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BACKGROUND

Based on events that occurred on or about February 25, 2023, the Defendant was charged with the following offenses: (1) BURGLARY (As a 2nd Degree Felony); and (2) THEFT (As a Misdemeanor). *See* Indictment (Apr. 6, 2023). At the time of arraignment, the court had previously released him on conditions. *See* Order (Mar. 22, 2023). After the Defendant failed to appear in two of his court hearings, the court issued a bench warrant for his arrest. *See* Further Proceedings Mins. at 11:13:03AM (June 6, 2023); *see also* Pre-Trial Conference Mins. at 9:22:30AM (June 13, 2023). On July 11, 2025, the warrant was returned after the Guam Police Department arrested the Defendant on new charges. *See* Return (July 11, 2025).

At the Defendant’s Return of Warrant Hearing, the court revoked his pre-trial release and committed the Defendant to the custody of the Department of Corrections. On October 16, 2025, the Defendant filed a Motion and Application for Bail Redetermination Hearing under 8 GCA § 40.50 for Release on Personal Recognizance (“Motion for Release”). *See* Def.’s Mot. Release (Oct. 16, 2025). The People subsequently filed its Opposition to the Motion to Release. *See* Ppl.’s Opp’n (Oct. 22, 2025). To address the Defendant’s Motion for Release, the court heard the parties’ oral arguments in a Motion Hearing. *See* Mot. Hr’g Mins. at 2:43:33PM (Nov. 17, 2025). Ultimately, the court took the matter under advisement.

DISCUSSION

“The judge shall order the person charged to be released on recognizance, unless the judge determines, in his discretion, on the basis of available information, that such a release will not reasonably assure the appearance of the person as required or will endanger the safety of any other person or the community.” 8 GCA § 40.15(b). The following factors under 8 GCA § 40.15 guide the court’s determination of whether there is a substantial risk of a defendant’s

1 nonappearance or whether that defendant will endanger the safety of any other person or the
2 community:

- 3 (1) the nature of the offense charged, the apparent possibility of conviction and the
4 likely sentence;
- 5 (2) the history and characteristics of the person charged, including:
- 6 (A) length of his/her residence on Guam;
 - 7 (B) his/her employment status and history, and financial condition;
 - 8 (C) his/her family ties and relationships;
 - 9 (D) his/her reputation, character, and mental and physical condition;
 - 10 (E) his/her prior criminal record, if any, including any record of prior release
11 on recognizance or on bail;
 - 12 (F) his/her history relating to drug or alcohol abuse;
 - 13 (G) the identity of the reasonable members of the community who will vouch
14 for his/her reliability;
 - 15 (H) whether, at the time of the current offense or arrest, he/she was on probation,
16 on parole, or on other release pending trial, sentencing, appeal or
17 completion of sentence of an offense under federal, state or local law; and
 - 18 (I) his/her history of compliance with other court orders;
- 19 (3) the nature and seriousness of the danger the person would pose to the
20 community or to any individual member thereof if released;
- 21 (4) statements of the alleged victim or others as to previous incidences of violence
22 and threats made to the alleged victim;
- 23 (5) lethality risk assessments or other risk assessments deemed appropriate by the
24 Judiciary of Guam;
- 25 (6) any other factors which bear on the risk of willful failure to appear or the danger
26 the person would pose to the community or to any individual member thereof
27 if released.

28 8 GCA § 40.15(c). In this case, the Defendant argues that he does not appear to be a flight risk.

See Def.'s Mot. Release at 3. Therefore, he requests the court for his release on personal
recognizance, because he is unable to post Ten Thousand Dollars (\$10,000.00) cash bail as an
indigent defendant. *Id.* In its Opposition, the People argue the Defendant "presents an ongoing
danger to the community and/or flight risk" based on the People's previous Motion for Pretrial
Confinement and the Probation Office's report. Ppl.'s Opp'n at 2.

1 As mentioned above, the Defendant was charged with BURGLARY (As a 2nd Degree
2 Felony) and THEFT (As a Misdemeanor). *See* Indictment (Apr. 6, 2023). At the Motion Hearing,
3 the Defendant noticed the presence of family in court whom he will be living with should the
4 court grant his release. *See* Mot. Hr'g Mins. at 2:43:33PM. When the court took the Motion for
5 Release under advisement, the court gave the Defendant the opportunity to provide information
6 in support of alternative methods of release: release to third-party custodians or a qualified
7 residence for electronic monitoring. *Id.* Since then, the court has not received any such
8 information.
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10 At the time of his release, the least onerous conditions of release were the Defendant's
11 release on personal recognizance. Although the court released the Defendant on conditions on
12 March 23, 2023, the Defendant received two violations on pre-trial release and failed to appear at
13 two of his court-ordered hearings. Despite there being only one bench warrant issued in this case
14 against the Defendant, his warrant was not returned until July 11, 2025, after the Guam Police
15 Department apprehended the Defendant on new criminal charges. *See* Return (July 11, 2025).
16 While the Defendant does not believe he is a flight risk, his two-year absence from the court's
17 supervision indicates otherwise. Additionally, the fact that the Defendant was arrested for the
18 same charges in this case while on felony release shows this court of the substantial risk that he
19 will endanger the safety of any other person or the community if the court were to release him
20 again.
21

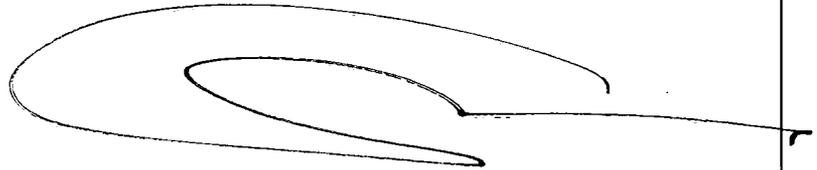
22 Based on all the available information above, the court does not find that releasing the
23 Defendant on recognizance will reasonably assure his appearance or that he will not endanger the
24 safety of any other person or the community. Therefore, the court denies the Defendant's release
25 on personal recognizance at this time.
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CONCLUSION

For reasons set forth above, the court hereby **DENIES** the Defendant's Motion and Application for Bail Redetermination Hearing under 8 GCA § 40.50 for Release on Personal Recognizance.

A Pre-Trial Conference is scheduled before this court on January 14, 2026, at 9:00AM.

SO ORDERED this JAN 09 2026.



HONORABLE ALBERTO E. TOLENTINO
Judge, Superior Court of Guam

SERVICE VIA E-MAIL

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

AG, PASC

Date: 1/9/26 Time: 3:48pm

Antonio J. Carr
Deputy Clerk, Superior Court of Guam