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SUPERIOR COURT
OF GUAM *cjs*

IN THE SUPERIOR COURT OF GUAM

PEOPLE OF GUAM,

v.

JASON CLAY,
DOB: 08/08/1983

Defendant.

Criminal Case No. CM0253-05
GPD Report No. 04-13796

**DECISION AND ORDER
GRANTING DEFENDANT'S MOTION
TO REQUIRE GOVERNMENT
TO ENSURE ALIAS OF
"JASON CLAY" IS REMOVED FROM
RECORDS OF KEMPO DEITAS**

INTRODUCTION

This matter came before the Honorable Alberto C. Lamorena, III on February 13, 2026 for hearing on Jason Clay's ("Defendant's") Motion to Require Government to Ensure Alias of "Jason Clay" is Removed from Records of Kempo Deitas ("Motion"). Assistant Attorney General Lucas Wood represents the People, and Attorney Heather Quitugua represents Defendant. Having duly considered the parties' briefs, oral arguments, and the applicable law, the Court now issues the following Decision and Order and **GRANTS** Defendant's Motion.

BACKGROUND

Defendant is charged with six counts of Assault (as a Misdemeanor) and one count of Disorderly Conduct (as a Petty Misdemeanor). See Magistrate's Complaint (Mar. 25, 2005). The charges stem from a July 8, 2004 incident in which Defendant allegedly threatened and attacked a couple and their minor daughter. Id.

On July 6, 2005, an Arraignment hearing was held. However, Defendant failed to appear and a bench warrant was issued for his arrest. See Minute Entry (Jul. 6, 2005); Bench Warrant (Jul. 7, 2005).

On September 7, 2025, Guam Police Department ("GPD") Officers arrested Kempo Deitas ("Mr. Deitas") on separate charges in CM0307-25. See CM0307-25 Magistrate's Complaint (Sep. 8, 2025). At the time, GPD Officers also believed Defendant and Mr. Deitas were the same person, and marked the bench warrant as returned. See Return of Warrant Service (Sep. 8, 2025).

1 Mr. Deitas subsequently appeared as the defendant in this case at an Arraignment Hearing on
2 October 9, 2025 and at two Pre-Trial Conferences held on October 28, 2025 and November 13,
3 2025. See Minute Entrys (Oct. 8, 2025, Oct. 28, 2025, & Nov. 13, 2025).

4 However, it was soon discovered that Mr. Deitas was in fact a different person than the
5 Defendant, and Mr. Deitas was ultimately released. See Release from Confinement (Nov. 13,
6 2025).

7 Given Defendant's failures to appear at those hearings, a bench warrant was issued for his
8 arrest. See Bench Warrant (Nov. 14, 2025). The real Defendant was subsequently arrested on
9 January 21, 2026. See Return of Warrant Service (Jan. 21, 2026).

10 On December 9, 2025, Defendant filed his Motion to Require Government to Ensure Alias
11 of "Jason Clay" is Removed from Records of Kempo Deitas. Defendant requests that the alias of
12 "Jason Clay" be removed from Mr. Deitas's records at GPD and the Department of Corrections
13 ("DOC") because of the unfairness in subjecting Mr. Deitas to the proceedings in this matter and
14 the obvious delay resulting from charging the wrong individual. See Motion at 2 (Dec. 9, 2025).

15 On December 23, 2025, the People filed their Opposition to Defendant's Motion
16 ("Opposition"). The People claim they lack authority to govern GPD and DOC records. See
17 Opposition at 1-2 (Dec. 23, 2025). The People argue any such order should instead be directly
18 addressed to GPD and DOC, rather than the Office of the Attorney General ("AOG"). Id. at 3.

19 On January 22, 2026, Defendant filed his Reply. Defendant claims it is the OAG's
20 responsibility to ensure GPD and DOC's compliance with the court order because the OAG is
21 obligated to ensure the proper individuals are charged. See Reply at 1 (Jan. 22, 2026).

22 The Court held a hearing on February 13, 2026. After hearing the arguments of the parties,
23 the Court took the matter under advisement.

24 DISCUSSION

25 The provisions of the Guam Code of Criminal Procedure "are intended to provide for the just
26 determination of every criminal proceeding and shall be construed to secure simplicity in
27 procedure, fairness in administration and the elimination of unjustifiable expense and delay." See 8
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1 G.C.A. § 1.07(a). Where there is no specific rule, “the court may proceed in any lawful manner not
2 inconsistent with its own rules or with any applicable statute.” See 8 G.C.A. § 1.07(c).

3 Requiring the OAG to ensure the alias of “Jason Clay” be removed from Mr. Deitas’s GPD
4 and DOC records is clearly necessary to secure procedural fairness and eliminate unjustifiable
5 delay. It is procedurally unfair to arrest Mr. Deitas on these charges and subject him to court
6 proceedings given he is a different individual than the Defendant. Doing so also delayed this case’s
7 advancement because the Court was misled into believing the bench warrant was fulfilled when the
8 Defendant was in fact still on the run. The OAG also serves as counsel to GPD and DOC. They
9 can easily forward a copy of this order to those agencies.

10 **CONCLUSION**

11 For the reasons stated above, the Court **GRANTS** Defendant’s Motion. The OAG is
12 instructed to forward a copy of this order to GPD and DOC and to ensure both those agencies
13 remove the alias of “Jason Clay” from Mr. Deitas’s records.

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16 **IT IS SO ORDERED** this February 20, 2026

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