

1 **BACKGROUND**

2 Pursuant to a Superseding Indictment, the Defendant is charged with: (1) BURGLARY
3 (As a 2nd Degree Felony) with a Notice: Commission of a Felony While on Felony Release; (2)
4 CRIMINAL TRESPASS (As a Misdemeanor); (3) CRIMINAL MISCHIEF (As a
5 Misdemeanor); and (4) HARASSMENT (As a Petty Misdemeanor). See Superseding
6 Indictment (Mar. 13, 2026). On March 23, 2026, Jury Selection and Trial commenced in this
7 case.
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9 Upon the People resting its case, the Defendant presented his oral Motion for Judgment
10 of Acquittal (“Motion”), arguing that the People failed to present evidence to the jury as to the
11 First Charge of BURGLARY (As a 2nd Degree Felony) and the Fourth Charge of
12 HARASSMENT (As a Petty Misdemeanor). See Jury Trial Mins. (Day 2) at 10:06:24 –
13 11:30AM (Mar. 24, 2026). The court briefly took the matter under advisement before rendering
14 its decision to deny the Defendant’s Motion.
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17 **DISCUSSION**

18 “The court on motion of a defendant or on its own motion shall order the entry of a
19 judgment of acquittal of one or more offenses charged in the indictment, information or
20 complaint after the evidence on either side is closed if the evidence is insufficient to sustain a
21 conviction of such offense or offenses.” 8 GCA § 100.10.
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23 When ruling on a motion for judgment of acquittal, a court “review[s] the evidence in
24 the light most favorable to the People and determine[s] whether any rational trier of fact could
25 have found the essential elements of the crime beyond a reasonable doubt.” *People v. Wia*, 2020
26 Guam 17, ¶¶ 35-36 (internal citations omitted). “This is a ‘highly deferential standard of
27 review.’” *People v. Song*, 2012 Guam 21 ¶ 26 (quoting *People v. Tenorio*, 2007 Guam 19 ¶ 9).
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1 However, “the People ‘must be afforded the strongest legitimate view of the evidence and all
2 reasonable inferences that may be drawn therefrom.’” *Id.* at ¶ 28 (quoting *State v. Sisk*, 343
3 S.W.3d 60, 65 (Tenn. 2011)).

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5 Moreover, “[i]t is not the province of the court, in determining [a motion for a judgment
6 of acquittal], to resolve conflicts in the evidence, to pass upon the credibility of witnesses, to
7 determine the plausibility of explanations, or to weigh the evidence; such matters are for the
8 jury. *** [Instead, t]he court is concerned with the existence or nonexistence of evidence, not its
9 weight, ... and this standard remains constant even when the People rely exclusively on
10 circumstantial evidence.” *Wia* ¶ 36. (internal citations omitted); *see also People v. Cruz*, 1998
11 Guam 18 ¶ 9.

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13 As to the Fourth Charge of Harassment, the Defendant argues that the People have failed
14 to show any evidence that he allegedly harassed Abigail De Dios was harassed. *See* Jury Trial
15 (Day 2) Mins. at 10:06:24 – 11:30AM (Mar. 24, 2026). In light of this, the Defendant further
16 argues that without any evidence of Harassment, the First Charge of Burglary fails to be shown
17 as “intent to harass” is an element that must be proven. *Id.* In response, the People indicated that
18 the witness testimony offered its case-in-chief, such as De Dios’s testimony, were sufficient to
19 bring both charges to the jury for deliberation. *Id.* at 10:11:35 – 13:30AM.

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21 To succeed on a Motion for Judgment of Acquittal, the court must determine whether no
22 evidence exists to prove an essential element of a charged crime. Without commenting on the
23 weight of the evidence presented thus far, the People did present evidence for the jury to review
24 in its future deliberation in this case. Therefore, the court finds that granting an acquittal of the
25 Burglary and Harassment charges against the Defendant would not be appropriate at this time.
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1 **CONCLUSION**

2 For the reasons set forth above, the court **DENIES** the Defendant's Motion for
3 Judgment of Acquittal as to the First Charge of BURGLARY (As a 2nd Degree Felony) and the
4 Fourth Charge of HARASSMENT (As a Petty Misdemeanor).
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8 **SO ORDERED** _____ MAR 2 4 2026

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12 **HONORABLE ALBERTO E. TOLENTINO**
13 Judge, Superior Court of Guam
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23 **SERVICE VIA E-MAIL**

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

24 AGS AID

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26
27 MAR 2 4 2026 Time: 3:44

Evan L. Topasna

28 Deputy Clerk, Superior Court of Guam