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SUPERIOR COURT
OF GUAM

IN THE SUPERIOR COURT OF GUAM

PEOPLE OF GUAM,) CRIMINAL CASE NO. CF0521-20
vs.) GPD Report Nos. 20-24335/20-24336/20-24358/
RODNEY CHARLES SAPP, JR.,) 20-24327
DOB: 10/03/1990)
Defendant.)
DECISION & ORDER
RE. PEOPLE'S MOTION TO REVOKE
DEFENDANT'S PROBATION AND
IMPOSE JAIL SENTENCE

This matter came before the Honorable Alberto E. Tolentino on November 13, 2025, for a Revocation Hearing. Defendant Rodney Charles Sapp Jr. ("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 and Impose Jail Sentence. 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 and Impose Jail Sentence.

BACKGROUND

Based on events that occurred on or about September 23 and 27 of 2020, the Defendant was charged with: First Charge of POSSESSION OF A SCHEDULE II CONTROLLED

1 SUBSTANCE (As a 3rd Degree Felony); Second and Third Charges of ASSAULT (As a
2 Misdemeanor); and Fourth Charge of RECKLESS CONDUCT (As a Misdemeanor). *See*
3 Indictment (Dec. 3, 2020).

4 Upon acceptance of the parties' Plea Agreement, the court entered judgment against the
5 Defendant as to the First Charge of POSSESSION OF A SCHEDULE II CONTROLLED
6 SUBSTANCE (As a 3rd Degree Felony) and Third Charge of ASSAULT (As a Misdemeanor).
7 *See* Judgment (Aug. 18, 2021). On the same day judgment was entered, the court also released
8 the Defendant from the Department of Corrections. *See* Release (Aug. 5, 2021).

9

10 **A. Defendant Sapp's Violations on Traditional Probationary Supervision**

11 Pursuant to the court's acceptance of the Defendant's guilty plea, the Defendant was
12 placed on supervised probation for five (5) years. *See* Judgment (Aug. 18, 2021). Under the Adult
13 Probation Office's ("Probation") supervision, the Defendant received ten (10) violations of his
14 probationary conditions. For the first violation, the report indicated that the Defendant:
15

16 Failed to refrain from ingesting consuming illegal controlled substances. On March
17 16, 2022, the probationer submitted to a drug test at the Probation Office which
18 yielded presumptive positive results for methamphetamines. The probationer
19 denied using any illegal drugs and his urine sample was sent for off-island
20 confirmation. On March 23, 2022, the Probation Office received confirmed results
that the probationer's urine was positive for methamphetamines. This is his first
(1st) positive and first (1st) challenged test, since being placed on supervision.

21 1st Violation Report (Mar. 25, 2022). WHETHER VIOLATION ADDRESSED AT FP ON
22 3/29/22 3:26:50. Despite being counseled by Probation regarding his reporting requirements, the
23 Defendant received a second violation for failing to report "three (3) times a week via telephone."
24
25 2nd Violation Report (Apr. 15, 2022). For the Defendant's third violation, the report indicated
26 that he:
27

28 Failed to obey all the laws of Guam. On June 24, 2022, the Probationer appeared
before the Magistrate Judge in reference to CF0435-22, and charged with

1 Possession of Schedule II Controlled Substance (As a 3rd Degree Felony) and
2 Eluding a Police Officer (As a Misdemeanor). The Probationer was remanded to
the Department of Corrections on a three-thousand-dollar (\$3,000.00) cash bail.

3 3rd Violation Report (June 27, 2022). PROGRESS HR'G ON 7/5/22 @ 2:31:55PM. At a Status
4 Hearing, the court committed the Defendant to the custody of the Department of Corrections
5 ("DOC") with an automatic release date of July 23, 2022. *See* Progress Hr'g Mins. at 2:31:55PM
6 (July 5, 2022). Following his release, Probation filed a fourth violation after the Defendant
7 "[f]ailed to report to the Probation Office three (3) times a week for drug testing." 4th Violation
8 Report (Oct. 6, 2022). As a result, the court issued a warrant for his arrest. *See* Warrant (Oct. 28,
9 2022). However, the warrant was not returned until August 28, 2023.

10 At a Return of Warrant hearing, the court released the Defendant while holding a forty-
11 five-day sanction in abeyance. *See* Return of Warrant Hr'g Mins. at 11:15:10AM (Aug. 31, 2023).
12 For the fifth violation, the report indicated that the Defendant again "[f]ailed to report to the
13 Probation Office three (3) times a week for drug testing." 5th Violation Report (Sep. 18, 2023).
14 Due to his failure to appear at a court hearing, the court issued a warrant for his arrest. *See* Further
15 Proceedings Mins. at 11:21:13AM (Sep. 26, 2023). The warrant was later returned on April 26,
16 2024. *See* Return (Apr. 26, 2024). Ultimately, the court released the Defendant on house arrest at
17 the Return of Warrant Hearing. *See* Return of Warrant Hr'g Mins. at 2:21:47PM (May 2, 2024).

18 Despite the court granting his release, the Defendant received a sixth violation stating his:

19

- 20 1. [Failure] to report to the Probation Office three (3) times a week for drug
21 testing. On May 2, 2024, the Probationer was released from the Department of
22 Corrections (DOC). He was ordered to immediately report to the Probation
23 Office after his release; He has failed to report to date.
- 24 2. Failure to submit proof of enrollment, attendance or completion of a drug
25 rehabilitation program.
- 26 3. Failure to make monthly payments to his fine, court cost and confirmation fee
27 totaling five thousand one hundred and sixty dollars (\$5,160.00). He has failed
to make any payments.

1 4. Failure to perform and complete one hundred-fifty (150) hours of community
2 service.
3 5. Failure to submit proof of attendance or completion of twenty-four (24) self-
4 help meetings.

5
6 6th Violation Report (July 17, 2024). As a result, the court issued a warrant for his arrest, which
7 was returned less than one month later. *See* Return (July 24, 2024). At the Return of Warrant
8 hearing, the court committed the Defendant to the Department of Corrections. *See* Return of
9 Warrant Hr'g Mins. at 2:15:34PM (Aug. 13, 2024). That same day, Probation filed a seventh
10 violation against the Defendant for failing to obey all the laws of Guam after being charged in
11 CF0574-24. *See* 7th Violation Report (Aug. 13, 2024).

12 On April 9, 2025, the Defendant was before the court for a Progress Hearing and was
13 ultimately released on house arrest once more. *See* Progress Hr'g Mins. at 9:16:11AM (Apr. 9,
14 2025). The court granted Attorney William Pole's withdrawal from this case and subsequently
15 appointed the Public Defender Service Corporation as new counsel for the Defendant. *See* Order
16 (Apr. 17, 2025). The Defendant received his eighth violation of probation a few months after his
17 release, indicating that he “[f]ailed to report upon his release on April 10, 2025 at 1:00 P.M....
18 failed to report daily, five (5) times, a week to the Probation office... [and] [f]ailed to abide by
19 House Arrest.” 8th Violation Report (June 10, 2025). The court then issued another warrant for
20 his arrest, which was returned nine days later. *See* Return (July 10, 2025). That same day,
21 Probation filed the Defendant's ninth violation after he:
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23 1) Failed to report for intake and assessment at Guam Behavioral Health and
24 Wellness Center (GBHWC).
25 2) Failed to make payments towards his Court Fine of \$5,000.00.
26 3) Failed to make payments towards his Court cost of \$80.00.
27 4) Failed to make payments towards his Urinalysis Confirmation Fee of \$80.00.
28 5) Failed to Perform 150 hours of Community Service.

1 9th Violation Report (July 10, 2025). For the Defendant's tenth violation, the report indicated that
2 the Defendant "[f]ailed to obey all laws of Guam" after being charged for new offenses in
3 CF0477-25. 10th Violation Report (July 11, 2025). At the Defendant's Return of Warrant hearing,
4 the court scheduled a Revocation Hearing in this case after Probation requested to revoke the
5 Defendant's probation. *See* Return of Warrant Hearing Mins. at 3:33:26PM (July 15, 2025).

6 **B. Defendant Sapp's Revocation Hearing**

7 The People filed its Motion to Revoke Defendant's Probation and Impose Jail Sentence
8 ("Motion to Revoke"), arguing that his probation should be revoked for his lack of compliance
9 with the terms of his probation and lack of work to rehabilitate himself. *See* Ppl.'s Mot. Revoke
10 (July 23, 2025). After granting the Defendant more time to file a response this motion, he filed
11 his Opposition to the Motion to Revoke ("Motion to Revoke") on September 15, 2025,
12 referencing a lack of clear of evidence showing noncompliance and mitigating circumstances for
13 such. *See* Def.'s Opp'n (Sep. 15, 2025).

14 At the Revocation Hearing, the court heard testimony from Probation and the Defendant
15 as well as oral arguments from both parties. *See* Revocation Hr'g Mins. at 2:16:02PM (Nov. 13,
16 2025). After hearing the parties' arguments, the court took the matter under advisement.

17 **DISCUSSION**

18 If the court finds that the Defendant has "inexcusably failed to comply with a substantial
19 requirement imposed as a condition of the order," it may revoke probation and sentence or
20 resentence the offender. 9 GCA § 80.66(a)(2). If a court chooses to revoke probation, the court
21 may sentence the defendant to any sentence that it may have originally imposed. 9 GCA §
22 80.66(b). However, it shall not revoke probation for a defendant's violation of a condition unless
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1 the court determines that revocation “will best satisfy the ends of justice and the best interests of
2 the public” under all circumstances. 9 GCA § 80.66(a)(2).

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

10

11 **A. Defendant Sapp violated the conditions of his probation.**

12

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

19

20 In this case, the Defendant had accumulated ten (10) violations while under Probation’s
21 supervision. The court can factually determine that all these violations actually occurred after
22 reviewing the court’s record of events. For instance, his failure to refrain from ingesting controlled
23 substances was confirmed by urinalysis test results. His failures to report were addressed at his
24 Return of Warrant Hearings after every arrest warrant was issued. Since being placed under
25 Probation’s supervision in this case, his failure to obey all laws of Guam is supported by the
26 Indictments filed in each new case he was charged in. Based on the violation reports, Probation’s
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1 testimony at the Revocation Hearing, and the parties' arguments, the court finds that the Defendant
2 has violated multiple conditions of his probation on several occasions.

3 **B. Defendant Sapp's violations warrant revocation of probation.**

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

13 As mentioned earlier, the court may revoke probation if it finds that the probationer has
14 "inexcusably failed to comply with a substantial requirement imposed as a condition of the order."
15 9 GCA § 80.66(a)(2). In other words, a probationer's violation of probation warrants revocation
16 when the violation upsets the intent of the probation conditions. In *Camacho*, the Supreme Court
17 of Guam held that the probationer's failure to report for drug testing was serious enough to warrant
18 revocation when considering the condition being violated was treatment. *Camacho*, 2009 Guam
19 6 ¶ 32. Despite not paying the fine as required under probation, the Supreme Court of Guam
20 reasoned that failure to pay a fine alone was not as serious as not reporting for drug tests, because
21 the defendant was convicted of drug-related offenses and had drug testing listed as a condition of
22 probation to ensure the defendant remained sober. *Id.* Like the probationer in *Camacho*, the only
23 conditions pending completion were the Defendant's treatment and fine.

26 During the Revocation hearing, the People noted that regardless of the Defendant's
27 confinement in other matters while on probation in this case, the Defendant did nothing whenever
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1 he was released in those other matters. *See* Revocation Hr'g Mins. at 2:16:02PM (Nov. 13, 2025).

2 When nothing is being done towards his conditions, the People argue that it is clear that the
3 Defendant has no intention to follow through with what was agreed upon when the court accepted
4 his guilty plea. *Id.* In response, the Defendant argued that despite the People's failure to show a
5 *willful* violation in this case, he ultimately has a drug problem that no amount of fines or
6 community service can help. *Id.* Rather than seek his release, the Defendant seeks treatment in
7 this case to overcome his drug addiction. *Id.*

8
9 The substantial requirement imposed as a condition in *this* case was the Defendant's
10 completion of treatment. When imposing treatment as a probationary condition, the purpose of
11 doing so is to achieve sustained sobriety for a defendant. However, sobriety becomes unattainable
12 without the right support. To support the Defendant in his recovery, the court gave the Defendant
13 multiple opportunities before considering revocation, such as allowing the Defendant to receive
14 credit towards community service by completing counseling or treatment. This court released the
15 Defendant several times in order to get back on track with treatment and his other pending
16 conditions. While the court is aware of the difficulties in dealing with addiction, the Defendant
17 cannot expect to overcome his addiction if he will not put in the effort to attend and complete
18 treatment programs provided to him.

19
20 Unless the court determines that revocation "will best satisfy the ends of justice and the
21 best interests of the public" under all circumstances, the court shall not revoke probation for
22 violating a probationary condition. 9 GCA § 80.66(a)(2). Rather than make any effort towards
23 completing any probationary condition, which he agreed to do when the court accepted his guilty
24 plea on August 5, 2021, the Defendant failed to report whenever released and was charged in three
25 subsequent felony cases since being on probation. While the Defendant informed the court of his
26
27 subsequent felonies, he failed to inform the court of his failure to report whenever released.
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1 difficulty to transition back into society after every time he was released from DOC, he noted that
2 there is no real excuse for his noncompliance. *See Revocation Hr'g Mins.* at 2:16:02PM (Nov. 13,
3 2025). In Guam, DOC provides a Residential Substance Abuse Treatment (“RSAT”) program for
4 its inmates who are battling addiction. Rather than leave the Defendant to seek treatment on his
5 own, the court believes that it is in the best interests of the public and will best satisfy the ends of
6 justice to allow to allow DOC’s supervision and assistance of the Defendant on his path to
7 recovery through the RSAT program.

8
9 Because the Defendant has inexcusably failed to comply with treatment as a substantial
10 condition of his probation, the court finds that revocation of the Defendant’s probation will best
11 satisfy the ends of justice and the best interests of the public. Therefore, the court grants the
12 People’s Motion to Revoke Defendant’s Probation and Impose Jail Sentence.

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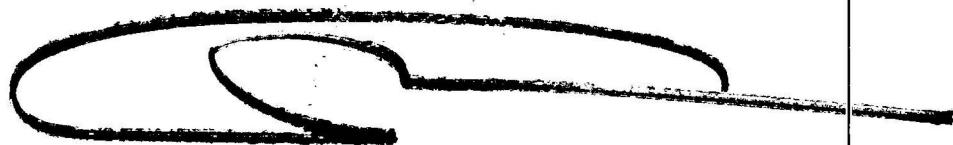
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CONCLUSION

2 For the reasons stated above, the Court hereby **REVOKE**S the Defendant's probation in
3 the above-captioned matter. The Defendant is hereby **SENTENCED** to serve **THREE (3)**
4 **YEARS** of incarceration at the Department of Corrections, Mangilao, and shall receive credit for
5 time already served in this matter. The Court shall issue a Judgment concurrent with this Decision
6 and Order revoking the Defendant's probation, and imposing the remainder of the Defendant's
7 three-year sentence.

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10 No further proceeding is scheduled before this court.
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12 SO ORDERED this FEB 12 2026.
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17 **HONORABLE ALBERTO E. TOLENTINO**
18 Judge, Superior Court of Guam
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25 **SERVICE VIA EMAIL**

26 I acknowledge that an electronic
27 copy of the original was e-mailed to:
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DAG & PDSC

Date: 2/12/26 Time: 3:42

Reinita M. Lindlau

Deputy Clerk, Superior Court of Guam