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SUPERIOR COURT
OF GUAM *24*

IN THE SUPERIOR COURT OF GUAM

PEOPLE OF GUAM,) CRIMINAL CASE NO. CF0604-18
) CRIMINAL CASE NO. CF0519-19
vs.)
)
) DECISION AND ORDER GRANTING
) THE PEOPLE'S MOTION TO REVOKE
JUSTIN SABLAN BREL,) DEFENDANT'S PROBATION;
DOB: 01/13/1997) DENYING MOTION TO MOVE
) DEFENDANT TO GBHWC ANNEX
Defendant.)

INTRODUCTION

This matter came before the Honorable Maria T. Cenzone on February 2, 2026, for a Revocation Hearing on the People of Guam's ("the People") Motion to Revoke Defendant Justin Sablan Brel's ("Defendant") Probation and Impose Jail Sentence (the "Motion"). Defendant was present in person at the hearing, represented by Attorney William Pole. The People were represented at the hearing by Assistant Attorney General Valerie Nuesa.

After the hearing, the Court took the Motion under advisement pursuant to CVR 7.1(e)(6)(D) of the LOCAL RULES OF THE SUPERIOR COURT OF GUAM. After reviewing the People's Motion and the Defendant's Opposition, oral arguments from the parties, and the applicable statutes and case law, the Court now issues this Decision and Order **GRANTING** the People's Motion and **DENYING** Defendant's Motion to Move him to the GBHWC Annex.

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1 (“GBHWC”); reporting once a month to probation; no possession of drugs and alcohol and
2 submitting to drug testing; obey all laws of Guam; perform one hundred (100) hours of
3 community service and pay a fine totaling One Thousand Dollars (\$1,000.00), and Eighty Dollars
4 (\$80.00) in court costs. *Plea Agreement* (Aug. 19, 2020); *Judgment* (Sept. 21, 2020).
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6 During his term of probation, the Defendant would accrue six (6) violations of his
7 conditions of probation, as follows:

VIOLATION NO.	DATE OF VIOLATION	CONDITION VIOLATED
1	5/24/2021	Failed to obey all laws of Guam: New Case filed CM0137-20 [sic: CM0137-21]. Court did not issue a sanction or have Defendant answer to this violation. Defendant was convicted on March 28, 2022, in CM0137-21 and CF0513-21. <i>Judgment of Conviction</i> (Apr. 6, 2022).
2	10/14/2021	1. Failure to attend intake and assessment appointments at CSFC on April 15, 2021 and July 27, 2021; 2. Failed to pay fine of \$1,0000.00 and court costs of \$80.00; 3. Failed to complete 100 h ours of community service. No hours performed.
3	10/19/21	Failed to obey all laws of Guam. New Case CF0513-21. Court did not issue a sanction or have Defendant answer to this violation. Defendant was convicted on March 28, 2022, in CM0137-21 and CF0513-21. <i>Judgment of Conviction</i> (Apr. 6, 2022).
4	12/22/2022	1. Failure to attend intake and assessment at CSFC on April 15, 2022 and August 29, 2022; 2. Failed to pay fine and court costs; 3. Failed to report to probation monthly in person; last reported 5/15/23 by phone.

		Defendant was counseled several times by probation officer and on 11/29/22 Probation conducted a home visit and again counseled Defendant about his conditions.
5	8/7/2023	1. Failure to attend intake and assessment at CSFC on April 15, 2022 and August 29, 2022; 2. Failed to pay fine and court costs; 3. Failed to report to probation monthly in person; last reported 5/15/23 by phone.
6	12/5/2023	Failure to report to probation as ordered by the Court on 11/28/23; failed to report since 5/15/2023.

The Court takes judicial notice of the fact that Defendant's probation was revoked in CM0137-21 and CF0513-21 on March 17, 2025. *Decision and Order Re. People's Motion to Revoke Def's Probation* (Mar. 17, 2025); *Judgment of Conviction (Revocation of Probation)*(Mar. 17, 2025).

DISCUSSION

Guam law specifies the procedures that the Court must follow for revocation of probation.

The relevant statute, in its entirety, states as follows:

[T]he court, if satisfied that the offender has inexcusably failed to comply with a substantial requirement imposed as a condition of the order may revoke the suspension or probation and sentence or re-sentence the offender. Violation of a condition shall not result in revocation, however, unless the court determines that revocation under all the circumstance then existing will best satisfy the ends of justice and the best interests of the public.

9 GCA § 80.66(a)(2).

The process for revoking an offender's probation has been further explained by the Guam Supreme Court as follows:

Probation revocation is a two-step process. First, the trial court must make a factual determination that a violation of probation actually has occurred. If a

1 violation is proven, then the Court must determine if the violation warrants
2 revocation of the probation.

3 *People of Guam v. Camacho*, 2009 Guam 6 ¶ 27 (internal citations omitted).

4 To revoke a defendant's probation, evidence and facts presented to the Court must be
5 "reasonably necessary to satisfy the judge that the probationer's conduct has not been as required
6 by the conditions of probation." *Id.* At ¶ 30 (citing *People v. Angoco*, 1998 Guam 10).

7
8 The Court also cannot order revocation unless the offender is provided with written notice
9 of grounds for revocation of probation. 9 GCA § 80.68(a). At the hearing, the offender shall
10 "have the right to hear and controvert the evidence against him, to offer evidence in his defense
11 and to be represented by counsel." *Id.* Should the Court revoke an offender's probation, "it may
12 impose on the offender any sentence that might have been imposed originally for the crime of
13 which he was convicted." 9 GCA § 80.66(b).

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15 **1. The Court determines that a violation of probation has occurred.**

16 Pursuant to the first *Camacho* prong, the Court finds that there is no factual dispute that
17 Defendant has violated several conditions of his probation. Defendant has failed to comply with
18 his monthly reporting requirements, reporting to CSFC for intake and assessment despite CSFC
19 giving him several appointment dates, and failing to make progress toward satisfying his
20 community service and paying fines and court costs. The Defendant was charged with a new
21 offenses while on probation and has been convicted of crimes subsequent to his probation in this
22 case. His probation was also revoked in those cases and, upon information and belief, Defendant
23 continues to serve his term of incarceration at this time. For these reasons, the Court determines
24 that the first *Camacho* prong is satisfied.
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1 14, 2025)(the “OAH”). The OAH mandated that DOC refer Defendant to GBHWC staff at DOC
2 for an intake and assessment “for transfer to the Annex pursuant to GBHWC’s Psychological
3 Evaluation on June 13, 2025,” and, further that “in the event Defendant is deemed appropriate
4 for transfer to Post 7, he shall be immediately transferred to the Unit without further order of this
5 Court.” *OAH* at pp. 1, 2. Following several requests for extension of time to complete the
6 evaluations, on January 6, 2026, GBHWC submitted its evaluation and recommendations,
7 opining as follows:
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- 9 1. Defendant does not meet criteria for acute crisis stabilization at the GBHWC
10 Annex while incarcerated at DOC;
- 11 2. Defendant is recommended a comprehensive medical examination,
12 neurological assessment, Drug and Alcohol assessment to determine level of
13 care;
- 14 3. Drug and Alcohol residential treatment is recommended.

14 *Evaluation dated Jan. 6, 2026.*

15 Based upon the recommendations set forth in the Evaluation, the Court denies
16 Defendant’s Motion to be moved to Post 7, the GBHWC Annex at DOC, for further treatment.
17 Because Defendant’s probation has been revoked by this Court, Defendant may avail of treatment
18 once he has served his term of incarceration, or upon release on Parole and as ordered by the
19 Parole Board/Parole Services Division as a component of his after-care requirements.
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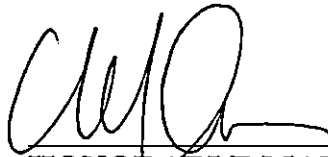
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1 **CONCLUSION**

2 For the reasons set forth above, the Court hereby **GRANTS** the People's Motion to
3 Revoke Defendant's Probation and Impose Jail Sentence and **DENIES** Defendant's Motion to
4 move him to Post 7, which is intended for acute mental health crisis stabilization and treatment,
5 not long term residential drug and alcohol treatment.
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7 The Court shall issue a Judgment of Revocation under separate cover.

8 SO ORDERED this 4th day of May, 2026.

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12 **HONORABLE MARIA T. CENZON**
13 Judge, Superior Court of Guam
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24 **SERVICE VIA E-MAIL**

25 acknowledge that an electronic
26 Copy of the original was e-mailed to

27 Ag's W. Pole

28 MAY 04 2026 4:12a
Date Time
Evan L. Topasna
Deputy clerk, Superior Court of Guam