

SUPREME COURT OF THE COMMONWEALTH OF THE NORTHERN
MARIANA ISLANDS

Macaranas v. Macaranas

Macaranas, 2025 MP 13 (Supreme Court of the Commonwealth of the Northern Mariana Islands 2025) · No.
2024-SCC-0014-FAM · Decided December 22, 2025

SUMMARY

The Commonwealth of the Northern Mariana Islands Supreme Court reviewed a criminal contempt finding against Guy R. Macaranas for violating an order of protection. The court held that Guy was deprived of his constitutional right to counsel when evidence was received at an initial contempt hearing while he was unrepresented and had not validly waived counsel. The court vacated the contempt order and remanded for further proceedings, while concluding that the trial court's factual findings otherwise supported contempt and that the child-support finding was harmless error.

CASE DETAILS

COURT	Supreme Court of the Commonwealth of the Northern Mariana Islands
WRITING FOR THE COURT	John A. Mangloña; Alexandro C. Castro; Perry B. Inos
JURISDICTION	Supreme Court of the Commonwealth of the Northern Mariana Islands
DECIDED	December 22, 2025
DOCKET	2024-SCC-0014-FAM
DISPOSITION	vacated
PROCEDURAL POSTURE	Respondent-Appellant Guy R. Macaranas appealed a Superior Court order finding him in criminal contempt for violating an order of protection and sentencing him to seven days in prison, five suspended.
STANDARD OF REVIEW	A contempt finding is reviewed for abuse of discretion; underlying factual findings are reviewed for clear error; and whether the constitutional right to counsel was violated is reviewed de novo.
PRECEDENTIAL VALUE	Published Supreme Court of the Commonwealth of the Northern Mariana Islands opinion; the slip opinion was not certified for permanent publication at the time issued.
PARTIES	Guy R. Macaranas v. Nao O. Macaranas

TOPICS

family law procedure

child custody

child support

due process

appellate procedure

PRACTICE AREAS

family law

constitutional law

criminal contempt

appellate procedure

QUESTIONS PRESENTED

1. Whether Guy's appeal was moot because the protective order had expired and he had served the unsuspended portion of his contempt sentence.
2. Whether Guy forfeited his constitutional right-to-counsel claim by failing to object when he appeared without counsel at the first contempt hearing.
3. Whether the constitutional right to counsel attached at the first contempt hearing, where the proceeding was adversarial, evidence was introduced, and incarceration was possible.
4. Whether the Superior Court abused its discretion in finding Guy in contempt based on his communications and visitation-related conduct.
5. Whether the finding that Guy willfully failed to pay child support was supported by the evidence and, if erroneous, whether the error required reversal.

HOLDINGS

1. The appeal was not moot because the contempt finding could produce continuing collateral consequences, including potential effects on future custody and visitation determinations, and vacatur could provide effective relief.
2. Guy's failure to object did not bar appellate review because the undisputed record presented a legal question and the alleged denial of counsel constituted plain error affecting his substantial rights.
3. For a person facing possible incarceration for criminal contempt, the constitutional right to counsel attaches no later than the hearing at which the court receives evidence against the person, provided the proceeding is adversarial or otherwise exposes the person to substantial prejudice.
4. The Superior Court did not clearly err in finding that Guy violated the order of protection through impermissible communications and visitation-related conduct; those grounds independently supported the contempt finding.
5. The Superior Court erred in finding that Guy willfully failed to pay child support because the record did not show that he had available resources or chose discretionary expenses over support, but the error was harmless because other independent grounds supported contempt.

KEY QUOTATIONS

“Proceeding without ensuring representation or obtaining a valid waiver violated due process and resulted in substantial prejudice.” (§ 19)

“For a person faced with the prospect of incarceration for criminal contempt, the constitutional right to counsel has attached by the time the court receives evidence against the defendant.” (§ 28)

FACTUAL BACKGROUND

Nao obtained an order of protection that restricted direct and telephone contact between her and Guy and governed their custody and visitation arrangements. The order was later modified to give Nao physical custody, provide Guy visitation, require Guy to pay child support, and limit communications to matters involving the children's welfare and visitation. Nao alleged that Guy violated the order through derogatory and impermissible text messages and failed to pay child support. At the first contempt hearing, Guy appeared without counsel, testified, and was subject to the admission of evidence before counsel was appointed; the court later found him in criminal contempt and imposed a jail sentence.

PROCEDURAL HISTORY

Nao Macaranas obtained an order of protection against Guy, which was later modified to transfer physical custody of the children to Nao, grant Guy visitation, require child-support payments, and restrict communications. After contempt proceedings involving text messages, visitation issues, and child-support arrears, the Superior Court found Guy in criminal contempt and imposed a seven-day sentence, two days of which he served. The Supreme Court vacated the contempt order because Guy was unrepresented at the first critical contempt hearing and had not validly waived counsel, and remanded for further proceedings.

DISPOSITION

vacated

REMAND INSTRUCTIONS

Vacate the Superior Court's contempt finding and conduct further proceedings consistent with the opinion, including proceedings that comply with Guy's constitutional right to counsel.

CASES CITED

- Matsunaga v. Matsunaga, 2001 MP 11 ¶ 15 n.8
- In re Estate of Malite, 2010 MP 20 ¶ 59
- Pac. Fin. Corp. v. Muna, 2008 MP 21 ¶¶ 5, 17
- Pangelinan v. Pangelinan, 2024 MP 5 ¶ 58
- Commonwealth v. Crisostomo, 2014 MP 18 ¶ 8
- Oriental Crystal Ltd. v. Lone Star Casino Corp., 1997 MP 25 ¶ 11, 11 n.2
- State v. Mason, 486 P.3d 94, 96-97 (Utah Ct. App. 2021)
- Putman v. Kennedy, 900 A.2d 1256, 1263 (Conn. 2006)
- Poland v. Poland, 518 S.W.3d 98, 103 (Ark. Ct. App. 2017)
- KC Multimedia v. Bank of America, 90 Cal. Rptr. 3d 247, 253 (Cal. Ct. App. 2009)
- Estate of Ogumoro v. Ko, 2011 MP 11 ¶ 58
- Salas v. Mafnas, 2010 MP 9 ¶ 47
- Commonwealth v. Santos, 4 NMI 348, 350 (1996)

- Commonwealth Dev. Auth. v. Tenorio, 2004 MP 22 ¶ 21
- Commonwealth v. Shabgua Zhang, 2023 MP 9 ¶ 24
- Alabama v. Shelton, 535 U.S. 654, 661 (2002)
- Bank of Guam v. Ruben, 2008 MP 22 ¶ 13
- Marianas Eye Inst. v. Moses, 2011 MP 1 ¶ 19
- United States v. Wade, 388 U.S. 218, 227 (1967)
- Gerstein v. Pugh, 420 U.S. 103, 122 (1975)
- Rutherford v. Rutherford, 464 A.2d 228, 237 (Md. 1983)
- Pasqua v. Council, 892 A.2d 663, 671 (N.J. 2006)
- In re Rivas-Luna, 528 S.W.3d 167, 170 (Tex. App. 2017)
- Carothers v. Carothers, 337 S.W.3d 21, 26 (Mo. 2011)
- Tinsley v. Commonwealth, 185 S.W.3d 668, 674 (Ky. Ct. App. 2006)
- Smith v. Weedman, 892 N.E.2d 166, 169, 172 (Ind. Ct. App. 2008)
- State ex rel. Trisler v. Collins, 2012 Tenn. App. LEXIS 258, at *2, *4 (Tenn. Ct. App. Apr. 19, 2012)
- Buttrey v. Buttrey, 2008 WL 45545, at *2 (Tenn. Ct. App. Jan. 2, 2008)