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SUPERIOR COURT  
OF GUAM



IN THE SUPERIOR COURT OF GUAM

PEOPLE OF GUAM,	)	CRIMINAL CASE NO. CF0267-17
	)	GPD Report No. 17-13191
vs.	)	
	)	
JOHN GILBERT MARATITA ATALIG,	)	<b>DECISION &amp; ORDER</b>
DOB: 03/12/1978	)	<b>RE. PEOPLE'S MOTION TO REVOKE</b>
	)	<b>DEFENDANT'S PROBATION</b>
Defendant.	)	

This matter came before the Honorable Alberto E. Tolentino on December 12, 2025, for a Revocation Hearing. Defendant John Gilbert Maratita Atalig ("Defendant") was present with counsel Public Defender Ramiro Orozco. Assistant Attorney General Samuel Alexander was present for the People of Guam ("People"). During the hearing, the court heard the parties' arguments on the People's Motion to Revoke the Defendant's Probation ("Motion"). Following the hearing, the court took the matter under advisement pursuant to Supreme Court of Guam Administrative Rule 06-001, CVR 7.1(e)(6)(A) and CR 1.1 of the Local Rules of the Superior Court of Guam. Having duly considered the parties' briefings, oral arguments, and the applicable law, the court now issues this Decision and Order **GRANTING** the People's Motion to Revoke the Defendant's Probation.

**BACKGROUND**

The Defendant was charged with POSSESSION OF A SCHEDULE II CONTROLLED SUBSTANCE (As a 3rd Degree Felony). *See* Indictment (May 23, 2017). On June 18, 2018, the

1 court accepted the Defendant's guilty plea as to this charge but suspended his imprisonment  
2 sentence subject to his compliance on probation. *See* Judgment (July 13, 2018). During the  
3 Defendant's probationary supervision, the Adult Probation Office ("Probation") filed eleven (11)  
4 Violation Reports against the Defendant for violating the following imposed conditions:

- 5 • **RECOVERY MEETINGS:** Defendant shall attend two (2) recovery support  
6 group meetings per week, for twelve (12) weeks after the taking of his plea, for  
7 a total of twenty-four (24) meetings, or as otherwise ordered by the Court.<sup>1</sup>
- 8 • **COUNSELING/TREATMENT:** Defendant shall report to the Guam  
9 Behavioral Health and Wellness Center (GBHWC) for intake and assessment.  
10 Defendant shall attend and successfully complete any drug and/or alcohol  
11 counseling program recommended by the Court after assessment at the  
12 GBHWC at no cost to the Defendant.<sup>2</sup>
- 13 • **MANDATORY REPORTING:** Defendant shall report to the Probation Office  
14 three times per week or as ordered by the Court, and at those times will take a  
15 drug test if requested. Failure to take drug tests, if requested, will be considered  
16 a violation. Defendant will report for initial intake within two working days of  
17 Defendant's release from the Department of Corrections.<sup>3</sup>
- 18 • **NO DRUGS:** Defendant shall not possess or consume any illegal controlled  
19 substances.<sup>4</sup>
- 20 • Defendant shall obey all local and federal laws.<sup>5</sup>
- 21 • **FINE:** The Defendant shall pay a fine of Five Thousand Dollars (\$5,000.00),  
22 plus court costs of Eighty Dollars (\$80.00).  
23 \*Said fine shall be paid towards the Drug Treatment/Enforcement Fund.  
\*\*Said fine shall be paid monthly over the probation period. Defendant shall  
pay no less than Two Hundred Twenty dollars (\$220.00), per month following  
the Defendant's guilty plea or the first month following the Defendant's release  
from the Department of Corrections, whichever is later.  
\*\*\*If financially unable to pay this fine, all but Five Hundred Dollars (\$500.00)  
may be converted to community service at the prevailing minimum wage rate.

24 <sup>1</sup> *See* 6th Violation Report (Jan. 14, 2021); *see also* 7th Violation Report (Oct. 13, 2021); *see also* 11th Violation  
25 Report (Nov. 6, 2025).

<sup>2</sup> *Id.*

26 <sup>3</sup> *See* 1st Violation Report (Oct. 8, 2019); *see also* 4th Violation Report (May 14, 2020); *see also* 5th Violation Report  
27 (Oct. 15, 2020); *see also* 6th Violation Report (Jan. 14, 2021); *see also* 7th Violation Report (Oct. 13, 2021); *see also*  
8th Violation Report (Jan. 14, 2022); *see also* 10th Violation Report (July 19, 2024).

<sup>4</sup> *See* 3rd Violation Report (Feb. 10, 2020).

28 <sup>5</sup> The following criminal cases were charged against the Defendant during his probationary term: CF0084-20;  
CF0034-24; and CF0783-25. *See* 2nd Violation Report (Feb. 6, 2020); *see also* 9th Violation Report (Jan. 16, 2024);  
*see also* 11th Violation Report (Nov. 6, 2025).

1 The Five Hundred Dollars (\$500.00) must be paid in full prior to the end of the  
2 supervision time period.<sup>6</sup>

- 3 • **COMMUNITY SERVICE:** The Defendant shall perform One Hundred Fifty  
4 (150) hours of community service with the Probation Services Division. All or  
5 part of the fine imposed may be converted to community service work under  
6 the direction of the Alternative Sentencing Office at the current prevailing  
7 minimum wage. The Defendant shall receive two (2) hours credit towards  
community service for each hour of counseling the Defendant attends;  
counseling hours may not be credited towards fine payments that have been  
converted to community service.<sup>7</sup>

8 Judgment (July 13, 2018). Throughout the Defendant's five-year term of probation, the court also  
9 issued seven (7) warrants for his arrest.<sup>8</sup> Upon the most recent warrant's return, the court  
10 scheduled a Revocation Hearing. *See* Return of Warrant Hr'g Mins. at 2:18:46PM (Nov. 9, 2025).  
11 In anticipation for the Revocation Hearing, the People filed its Motion to Revoke Defendant's  
12 Probation and Impose Jail Sentence ("Motion to Revoke"); and the Defendant filed his Opposition  
13 to the Motion to Revoke ("Opposition"). *See generally* Ppl.'s Mot. Revoke (Nov. 17, 2025); *see*  
14 *also* Def.'s Opp'n (Nov. 18, 2025).

15  
16 At the Revocation Hearing, the court heard from Probation and the parties on the issue of  
17 probation revocation. *See* Revocation Hr'g Mins. at 3:17:25PM – 27:16PM (Dec. 12, 2025). After  
18 hearing the parties' arguments, the court took the matter under advisement. *Id.*

### 19 DISCUSSION

20  
21 If the court finds that the Defendant has "inexcusably failed to comply with a substantial  
22 requirement imposed as a condition of the order," it may revoke probation and sentence or  
23 resentence the offender. 9 GCA § 80.66(a)(2). If a court chooses to revoke probation, the court  
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26 <sup>6</sup> *See* 6th Violation Report (Jan. 14, 2021); *see also* 7th Violation Report (Oct. 13, 2021); *see also* 11th Violation  
Report (Nov. 6, 2025).

27 <sup>7</sup> *Id.*

28 <sup>8</sup> *See* Bench Warrant (Oct. 10, 2019); *see also* Bench Warrant (June 24, 2020); *see also* Bench Warrant (Oct. 19,  
2020); *see also* Bench Warrant (Feb. 1, 2021); *see also* Bench Warrant (Oct. 27, 2021); *see also* Bench Warrant (Feb.  
11, 2022); *see also* Bench Warrant (July 31, 2024).

1 may sentence the defendant to any sentence that it may have originally imposed. 9 GCA §  
2 80.66(b). However, it shall not revoke probation for a defendant's violation of a condition unless  
3 the court determines that revocation "will best satisfy the ends of justice and the best interests of  
4 the public" under all circumstances. 9 GCA § 80.66(a)(2).

5 The Supreme Court of Guam held that "probation is a favor granted by the state, not a  
6 right to which a criminal defendant is entitled." *People v. Camacho*, 2009 Guam 6 ¶ 26 (quoting  
7 *Parker v. State*, 676 N.E.2d 1083, 1085 (Ind. Ct. App. 1997)). To revoke a defendant's probation,  
8 the court must make two determinations. First, the court must "make a factual determination that  
9 a violation of a condition of probation has actually occurred." *Id.* ¶ 27. If the violation is proven,  
10 then the court must "determine if the violation warrants revocation of probation." *Id.*

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12  
13 **A. Defendant Atalig violated the conditions of his probation.**

14 The standard for determining whether a probationer violated a condition of probation is  
15 that "the evidence and the facts be such as reasonably necessary to satisfy the judge that the  
16 probationer's conduct has not been as required by the conditions of probation." *Camacho*, 2009  
17 Guam 6 ¶ 30 (quoting *People v. Angoco*, 1998 Guam 10 ¶ 7). When facing revocation, "the  
18 defendant bears the burden of showing an excuse for failure to comply with the condition." *Id.*  
19 (quoting *State v. Peters*, 609 A.2d 40, 43 (N.J. 1992)).

20  
21 In this case, the Defendant had accumulated eleven (11) violations of his probationary  
22 conditions. The court can factually determine that his violations actually occurred after reviewing  
23 the court's record of events. For instance, the Defendant admitted through a written declaration to  
24 his positive test results for methamphetamines. *See* 3rd Violation Report (Feb. 10, 2020). In his  
25 written Opposition, the Defendant argued that "[a]bsent proof of willful misconduct supported by  
26 reliable evidence or conviction, arrest allegations cannot constitute probation violations within the  
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1 meaning of 9 GCA § 80.66(a)(2).” Def.’s Opp’n at 2. Although CF0084-20 remains on pre-trial  
2 status before this court, the Defendant’s failure to obey all the laws of Guam is supported by his  
3 guilty pleas that were accepted in CF0034-24 and CF0783-25.<sup>9</sup>

4 Based on the Defendant’s violation reports, Probation’s testimony at the Revocation  
5 Hearing, and a review of his history under probationary supervision, the court finds that the  
6 Defendant has violated multiple conditions of his probation on several occasions.

7  
8 **B. Defendant Atalig’s violations warrant revocation of probation.**

9 With regard to probation revocation, the Supreme Court of the United States has noted  
10 that “the State clearly has an interest in punishment and deterrence, but this interest can often be  
11 served fully by alternative means . . . [T]he state is not powerless to enforce judgments against  
12 those financially unable to pay a fine. For example, the sentencing court could extend the time for  
13 making payments, or reduce the fine, or direct that the probationer perform some form of labor or  
14 public service in lieu of the fine.” *Bearden v. Georgia*, 461 U.S. 660, 671–72 (internal citations  
15 and quotations omitted).  
16

17 As mentioned earlier, the court may revoke probation if it finds that the probationer has  
18 “inexcusably failed to comply with a substantial requirement imposed as a condition of the order.”  
19 9 GCA § 80.66(a)(2). Unless the court determines that revocation “will best satisfy the ends of  
20 justice and the best interests of the public” under all circumstances, the court shall not revoke  
21 probation for violating a probationary condition. *Id.* In other words, a probationer’s violation of  
22 probation warrants revocation when the violation upsets the intent of the probation conditions. In  
23 *Camacho*, the Supreme Court of Guam held that the probationer’s failure to report for drug testing  
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27 <sup>9</sup> In CF0034-24, the Honorable Vernon P. Perez accepted the Defendant’s guilty plea to the offense of  
28 TERRORIZING (As a 3rd Degree Felony). *See People v. John Atalig*, CF0034-24 (Judgment (June 19, 2024)). In  
CF0783-25, the Honorable Maria T. Cenzone accepted the Defendant’s guilty plea to the offense of FAMILY  
VIOLENCE (As a 3rd Degree Felony). *See People v. John Atalig*, CF0783-25 (Change of Plea Hr’g Mins. at 2:15:49  
– 33:42PM (Feb. 2, 2026)).

1 was serious enough to warrant revocation when considering the condition being violated was  
2 treatment. *Camacho*, 2009 Guam 6 ¶ 32. Despite not paying the fine as required under probation,  
3 the Supreme Court of Guam reasoned that failure to pay a fine alone was not as serious as not  
4 reporting for drug tests, because the defendant was convicted of drug-related offenses and had  
5 drug testing listed as a condition of probation to ensure the defendant remained sober. *Id.*

7 Like the probationer in *Camacho*, the only conditions pending completion were the  
8 Defendant's treatment and fine. "Defendant has been given multiple chances to come into  
9 compliance rather than complying with the terms of his probation and working to rehabilitate  
10 himself, he has done nothing to avail himself of the supportive services designed to protect society  
11 and himself from his own criminality." Ppl.'s Mot. Revoke at 4. The People also argued that his  
12 bench warrants, outstanding treatment, and violations show his failure to comply with the  
13 conditions he previously agreed to. *See* Revocation Hr'g Mins. at 3:21:25 – 22:50PM.

15 At the Revocation Hearing, the Defendant stated that plea agreements such as the one in  
16 this case are entered into "almost with their hands tied behind their back with almost impossible  
17 terms." *See* Revocation Hr'g Mins. at 3:23:15 – 24:50PM. Upon reviewing the Defendant's Plea  
18 Agreement, the court notes that the conditions under paragraph 11 of the Defendant's Plea  
19 Agreement were not unilaterally added as both the Attorney General and the Defendant agreed to  
20 them. *See* Plea Agreement at 4–7 (June 18, 2018). As to whether the Defendant fully understood  
21 these conditions, his Plea Agreement listed the following relevant provision:

24 17. By signature, Defendant attests Defendant has read this agreement and its  
25 provisions have been fully explained by Defendant's attorney. Defendant believes  
26 Defendant's lawyer has done all that anyone could do to counsel and assist  
27 Defendant and is satisfied with the advice and help received.

27 *Id.* at 8. Before the court accepted the Defendant's guilty plea at the Change of Plea Hearing,  
28 "[t]he Court informed the Defendant of the effect of the plea entered and asked whether he insisted

1 on his plea or not. *The Defendant acknowledged and waived all applicable legal rights under oath*  
2 *and subsequently changed his plea of NOT GUILTY to GUILTY pursuant to the plea agreement.*”

3 Judgment at 1 (emphasis added). Although the Defendant might believe that the plea’s terms are  
4 now almost impossible, the Defendant under penalty of perjury informed the court that he read all  
5 seventeen paragraphs of his Plea Agreement, which is supported by his signature on the last page.  
6 *See Change of Plea Hr’g Mins. at 10:16:21AM (June 18, 2018); see also Plea Agreement at 8.*  
7 The court would not have accepted the Defendant’s guilty plea if he explicitly or implicitly  
8 expressed such thoughts before changing his plea.  
9

10 The substantial requirement imposed as a condition in *this* case was completion of  
11 treatment. When imposing treatment as a probationary condition, the purpose of doing so is to  
12 achieve sustained sobriety for a defendant. However, sobriety becomes unattainable without the  
13 right support. The court acknowledges that the Defendant completed the Residential Substant  
14 Abuse Treatment Program at the Department of Corrections on August 23, 2019, which also  
15 served as credit towards his completion his community service hours. Revocation Hr’g Mins. at  
16 3:20:10 – 20:37PM (Dec. 12, 2025). However, Probation informed the court that he did not  
17 complete the aftercare portion of treatment also known as “Level .07 with New Beginnings.” *Id.*  
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20 Since the court’s acceptance of the Defendant’s guilty plea, he had multiple opportunities  
21 to comply with the terms of his probation before the People filed its Motion to Revoke. Although  
22 the court issued seven (7) warrants in this case, the Defendant failed to appear in court more than  
23 seven (7) times. Rather than issue a warrant every time, the court gave the Defendant  
24 opportunities to appear at the next hearing by issuing a Summons instead. When it came time to  
25 consider revoking the Defendant’s probation, the court held revocation in abeyance twice. *See*  
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1 Revocation Hr’g Mins. at 10:04:09AM (Apr. 1, 2024); *see also* Progress Hr’g Mins. at 2:13:04PM  
2 (May 13, 2024).

3         Instead, the Defendant failed to report to Probation as ordered and complete treatment.  
4 Notably, the Defendant absconded from the court’s supervision seven (7) times; absconding at a  
5 minimum of approximately two (2) months for one warrant and a maximum of approximately one  
6 (1) year and four (4) months for another warrant. Additionally, he failed to obey all the laws of  
7 Guam by acquiring three (3) subsequent criminal cases. With respect to the Defendant’s crimes,  
8 he argues that all of his crimes are for substance abuse as he has substance abuse issue. *Id.*  
9 Although he was charged with POSSESSION OF A SCHEDULE II CONTROLLED  
10 SUBSTANCE (As a 3rd Degree Felony) in CF0084-20, the Defendant pled guilty to other violent  
11 offenses unrelated to substance abuse: TERRORIZING (As a 3rd Degree Felony) in CF0034-24,  
12 and FAMILY VIOLENCE (As a 3rd Degree Felony) in CF0783-25. *See People v. John Atalig,*  
13 CF0034-24 (Judgment (June 19, 2024)); *see also People v. John Atalig,* CF0783-25 (Change of  
14 Plea Hr’g Mins. at 2:15:49 – 33:42PM (Feb. 2, 2026)). While the court is aware of the difficulties  
15 in dealing with addiction, the Defendant cannot expect to overcome his addiction if he will not  
16 put in the effort to attend and complete treatment programs provided to him.  
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20         Because the Defendant has inexcusably failed to comply with treatment as a substantial  
21 condition of his probation, the court finds that revocation of the Defendant’s probation will best  
22 satisfy the ends of justice and the best interests of the public.  
23

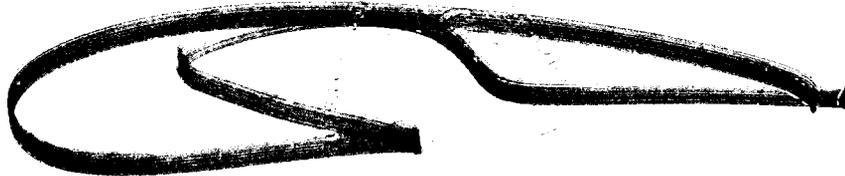
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**CONCLUSION**

For the reasons stated above, the Court hereby **REVOKES** the Defendant's probation in the above-captioned matter. The Court shall issue a Judgment concurrent with this Decision and Order revoking the Defendant's probation, and imposing the Defendant's sentence.

MAR 12 2026

SO ORDERED this \_\_\_\_\_.



**HONORABLE ALBERTO E. TOLENTINO**  
Judge, Superior Court of Guam

**SERVICE VIA EMAIL**

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

DAG & PDSC

Date: 3/12/26 Time: 1:33

Reinita M. Lindlau

Deputy Clerk, Superior Court of Guam