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SUPERIOR COURT
OF GUAM *cj*

IN THE SUPERIOR COURT OF GUAM

PEOPLE OF GUAM,	)	CRIMINAL CASE NO. CM0295-12
	)	GPD REPORT NO. 12-09400
	)	
vs.	)	
	)	
	)	DECISION AND ORDER
DEVIN ALEXANDER ROLAND,	)	RE. DEFENDANT'S MOTION TO
DOB: 01/18/1992	)	TO QUASH BENCH WARRANT
	)	AND ORDER VACATING WARRANT
Defendant.	)	

INTRODUCTION

This matter came before the Honorable Maria T. Cenzone upon Defendant Devin Alexander Roland's ("Defendant") Motion to Quash Bench Warrant (the "Motion"). Representing the Defendant is Public Defender John Morrison. The People of Guam ("the People") did not file a response to the Motion; however, Assistant Attorney General Valerie Nuesa appeared on behalf of the People and orally opposed the motion. Following oral argument and a review of the relevant law and the record before it, the Court **GRANTED** the Motion from the bench, but issues this written Decision and Order to memorialize its decision.

RELEVANT BACKGROUND

On March 24, 2012, the People filed a Complaint against Defendant charging him with: Imprudent Driving (As a Petty Misdemeanor); Consumption of Alcohol Underage (As a Petty Misdemeanor); Driving While Under the Influence of Alcohol (As a Misdemeanor) and Possession of a Schedule I Controlled Substance (As a Violation). Defendant appeared before the

1 magistrate judge on March 20, 2012, who issued an Order of Conditional Release (OCR)
2 imposing conditions governing Defendant's behavior while on pre-trial release. *Min. Entry of*
3 *Arraignment Hearing of Mar. 20, 2012* (Mar. 20, 2012). Although Defendant did not have to post
4 any bail, bond or security for his release, the OCR ordered, *inter alia*, that Defendant appear at
5 all criminal trial proceedings, that he report to Probation Services Division ("Probation") three
6 times a week, in person; and that he not leave Guam without the permission of the Court. *Order*
7 *of Conditional Release and Appearance Bond (OCR)* at ¶¶ 2, 11, 12 (Mar. 28, 2012). At the time
8 the Complaint in this case was filed, Defendant was subject to an OCR in his other case, *People*
9 *v. Roland*, Superior Court of Guam Criminal Case No. CM1279-11, wherein he is charged with
10 Driving While Under the Influence of Alcohol (As a Misdemeanor); Driving While Under the
11 Influence of Alcohol (BAC)(As a Misdemeanor) and Reckless Driving (As a Petty
12 Misdemeanor). *OCR in CM1279-11* (Dec. 23, 2011). He had similarly been ordered to appear at
13 all criminal trial proceedings and to report in that case weekly, in person. *Id.* at ¶¶ 2, 11.

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15 In this case, Defendant appeared at several hearings before the Honorable Elizabeth
16 Barrett-Anderson, who was then assigned to preside over this matter. However, his appearances
17 were inconsistent, and after failing to appear before Judge Barrett-Anderson on June 25, 2012,
18 and again on August 13, 2012, the court issued the Bench Warrant at issue. The warrant has been
19 active and outstanding since August 29, 2012. *Bench Warrant* (Aug. 29, 2012).

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21 On November 21, 2025, over thirteen (13) years later, Defendant, through counsel filed a
22 Motion to Quash Bench Warrant on the basis that, at the time Defendant absconded from Guam,
23 he had suffered a physical injury while diving, became unemployed and, "unable to support
24 himself financially or [to] afford medical treatment, [] he followed his father back to California."
25 *Mot.* at pp. 1, 2. Defendant acknowledges that the warrant has been outstanding since then.

However, Defendant argues that “good cause” exists to “quash” the warrant because, since departing Guam without the permission of the court during the pendency of this criminal matter, he has lived a “productive life,” by marrying his spouse, being gainfully employed by financial institutions and now, obtaining a degree in Cybersecurity, while maintaining sobriety. *Mot.* at 2. Additionally, Defendant is actively involved in several charities in his community.

DISCUSSION

Title 8, Guam Code Annotated, Chapter 40 addresses the release of a defendant in a criminal case and provides that “Upon the failure of a person released pursuant to this Chapter to appear as required, the court in which the action is pending may issue a warrant directing that the person be arrested and taken before it forthwith.” 8 GCA § 40.70. Additionally, 8 GCA § 40.90 provides that any person released under this Chapter 40 and “who willfully fails to appear before any court or judge as required is: ... guilty of a misdemeanor, if he was released in connection with a charge of any offense not a felony.” 8 GCA § 40.90(a)(2).

In this case, Defendant executed the following acknowledgement contained in the OCR while he was represented by counsel:

I understand the methods and conditions of my release which have been checked above, the penalties and forfeiture applicable in the event I violate any condition or fail to appear as required.

I agree to comply fully agree to comply fully with each of the obligations imposed on my release and to notify the Court promptly in the event I change the address indicated below.

I have received a copy of this Order and I understand that a violation of this Order is a Contempt of Court and shall cause me to be to be arrested and be subject to possible further criminal charges and/or revocation of my pre-trial release.¹

¹ OCR at p. 2.

1 At the time, Defendant resided at 159 Leon Guerrero Drive, Unit 706, Tumon, Guam. *Id.* He has
2 since relocated without informing Probation.

3 The People did not file any written response to Defendant's Motion; however, during the
4 hearing, the People opposed the Motion for several reasons, including: (1) Defendant absconded
5 when he was subject to, not one, but two criminal cases involving Driving Under the Influence
6 (DUI), including one in which he is alleged to caused property damage;² (2) in one of the cases,
7 Defendant is alleged to have backed into a police cruiser while the police officers were
8 investigating that case;³ and, (3) it would have been easy for the Defendant, because he had still
9 been reporting to probation until he left island, to inform Probation of his issues and to seek
10 approval of the court before leaving.⁴

11 In response to the opposition, Defendant proffered that the individual who was charged
12 with the offenses in 2012 "doesn't exist anymore... the Mr. Roland of 19, 20 years old has long
13 since 'left the building' and now we have a 34, 35 year old man who is a professional and wants
14 to get these matters behind him."⁵ Defendant describes his actions as a combination of "panic
15 and bad judgment" after Defendant got injured, lost his employment, his father lost his contract,
16 and he felt needed to leave the medical treatment off-island.

17 The Court finds that the Defendant's failure to comply with a court order, including any
18 summons or notice to appear, notwithstanding the Defendant's relocation off-island or any
19 medical disability or need for treatment, subjects him to a finding of contempt under 7 GCA §
20 34101(5) for the disobedience of any lawful order or process of the court, in addition to the
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27 ² *Min. of 1/22/26 Motion Hearing* at 11:26:55 AM to 11:27:28 AM (Jan. 22, 2026).

28 ³ *Id.* at 11:27:40 AM..

⁴ *Id.* at 11:28:29 AM.

⁵ *Id.* at 11:29:30 AM – 11:30:36 AM.

1 issuance of a warrant to compel his attendance by his arrest under 8 GCA § 40.70. Moreover, 8
2 GCA § 40.90 subjects him to a *misdemeanor* offense if this court finds that the violation of his
3 release condition, in failing to appear before any court, was willful. “Willfulness” in this context
4 “means a deliberate or intended violation, as distinguished from an accidental, inadvertent, or
5 negligent violation of an order.” *People of Guam v. Torres*, 2008 Guam 26, ¶ 54 (citing *United*
6 *States v. Baldwin*, 770 F.2d 1550, 1558 (11th Cir.1985)).

8 While the Court acknowledges that over a decade has passed since the bench warrant was
9 issued in this case, the nature of the offenses alleged to have been committed by the Defendant
10 are offenses committed against the community, and which are alleged to have resulted in the
11 destruction of public property. Importantly, the Defendant’s arguments that the warrant should be
12 vacated because of “good cause,” specifically, that the Defendant, since leaving Guam in 2012,
13 has been sober, has a successful career and a family, and is actively involved in charitable
14 organizations, ignores the incontrovertible fact that these achievements were accomplished by
15 directly violating a valid order of this court. As the Court pointed out during the hearing of this
16 matter, but for the fact that the Defendant had resources to leave Guam and to continue to live a
17 life seemingly unfettered by the criminal prosecution, the Defendant would have had to answer
18 to the charges against him, just like thousands of other defendants similarly charged who do not
19 have the same resources as that which was available to the Defendant. The passage of time and
20 delayed prosecution was caused by the Defendant leaving Guam without the Court’s permission.
21 To now suggest that the People’s desire to hold him responsible for violating the court’s order
22 over the last thirteen (13) years and for delaying the procedural process properly before this Court
23 is somehow unreasonable is to shirk the responsibility that is attributable solely to the Defendant.
24 Indeed, the arguments advanced by the Defendant ignore the significance of the underlying charge
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1 against him: if convicted of the DUI offense, Defendant faces a maximum term of imprisonment
2 of one (1) year.⁶

3 Notwithstanding the Court's admonishments herein, the Court finds that Defendant's
4 explanation to the Court of the rationale behind his decision to leave Guam in 2012, in violation
5 of the OCR, evinces that his 20-year old self reasonably believed that this case had been resolved
6 by the plea agreement, despite that he had not signed it. *Minutes of 1/22/26 Hrg.* at 11:17:44 AM
7 to 11:25:30 AM. He reasonably believed that the plea, combined with the return of his passport,
8 signaled that he was able to leave Guam. *Id.* Defendant further explained that it was not until
9 returning to the United States from Canada in July, 2025, that he was informed of the pending
10 warrants, but he was permitted to re-enter the United States without arrest despite the valid
11 warrants. *Id.* Upon receiving this information, he contacted the Public Defender Service
12 Corporation to assist him in addressing the warrants. *Id.* Based upon this proffer, the Court finds
13 that Defendant's violations were not willful under 8 GCA §§ 40.70, 40.75, or 40.90.⁷

14 For the reasons set forth herein, the Court hereby GRANTS Defendant's Motion, subject
15 to its ORDER compelling his appearance before this Court at all further criminal trial proceeding
16 by Zoom, or other remote access, as provided by the Court.

17 CONCLUSION AND ORDERS

18 For the above reasons, the Defendant's Motion to Quash Bench Warrant is **GRANTED**.
19 The Warrant is hereby **VACATED**.

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26 ⁶ The Court cites only to the most serious of the offenses, given that the Defendant as aged out of Charge 2
27 "Consumption of Alcohol Underage" and marijuana possession (Charge 4) of less than one ounce is not a violation
since the passage of the Guam Cannabis Industry Act under 11 GCA § 8103.

28 ⁷ Defense Counsel indicated that a global plea agreement was provided by the government to Defendant to resolve
both cases back in 2012. AAG Nuesa requested a copy of the plea as it was not in her file. In response to the Court's
query whether the plea offer is still valid, AAG Nuesa indicated that she would speak with the prosecutor assigned
to CM1279-11.

1 Defendant is **ORDERED** to appear for all scheduled proceedings in this matter before
2 this Court via Zoom;

3 **IT IS FURTHER ORDERED** that Defendant shall check in to probation by email each
4 month or as ordered by the Court;

5 **IT IS FURTHER ORDERED** that the curfew previously imposed in the OCR is lifted;

6 **IT IS FURTHER ORDERED** that the restriction on Defendant's driving privileges
7 previously ordered in the OCR is lifted;

8 **IT IS FURTHER ORDERED** that Defendant's failure to appear before this Court or to
9 check-in to Probation by e-mail, may result in sanctions, including the issuance of a bench warrant
10 for violation of a court order.

11 A **FURTHER PROCEEDINGS HEARING** shall be scheduled as a remote proceeding
12 and Defendant shall appear via Zoom. Notice of the hearing time and date and Zoom link and
13 access shall be issued under separate cover.

14 **SO ORDERED** this 22nd day of January, 2026.

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HONORABLE MARIA T. CENZON

Judge, Superior Court of Guam