



LOLO L. M. MOLIGA
GOVERNOR

OFFICE OF THE GOVERNOR
American Samoa

LEMANU P. MAUGA
LIEUTENANT GOVERNOR

EXECUTIVE ORDER NO. 001 - 2014

AN ORDER EXTENDING THE RIGHT TO COUNSEL TO INDIGENT PERSONS AT PAROLE APPLICATION HEARINGS AND AUTHORIZING THE OFFICE OF THE PUBLIC DEFENDER TO PROVIDE LEGAL REPRESENTATION AT SUCH HEARINGS TO PERSONS DETERMINED TO BE INDIGENT

Section 1: Authority

This executive order is hereby issued in accordance with the powers and authority granted to the Governor by Article IV, Sections 6 and 7 of the Revised Constitution of American Samoa, and the American Samoa Code Annotated, § 4.0111(a).

Section 2: Purpose

The purpose of this executive order is assist in improving the quality of the criminal justice system in American Samoa by extending the right to counsel granted by Chapter 10, Section 46.1001 of the American Samoa Code Annotated to indigent persons convicted of a crime or crimes by the District Court or High Court of American Samoa, are imprisoned and come for a parole application hearing before the board of parole.

Section 3: Order

NOW, THEREFORE, it is hereby ordered that:

- a) At parole application hearings the Office Public Defender shall represent as counsel, without charge, each indigent adult and juvenile prisoner that requests legal representation who comes before the board of parole upon application and in accordance with the law.
- b) Within 10 days of the filing of an application for parole by an indigent prisoner, the Commissioner of Public Safety or his designee shall provide a notice to the Office of the Public Defender and a copy of such application.
- c) All information related to indigent prisoners provided to the board of parole in advance of a parole hearing by the Department of Legal Affairs or any other agency, office or department of the American Samoa Government shall be provided to the


Office of the Public Defender at least 15 calendar days prior to the indigent prisoner's parole hearing date.

- d) Any previous determination of indigency by the Court in the case for which a prisoner comes before the board of parole shall be sufficient to allow a prisoner to be represented as counsel by the Office of the Public Defender. Where no previous determination has been made, a prisoner shall first obtain a declaration of indigency from the High Court before being entitled to representation by the Office of the Public Defender.
- e) The right of legal representation granted by this Executive Order shall not apply to parole revocation hearings or preliminary interviews after retaking as set forth in §§ 42.0132 and 42.0133 A.S.A.C.

Section 4: Effective Date

This order shall take effect immediately upon execution.

Dated: March 11, 2014


LEMANU P. MAUGA
Acting Governor