court of Appeals for the Ninth Circuit shall have jurisdiction to promulgate rules necessary to carry out the provisions of this subsection.

**(d) Appeals to appellate court; effect on District Court**

Upon the establishment of the appellate court provided for in section 1424-1(a) of this title, which is known as the Supreme Court of Guam, all appeals from the decisions of the local courts not previously taken must be taken to such appellate court. The establishment of that appellate court shall not result in the loss of jurisdiction of the appellate division of the district court over any appeal then pending in it. The rulings of the appellate division of the district court on such appeals may be reviewed in the United States Court of Appeals for the Ninth Circuit and in the Supreme Court notwithstanding the establishment of the appellate court.

(Aug. 1, 1950, ch. 512, §22C, as added Pub. L. 98-454, title VIII, §801, Oct. 5, 1984, 98 Stat. 1742; amended Pub. L. 108-378, §1(c), Oct. 30, 2004, 118 Stat. 2207.)

## Editorial Notes

## AMENDMENTS

2004—Subsec. (a). Pub. L. 108-378, §1(c)(1), inserted “which is known as the Supreme Court of Guam,” after “appellate court authorized by section 1424-1(a) of this title.”

Subsec. (d). Pub. L. 108-378, §1(c)(2), inserted “, which is known as the Supreme Court of Guam,” after “appellate court provided for in section 1424-1(a) of this title” and substituted “taken to such appellate court” for “taken to the appellate court”.

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## EFFECTIVE DATE

Section effective on ninetieth day following Oct. 5, 1984, see section 1005 of Pub. L. 98-454, set out as an Effective Date of 1984 Amendment note under section 1424 of this title.

**§ 1424-4. Criminal offenses; procedure; definitions**

Where appropriate, the provisions of part II of title 18 and of title 28, United States Code, and notwithstanding the provision in rule 54(a) Federal Rules of Criminal Procedure relating to the prosecution of criminal offenses on Guam by information, the rules of practice and procedure heretofore or hereafter promulgated and made effective by the Congress or the Supreme Court of the United States pursuant to titles 11, 18, and 28, United States Code, shall apply to the District Court of Guam and appeals therefrom; except that the terms, “Attorney for the government” and “United States attorney”, as used in the Federal Rules of Criminal Procedure, shall, when applicable to cases arising under the laws of Guam, including the Guam Territorial income tax, mean the Attorney General of Guam or such other person or persons as may be authorized by the laws of Guam to act therein.

(Aug. 1, 1950, ch. 512, §22D, as added Pub. L. 98-454, title VIII, §801, Oct. 5, 1984, 98 Stat. 1743.)

## Editorial Notes

## REFERENCES IN TEXT

The Federal Rules of Criminal Procedure, referred to in text, are set out in the Appendix to Title 18, Crimes and Criminal Procedure.