



Filed

Supreme Court of Guam, Clerk of Court

IN THE SUPREME COURT OF GUAM

PEOPLE OF GUAM,
Plaintiff-Appellee,

v.

MICHAEL JOHN TOVES ANDERSON,
Defendant-Appellant.

Supreme Court Case No. CRA25-017
Superior Court Case Nos. CF0181-18; CF0261-19

OPINION

Cite as: 2026 Guam 10

Appeal from the Superior Court of Guam
Argued and submitted on March 24, 2026
Hagåtña, Guam

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BEFORE: KATHERINE A. MARAMAN, Chief Justice; F. PHILIP CARBULLIDO, Associate Justice; ROBERT J. TORRES, Associate Justice.

TORRES, J.:

[1] Defendant-Appellant Michael John Toves Anderson appeals the Superior Court’s judgment of conviction, which sentenced him to three years’ incarceration at the Department of Corrections (“DOC”) after revoking his probation. Anderson raises a single issue on appeal: whether the Superior Court abused its discretion by imposing the maximum allowable sentence of three years’ incarceration without articulating on the record why a lesser sentence would be inadequate. He does not challenge the revocation of probation, the legality of the sentence, or whether he was afforded due process. Because the sentencing court imposed a sentence within the statutory range after months of deliberation, we affirm.

I. FACTUAL AND PROCEDURAL BACKGROUND

[2] A grand jury indicted Anderson in Superior Court Case No. CF0181-18 for possession of a Schedule II controlled substance (as a third-degree felony) and operating a vehicle without proof of required registration (as a violation).

[3] While on pretrial release in CF0181-18, Anderson tested positive for methamphetamine. Record on Appeal [CF0181-18] (“RA-18”), tab 22 at 1–2 (1st Violation Rep., May 24, 2018). This was his first positive drug test while on pretrial release. The People deemed Anderson legally eligible to participate in the Adult Drug Court II Program (“ADC II”) in May 2018, but Probation found him clinically ineligible about a month later.

[4] Anderson violated his pretrial release conditions four times in CF0181-18: a positive drug test; failure to report to Probation in person three times per week; a new arrest giving rise to Superior Court Case No. CF0261-19; and another failure to report. RA-18, tab 118 at 2–3 (Dec.

& Order, June 2, 2025); RA-18, tab 22 at 1–2 (1st Violation Rep.); RA-18, tab 26 at 1 (2nd Violation Rep., July 17, 2018); RA-18, tab 31 at 1 (3rd Violation Rep., May 6, 2019); RA-18, tab 46 at 1 (4th Violation Rep., Oct. 29, 2019).

[5] In CF0261-19, Anderson was indicted with a co-defendant on charges of burglary (as a second-degree felony), conspiracy to commit burglary (as a second-degree felony), theft by receiving (as a second-degree felony), and theft by receiving (as a misdemeanor), with each felony count carrying a notice of commission of a felony while on felony release. Anderson violated the pretrial release conditions twice in CF0261-19 for failure to report. RA-18, tab 118 at 2–3 (Dec. & Order); Record on Appeal [CF0261-19] (“RA-19”), tab 47 at 1 (1st Violation Rep., Oct. 28, 2019); RA-19, tab 59 at 1 (2nd Violation Rep., Feb. 13, 2020).

[6] After being found legally eligible but clinically ineligible for ADC II, Anderson was later reassessed and found to be both clinically and legally eligible for the program.

A. Anderson’s Plea Agreement and Sentencing (July 2020)

[7] Anderson’s change-of-plea hearing occurred in July 2020. Despite his eligibility for ADC II, Anderson entered a global, non-ADC guilty plea to possession of a Schedule II controlled substance (as a third-degree felony) in CF0181-18 and theft by receiving (as a misdemeanor) in CF0261-19. Anderson stated that he could not participate in ADC II “because of transportation problems.” Transcript (“Tr.”) at 4 (Change of Plea Hr’g, July 10, 2020). As part of the plea, the People agreed to dismiss the charges for burglary, conspiracy to commit burglary, theft by receiving (as a second-degree felony), operating a vehicle without proof of required registration, and all accompanying felony-release enhancements. The trial court noted that Anderson had received “a good deal.” *Id.* at 9.

[8] The plea agreement imposed a sentence of three years' incarceration at DOC, with all but 30 days suspended, along with five years of supervised probation, court costs of \$80.00, a \$5,000.00 fine, 150 hours of community service, 24 self-help meetings, and restitution. The court noted that the plea agreement stated that all but 30 days would be suspended, but Anderson explained he had already served "three months." *Id.* at 8.

[9] During the change-of-plea colloquy, the court explained the credit-for-time-served calculation and then stated: "[I]f I find that you continuously violate, and then minus the ninety days that you've done, so you'll be going to prison for maybe two years and maybe nine months, if you were to violate -- if I find that you violated." *Id.* at 23. The court made this statement "[s]ubject to verification, . . . credit for time and ninety-plus days, or less." *Id.* The trial court also explained paragraph ten of the written plea agreement: "You understand that if you violate any conditions of your release or of your probation, that the Court may find you in violation and sentence you to serve the maximum sentence in this matter, which is three years minus the ninety days that you've done." *Id.* at 34; *see also* RA-18, tab 57 at 10 (Plea Agreement, July 14, 2020). Anderson acknowledged and agreed to this provision under oath. Tr. at 34 (Change of Plea Hr'g).

[10] The court accepted Anderson's plea and found him guilty of both charges.

B. Anderson's Probationary Period and Violations (2020–2025)

[11] Over nearly five years following his plea, Anderson accumulated eight post-judgment violations, absconded twice, and was the subject of four bench warrants. *See* RA-18, tab 118 at 4–7 (Dec. & Order).

[12] The People moved to revoke Anderson's probation and impose a jail sentence. Anderson objected, requesting treatment rather than confinement.

C. The Revocation Hearing (March 25, 2025)

[13] Over the five years since Anderson pleaded guilty and entered the plea agreement, the case was reassigned to a different trial court judge, who presided over the revocation proceedings. Tr. at 1 (Revocation Hr’g, Mar. 25, 2025). The court held a continued revocation hearing at which Probation reported that all conditions remained outstanding, and that Anderson’s probationary period was set to expire approximately four months from the hearing date. *Id.* at 3–4. Probation recommended revocation, noting that Anderson “has proved that he can’t do what he has promised to the Court countless times,” that he had made almost no progress, and had absconded again after being given another chance at release. *Id.* at 4.

[14] Anderson argued that he was not initially ordered to receive treatment from the Guam Behavioral Health and Wellness Center but was later required to after a relapse. *Id.* Anderson explained that he could not locate any paperwork confirming a treatment evaluation or self-help meetings. *Id.* at 4–5. Anderson also raised two mitigating circumstances regarding community service. First, the former mayor of Santa Rita-Sumai wrote a letter to the court stating that the then-mayor failed to schedule Anderson for community-service hours after his request because of the mayoral election. *Id.* at 5. Second, Anderson may have completed community service while at DOC, but DOC would not credit those hours without a court order. *Id.* Trial defense counsel proposed, as an alternative to incarceration, that the court give Anderson until the end of his probation term (July 9, 2025) to complete the conditions and to apply his approximately 105 days of then-current custody as a credit against his outstanding fine rather than against any sentence. *Id.* Anderson personally addressed the court, apologized for his past failures, and requested one final opportunity to satisfy his probation conditions. *Id.* at 6.

[15] The People renewed their request that Anderson be sentenced to the maximum of three years' incarceration, noting that he entered the plea in 2020 and that the court had recently been able to bring him to court only by bench warrant. *Id.* at 7.

[16] When addressing Anderson before taking the matter under advisement, the court stated: “[T]he nice thing is that you agreed that if you fail to follow the terms of probation, that you agree to be sentenced to the maximum term allowable under the statute charged, and in this particular case, three years was it.” *Id.* at 8. The court also framed its consideration of incarceration in terms of treatment access, stating its hope that Anderson would participate in DOC’s Residential Substance Abuse Treatment Program (“RSAT”) and noting that prison would provide “that opportunity without distraction.” *Id.* The court explained that it is “not that easy to turn around and sentence someone,” took the matter under advisement, and stated it would issue a decision. *Id.* at 9.

D. The Decision and Order and Judgment of Conviction (June 2, 2025)

[17] The court issued a written decision and order revoking Anderson’s probation. RA-18, tab 118 at 1–11 (Dec. & Order). The order reviewed the detailed chronology of all pretrial and post-judgment violations and applied the legal standard under 9 GCA § 80.66(a)(2), requiring a finding that the defendant “inexcusably failed to comply with a substantial requirement imposed as a condition of the order” and that revocation “will best satisfy the ends of justice and the best interests of the public.” *Id.* at 7–8, 10.

[18] The decision and order identified the treatment condition—not the fine or community service—as the “substantial requirement” that Anderson had inexcusably failed to satisfy. *Id.* at 9. The court noted that Anderson’s last confirmed positive methamphetamine test was March 25, 2022, and that the court had been unable to accurately track Anderson’s sobriety progress because,

rather than drug testing Anderson, it had to issue four warrants for his arrest. *Id.* at 9–10. The court also acknowledged the letter from the former mayor of Santa Rita-Sumai explaining the then-mayor’s failure to schedule community-service hours after Anderson’s request. *Id.* at 9. The order noted that Anderson had the option to receive two hours of community-service credit for each hour of counseling but “did not take advantage of this opportunity.” *Id.* at 10. The court concluded that, “[b]ased on the Defendant’s performance on probation over the past four years,” it was “not confident the Defendant will take advantage of a potential extension of probation to complete all his pending conditions.” *Id.* The court explained that revocation was in the public’s best interests and would best serve the ends of justice by imposing incarceration so that DOC’s RSAT program could assist Anderson’s rehabilitation. *Id.*

[19] The court’s order did not articulate specific findings as to why a sentence of less than the maximum would be insufficient and did not expressly address alternatives to the three-year term. *See id.* at 11.

[20] The concurrent judgment of conviction sentenced Anderson to three years’ incarceration at DOC with credit for time served and expressly ordered that Anderson “shall enroll and participate in the [RSAT] at the Department of Corrections. . .” RA-18, tab 119 at 2 (Judgment of Conviction, June 2, 2025). The court did not impose any other terms and conditions. *Id.*

[21] Anderson timely appealed.

II. JURISDICTION

[22] This court has jurisdiction over a criminal appeal from a final judgment of conviction. 48 U.S.C.A. § 1424-1(a)(2) (Westlaw through Pub. L. 119-102 (2026)); 7 GCA §§ 3107, 3108(a) (2005); 8 GCA §§ 130.10, 130.15(a) (2005).

III. STANDARD OF REVIEW

[23] “We review the trial court’s imposition of a sentence for abuse of discretion.” *People v. Damian*, 2016 Guam 8 ¶ 10 (quoting *People v. Diaz*, 2007 Guam 3 ¶ 59); accord *People v. Camacho*, 2009 Guam 6 ¶ 14. “Sentences imposed following revocation of probation are reviewed under the same abuse-of-discretion standard that applies to sentences imposed following conviction.” *Camacho*, 2009 Guam 6 ¶ 14. “An abuse of discretion results where the sentence ‘is based on an erroneous conclusion of law or where the record contains no evidence on which the judge could have rationally based the decision.’” *People v. Manila*, 2018 Guam 24 ¶ 17 (quoting *People v. Manibusan*, 2016 Guam 40 ¶ 12).

[24] “Issues of statutory interpretation are reviewed *de novo*.” *People v. Joshua*, 2015 Guam 32 ¶ 20 (quoting *People v. Felder*, 2012 Guam 8 ¶ 9).

IV. ANALYSIS

[25] Anderson does not dispute the Superior Court’s revocation of probation on appeal, whether he was afforded due process, or the legality of the sentence. Instead, he argues that the court abused its discretion because it did not exercise any discretion when it “reflexively” imposed the maximum sentence and did not address alternatives. Appellant’s Br. at 5–9 (Oct. 2, 2025). He argues that his sentence was “predetermined.” *Id.* at 12. He also argues that his sentencing was not individualized because imposing the maximum sentence is the court’s “preconceived policy.” *Id.* at 8–9; Appellant’s Reply Br. at 4 (Dec. 2, 2025). The People generally argue that the trial court did not abuse its discretion, focusing on the revocation of probation rather than on the imposition of the sentence.¹ Anderson does not oppose the revocation of probation. See Reply

¹ The People’s brief focused on issues that Anderson did not raise on appeal. However, at oral argument, the People addressed Anderson’s argument that the court abused its discretion. Digital Recording at 22:59–30:23 (Oral Arg., Mar. 24, 2026).

Br. at 1. Ultimately, the trial court did not abuse its discretion in imposing the maximum allowable three-year sentence.

A. Title 9 GCA § 80.66(b) Permits, but Does Not Require, the Sentencing Court to Impose the Maximum

[26] Anderson argues that 9 GCA § 80.66(b) mandates individualized sentencing and prohibits imposition of the maximum without explanation. Appellant’s Br. at 7, 9; Reply Br. at 2. At oral argument, the People argued that the record contains ample evidence establishing the sentence was individualized, citing the court’s eleven-page decision and order, the months of deliberation, and the court’s consideration of Anderson’s probation history. *See* Digital Recording at 22:59–30:23 (Oral Arg., Mar. 24, 2026).

[27] Resolution of Anderson’s argument turns on the meaning of section 80.66(b), which governs the sentencing court’s authority on revocation of probation. “[I]t is a cardinal rule of statutory construction that courts must look first to the language of the statute itself. Absent clear legislative intent to the contrary, the plain meaning prevails.” *People v. Cruz*, 2021 Guam 10 ¶ 12 (quoting *Sumitomo Constr., Co. v. Gov’t of Guam*, 2001 Guam 23 ¶ 17). “If a statute is unambiguous, then the judicial inquiry into the meaning of the statute is complete.” *Id.* (quoting *People v. Lau*, 2007 Guam 4 ¶ 14). “We make this determination based on the statute’s language, the context in which it is used, and the broader context of the statute as a whole, including its object and policy.” *People v. Walliby*, 2024 Guam 13 ¶ 10.

[28] The plain meaning of 9 GCA § 80.66(b) is that sentencing courts can exercise discretion upon probation revocation: “When the court revokes a suspension or probation, it may impose on the offender any sentence that might have been imposed originally for the crime of which he was convicted.” 9 GCA § 80.66(b) (2005). In *People v. Camacho*, this court explained:

The language in the plea agreement is clear that the trial court was authorized to sentence Camacho up to a term of three years upon the violation of his conditions of probation. This is consistent with 9 GCA § 80.66(b) because the trial court could have originally sentenced Camacho to three years imprisonment for his conviction.

Because Camacho's sentence is the precise term he agreed to serve in the [Deferred Plea Agreement] and is authorized by the relevant sentencing statute for his offense, we find that the trial court did not abuse its discretion in sentencing Camacho as it did.

2009 Guam 6 ¶¶ 42–43. Subsection 80.66(b) neither mandates nor prohibits the imposition of the maximum sentence upon revocation of probation. *See id.*

[29] This reading is also consistent with our prior interpretation of 8 GCA § 60.80(c), which regulates plea bargaining. Subsection 60.80(c) reads: “If the court accepts the plea agreement, the court shall inform the defendant that it will embody in the judgment and sentence the disposition provided for in the plea agreement or another disposition more favorable to the defendant than that provided for in the plea agreement.” 8 GCA § 60.80(c) (2005). In *People v. Tedtaotao*, we explained: “[W]hen a trial court accepts a plea agreement, it is not necessarily bound to the sentencing terms; it can impose the agreed-upon sentence, or it can impose something more favorable to the defendant.” 2023 Guam 21 ¶ 17 n.7 (citing 8 GCA § 60.80(c)).

[30] Anderson argues that sentences must be individualized. Appellant's Br. at 9; Reply Br. at 2. “[I]n noncapital cases, the established practice of individualized sentences rests not on constitutional commands, but on public policy enacted into statutes.” *Lockett v. Ohio*, 438 U.S. 586, 604–05 (1978). Title 9 GCA § 80.66(b) is part of the statutory scheme adopted by the Legislature to ensure that all defendants receive individualized sentences. *See, e.g.*, 9 GCA § 80.39.1 (added by P.L. 33-022:2 (May 7, 2015)) (permitting sentencing courts to depart from mandatory minimum, considering defendant's individualized circumstances); 9 GCA § 80.60(c)

(as amended by P.L. 32-074:2 (Nov. 27, 2013)) (listing factors for consideration in revoking probation).

[31] The plain meaning of 9 GCA § 80.66(b) permits discretionary sentencing upon revocation of probation. *See Camacho*, 2009 Guam 6 ¶ 42. Also consistent with 8 GCA § 60.80(c), a trial court accepting a plea agreement may impose the agreed-upon sentence or one more favorable to the defendant. *Tedtaotao*, 2023 Guam 21 ¶ 17 n.7. While Guam has only adopted factors relevant to the revocation of probation, *see* 9 GCA § 80.60(c); *Damian*, 2016 Guam 8 ¶ 24, the factors a court considers in revoking probation may in some cases be similar to the factors relevant to imposing a sentence, *compare* 9 GCA § 80.60(c), *with People v. Castro*, 2013 Guam 20 ¶ 62 (explaining breadth of information which may be considered at sentencing). Because the sentencing court’s detailed findings on revocation addressed Anderson’s individual circumstances, probation history, and treatment needs, those findings establish that the sentence was individualized. The court did not have to articulate separately why a lesser sentence would be inadequate.

[32] “It is axiomatic that the imposition of sentences within the statutory limits lies almost entirely within the discretion of the trial judge.” *Diaz*, 2007 Guam 3 ¶ 67 (quoting *United States v. Stull*, 743 F.2d 439, 448 (6th Cir. 1984)); *Manila*, 2018 Guam 24 ¶¶ 12–13; *see also Castro*, 2013 Guam 20 ¶ 61. Thus, the sentencing court did not abuse its discretion in imposing a sentence within the statutory range after months of deliberation.

B. Anderson’s Arguments that the Sentencing Court Acted “Reflexively” Are Unavailing

[33] Anderson argues that the court imposed his sentence “reflexively.” *See* Appellant’s Br. at 5; Reply Br. at 3. But the judge who accepted Anderson’s guilty plea was not the same judge who later revoked his probation. Anderson argues the second judge deferred to the first judge’s

comments at the change-of-plea hearing five years earlier. These comments, however, tracked the language of paragraph ten of the plea agreement, which Anderson acknowledged under oath. Anderson’s argument that the sentence was “reflexive” might have been more persuasive if the same judge had imposed the sentence five years later and the court had decided his sentence from the bench at the revocation hearing—this may have shown more reflexive action than the exercise of discretion. But that did not happen. Instead, the second judge took the matter under advisement for several months before issuing an eleven-page decision and order detailing the bases for revoking probation and imposing the sentence. RA-18, tab 118 at 1–11 (Dec. & Order). Considering the matter for months and elaborating in detail on a decision does not show “reflexive” action. Although the trial court had an alternative course of action available, its decision was allowable. *See Tedtaotao*, 2023 Guam 21 ¶ 17 n.7.

C. Anderson’s “Preconceived Policy” Argument Similarly Fails

[34] Anderson argues his sentence was not individualized because imposing the maximum is the court’s “preconceived policy.” Appellant’s Br. at 8–9 (citing *United States v. Barker*, 771 F.2d 1362, 1395 (9th Cir. 1985)); Reply Br. at 4 (citing *United States v. Lopez-Gonzales*, 688 F.2d 1275, 1276–77 (9th Cir. 1982)). At oral argument, Anderson argued that the involvement of two judges, combined with general knowledge of proceedings in similar cases, demonstrates a preconceived sentencing policy. *See* Digital Recording at 30:40–31:40 (Oral Arg.).

[35] However, this court has explained, “Although the trial court may consider a wide range of information, . . . it is not required to take into account all factors that may be considered relevant.” *Damian*, 2016 Guam 8 ¶ 23; *Manila*, 2018 Guam 24 ¶ 12. Anderson does not argue why this court should depart from this rule.

[36] The sentencing court did not impose a sentence exceeding the People’s recommendation like in *United States v. Barker*, 771 F.2d 1362 (9th Cir. 1985). In *Barker*, the government recommended different sentences for the defendants who pleaded guilty to drug smuggling. 771 F.2d at 1364. The district court rejected the government’s recommendations and sentenced each defendant to the maximum, despite each defendant having a different involvement in the drug-smuggling operation. *Id.* The Ninth Circuit concluded that the sentences were not individualized. *Id.* at 1365–67. By contrast, the sentencing court here did not exceed the People’s recommendation because the People recommended the maximum. See Tr. at 7 (Revocation Hr’g); see also *People v. Piyelit*, 2022 Guam 16 ¶¶ 14, 51–55 (affirming a sentence of the maximum of six years’ incarceration after the People recommended that maximum sentence).

[37] The sentencing court also did not have a preconceived sentencing policy. In *United States v. Lopez-Gonzales*, 688 F.2d 1275 (9th Cir. 1982), the Ninth Circuit concluded that the district court had a preconceived sentencing policy because it “had stated that it automatically imposed the maximum sentence whenever an illegal alien is apprehended after flight and pursuit.” *Barker*, 771 F.2d at 1365 (discussing *Lopez-Gonzales*). The court explained, “[A]ppellate courts have vacated sentences reflecting a preconceived policy always to impose the maximum penalty for a certain crime.” *Lopez-Gonzales*, 688 F.2d at 1277 (collecting cases).² Unlike in the cases collected by the court in *Lopez-Gonzales*, the sentencing court here did not make explicit comments on the

² *United States v. Lopez-Gonzales*, 688 F.2d 1275, 1277 (9th Cir. 1982) (“See, e.g., *United States v. Clements*, 634 F.2d 183, 187 (5th Cir. 1981) (no indication that judge considered any mitigating or aggravating circumstances before imposing maximum sentence for drug offense; mechanical attitude towards sentencing was prima facie established by sentencing court’s prior record in similar cases); *United States v. Hartford*, 489 F.2d 652, 655–56 (5th Cir. 1974) (trial court’s comments reflected a rigid policy of imposing maximum sentence on narcotics distributors); *Woosley v. United States*, 478 F.2d 139, 140, 143–45 (8th Cir. 1973) (en banc) (trial court stated that it had sentencing policy in cases of refusing induction into military, and study showed that policy was to always impose maximum sentence); *United States v. Daniels*, 446 F.2d 967, 971–72 (6th Cir. 1971) (judge stated that he always imposed maximum sentence on those refusing to obey orders of draft board); *United States v. McCoy*, 429 F.2d 739, 742–43 (D.C. Cir. 1970) (district judge announced he would sentence to life imprisonment anyone convicted by a jury of armed robbery).”).

record stating a preconceived sentencing policy, and Anderson does not provide evidence that the sentencing court consistently imposed the maximum sentence despite the government's recommendations. Just because the first judge said Anderson would be sentenced to the maximum minus time served if he violated probation, and the second judge imposed the same sentence, does not—on its own—amount to a “preconceived policy.” Thus, Anderson's argument that the sentencing court acted with a preconceived policy here is unavailing.

[38] Accordingly, the trial court imposed the maximum three-year sentence within its “largely unlimited” discretion. *See Manila*, 2018 Guam 24 ¶ 12; *Diaz*, 2007 Guam 3 ¶ 67.

V. CONCLUSION

[39] The Superior Court imposed a sentence within the statutory range after months of deliberation and considered Anderson's probation history. The record does not support Anderson's characterization of the sentence as reflexive or the product of a preconceived policy. We **AFFIRM** the judgment of conviction.

/s/

F. PHILIP CARBULLIDO
Associate Justice

/s/

ROBERT J. TORRES
Associate Justice

/s/

KATHERINE A. MARAMAN
Chief Justice