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2026 APR 17 AM 10:19

SUPERIOR COURT  
OF GUAM *CYS*

IN THE SUPERIOR COURT OF GUAM

PEOPLE OF GUAM,

v.

DOUGLAS ROBERT SCHROEDER, JR.  
(aka BOB SAGETT),  
DOB: 09/29/1966

Defendant.

Criminal Case No. CM0320-25

GPD Report No. 25-23226

**DECISION AND ORDER  
DENYING  
DEFENDANT'S MOTION TO DISMISS**

**INTRODUCTION**

This matter came before the Honorable Alberto C. Lamorena, III on January 16, 2026 for hearing on Douglas Robert Schroeder, Jr.'s (*aka* Bob Sagett's) ("Defendant's") Motion to Dismiss ("Motion"). Assistant Attorney General Lucas Wood represents the People, and Assistant Public Defender Brian Kegerreis represents Defendant. Having duly considered the parties' briefs, oral arguments, and the applicable law, the Court now issues the following Decision and Order and **DENIES** Defendant's Motion.

**BACKGROUND**

Defendant is charged with Criminal Trespass (as a Petty Misdemeanor) after allegedly entering Chief Kepuha Park (*aka* Chief Quipuha Park) (*aka* "the Park") after being permanently banned from the Park by the Guam Department of Parks & Recreation ("DPR"). See Magistrate's Complaint (Sep. 15, 2025).

On August 30, 2025, DPR Officer William Quidachay was patrolling Chief Kepuha Park when he spotted the Defendant panhandling. See Court Recording at 1:07:30pm (Jan. 16, 2026). Officer Quidachay subsequently issued a Notice of Expulsion to Defendant, permanently banning Defendant from the Park due to "repeated violations of park rules". See Exhibit B. Officer Quidachay testified that he recognized Defendant as a repeat offender of park rules concerning both panhandling and overnight camping. See Court Recording at 1:09:00pm (Jan. 16, 2026).

1 On September 14, 2025, DPR Officer Daviana Evangelista was patrolling Chief Kepuha  
2 Park when she spotted the Defendant panhandling. Id. at 1:43:00pm (Jan. 16, 2026). After being  
3 informed of Defendant’s permanent ban from the Park, Officer Evangelista arrested Defendant for  
4 Criminal Trespass (as a Petty Misdemeanor). Id. at 1:44:00pm (Jan. 16, 2026).

5 On October 29, 2025, Defendant filed his Amended Motion to Dismiss (“Motion”).  
6 Defendant seeks to dismiss the case on *de minimis* grounds, arguing the charges against him are too  
7 trivial to warrant criminal prosecution. See Motion at 3-5 (Oct. 29, 2025).

8 On November 12, 2025, the People filed their Opposition to Defendant’s Motion  
9 (“Opposition”). The People argue that dismissal on *de minimis* grounds violates the separation of  
10 powers doctrine because enforcement of laws lies in the Executive Branch rather than the Judicial  
11 Branch. See Opposition at 1-3 (Nov. 12, 2025). Furthermore, the People argue that Defendant’s  
12 conduct does not qualify as *de minimis* given the circumstances surrounding the offense. Id. at 3-4.

13 The Court held a hearing on January 16, 2026. After hearing the arguments of the parties, the  
14 Court took the matter under advisement.

## 15 DISCUSSION

### 16 I. Preliminary Law:

17 9 G.C.A. § 7.67 is Guam’s *de minimis* prosecution statute. It states the following:

18 The court shall dismiss a prosecution if, having regard to the nature of the  
19 conduct charged to constitute an offense and the nature of the attendant  
20 circumstances, it finds that the defendant's conduct:

21 (a) Was within a customary license or tolerance, neither expressly negated by  
22 the person whose interest was infringed nor inconsistent with the purpose of  
the law defining the offense;

23 (b) Did not actually cause or threaten the harm or evil sought to be prevented  
24 by the law defining the offense or did so only to an extent too trivial to  
warrant the condemnation of conviction; or

25 (c) Presents such other extenuations that it cannot reasonably be regarded as  
26 envisaged by *I Liheslatura* in forbidding the offense. The court shall not  
27 dismiss a prosecution under this Subsection without filing a written statement  
of its reasons.

28 See 9 G.C.A. § 7.67.

1 The Guam Supreme Court has upheld dismissals on *de minimis* grounds, negating the  
2 People’s claim that such dismissals violate the separation of powers doctrine. See *Guam v. Perez*,  
3 2004 Guam 4 ¶ 20.

4 When considering a dismissal on *de minimis* grounds, the crucial inquiry for a court is “what  
5 is the risk of harm to which society is exposed by defendant’s conduct?”. Id. at ¶ 12 (citing *State v.*  
6 *Zarrilli*, 523 A.2d 284, 288 (N.J. Super. Ct. Law Div. 1987)). This risk is determined by “an  
7 approach ... focused primarily on objective factors related to the defendant’s conduct and, in  
8 particular, the consequences for the societal interests involved.” Id. at ¶ 12. The following factors  
9 are relevant to a court’s risk of harm analysis: “(a) the circumstances surrounding the commission of  
10 the offense; (b) the existence of contraband; (c) the amount and value of property involved; (d) the  
11 use or threat of violence; and (e) the use of weapons”. Id. at ¶ 12 (citing *Zarrilli*, 523 A.2d 284 at  
12 288).  
13  
14

15 **II. The circumstances surrounding the offense support prosecution because Defendant’s**  
16 **alleged actions actually caused and threatened the harm sought to be prevented by**  
17 **Guam’s criminal trespass statute.**

18 The facts here indicate that Defendant was permanently trespassed from the Park due to his  
19 “repeated violations of park rules”, specifically those rules concerning panhandling and overnight  
20 camping. See Exhibit B.

21 Neither panhandling and overnight camping are specifically outlawed in DPR’s “Park Use  
22 Policies”. See Exhibit A. Defendant laches onto this and challenges the validity of his ban arguing  
23 it was not based on any alleged violation of park rules. See Motion at 3-4 (Oct. 29, 2025).

24 However, DPR’s Park Use Policy is not a comprehensive list establishing all DPR park  
25 rules. Title 23 of the Guam Administrative Rules (“GAR”) establishes DPR park rules in more  
26 clarity. 23 GAR § 3107(a)(8) establishes that “begging” is a “prohibited” activity across all DPR  
27 managed parks. 23 GAR § 3114(b) establishes that “camping ... shall be only by a permit issued by  
28 the Chief”. These activities are outlawed by the rules governing the Park, despite their absence of

1 mention in DPR's Park Use Policy. In fact, DPR Officer Keone Pangelinan testified that DPR  
2 officers regularly enforce both these rules. See Court Recording at 1:37:00pm (Jan. 16, 2026).  
3 "Violation of these rules and regulations may result in the expulsion from the park area of the  
4 violators, and will also subject such violators to prosecution under the laws of Guam where the  
5 violation of these rules and regulations is also a crime under said laws." See 23 GAR § 3103(b).

6 Defendant's ban from the Park was valid because it was based on his violation of park rules  
7 and regulations, which DPR officers had authority to enforce through a permanent ban. The facts  
8 indicate that Defendant violated this ban just two weeks after it was issued when he returned to the  
9 same location and engaged in the same prohibited conduct that got him banned in the first place.  
10 These actions directly caused the harm sought to be prevented by Guam's criminal trespass statute  
11 because they directly undermined DPR's valid authority to enforce park rules. If the Court were to  
12 grant Defendant a pass for his blatant violations of the Park's rules, it would objectively expose  
13 society to a risk of further harm by setting a precedent that people are allowed to disobey park rules  
14 and undermine DPR's authority with no consequences.

15 Defendant is correct in his assertion that the other *Zarrilli* factors do not indicate a risk of  
16 harm to society. There was no contraband, damage to Park property, violence, or use of weapons in  
17 this case. However, the *de minimis* statute requires the Court to analyze all relevant factors when  
18 determining the risk of harm to society. The circumstances surrounding the commission of the  
19 offense clearly indicate a risk of harm because Defendant's ban from the Park was lawful, and  
20 Defendant allegedly violated that ban to engage in further violations of park rules.

21 **CONCLUSION**

22 For the reasons stated above, the Court **DENIES** Defendant's Motion. The case will not be  
23 dismissed on *de minimis* grounds because Defendant's alleged conduct did cause the harm sought  
24 to be prevented by Guam's criminal trespass statute.

25 **IT IS SO ORDERED** this April 16, 2026



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28 **HONORABLE ALBERTO C. LAMORENA, III**  
**Presiding Judge, Superior Court of Guam**