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SUPERIOR COURT
OF GUAM *On*

IN THE SUPERIOR COURT OF GUAM

PEOPLE OF GUAM,

vs.

CHARLES RAY JOHNSON
DOB: 11/09/1972

Defendant.

Criminal Case No. **CM0417-25**

DECISION AND ORDER RE:
DEFENDANT'S MOTION TO DISMISS
[CIVIL COMPROMISE]

INTRODUCTION

This matter is before the Honorable Maria T. Cenzone upon Defendant Charles Ray Johnson's ("Defendant") Motion to Dismiss ("Motion"). Defendant is represented by Attorney Peter C. Perez, and the People of Guam ("People") are represented by Assistant Attorney General Valerie A. Nuesa. The Court took Defendant's Motion under advisement without oral argument pursuant to Criminal Rule 1.1(g)(4)(B) of the Local Rules of the Superior Court of Guam. Having received and reviewed the pleadings on file herein and considering the applicable law, the Court issues the following Decision and Order **DENYING** the Motion.

PROCEDURAL AND FACTUAL BACKGROUND

On November 7, 2025, Defendant was charged by Magistrate's Complaint with Family Violence (as a Misdemeanor). Mag. Compl. (Nov. 7, 2025). The People allege that during an

1 argument, Defendant grabbed and pulled the alleged victim—a member of his family—and may
2 have pressed an object against her neck.

3 On February 13, 2026, Defendant moved to dismiss the case pursuant to Guam’s civil
4 compromise statute, 8 GCA § 80.90. *See* Mot. Dismiss at 1. Defendant’s Motion includes a
5 Declaration executed by the alleged victim. *See id.*, Ex. A (Decl. [Alleged Victim], Feb. 13, 2026).
6 The alleged victim declares that the allegations made in the Magistrate’s Complaint are inaccurate;
7 that she does not (and did not) want to press charges against Defendant; and that she has repeatedly
8 conveyed this position to the Office of the Attorney General. *Id.* at 1. The alleged victim further
9 declares that she has a good relationship with Defendant, that there is no history of family violence
10 between them, and that she requests dismissal of his case “without any fear or worry for my safety,
11 and in the best interests of me and our family.” *Id.* at 2.

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13 The People oppose the Motion to Dismiss, arguing that civil compromise is not available
14 in Family Violence cases because that offense has no “remedy by a civil action.” Opp. Mot.
15 Dismiss at 4 (Apr. 2, 2026). The People further argue that under 8 GCA § 80.90(b), civil
16 compromise requires evidence of a “payment of costs incurred” to satisfy the alleged victim’s
17 injury. *Id.* at 4–5. The People note that the alleged victim’s Declaration does not assert that her
18 “costs” have been remedied, and further argue that the Declaration should be treated with suspicion
19 because it was not notarized. *See id.* The People conclude that “[t]he satisfaction of the injur(ies)
20 in this case is best addressed through the rehabilitation of the Defendant by way of the criminal
21 justice system,” not by civil compromise. *Id.* at 5.

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23 Defendant did not file a Reply. After Defendant’s time to file a Reply expired, the Court
24 took this matter under advisement.
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DISCUSSION

Defendant moves to dismiss his charge of Family Violence (as a Misdemeanor) pursuant to 8 GCA § 80.90. The statute provides, in relevant part:

(a) When the defendant has been charged with the commission of an offense which is not a felony for which the person injured by the act constituting the offense has a remedy by a civil action, the offense may be compromised as provided by this Section.

(b) If the person injured appears before, or files his declaration in, the court in which the criminal action is pending at any time before trial and acknowledges that he has received satisfaction for the injury, the court may, on payment of the costs incurred, order the criminal action dismissed.

8 GCA § 80.90(a)–(b) (emphasis added). Title 8 GCA § 80.90 is derived from California Penal Code §§ 1377–78. *See* 8 GCA § 80.90, NOTE. Thus, judicial interpretations of the California statutes are generally persuasive authority for interpreting 8 GCA § 80.90. *See, e.g., People v. Hall*, 2004 Guam 12 ¶ 18; *People v. Rios*, 2008 Guam 22 ¶ 14.

With that said, modern California law differs from 8 GCA § 80.90 in one key aspect: California offenses committed “[b]y or upon any family or household member” cannot be compromised. Cal. Pen. Code § 1377(e). Thus, in California, an equivalent offense to Family Violence typically could not be compromised. However, 8 GCA § 80.90 does not provide a similar categorical exclusion. The Court therefore analyzes whether a Family Violence charge can be compromised under California’s generally applicable civil compromise test. Under that test, the Court considers: (1) whether the civil injury is coextensive with the criminal violation; (2) whether full vindication of the public injury can be achieved through a private settlement; and (3) if the

1 proposed compromise has been voluntarily entered into by the alleged victim. *See People v.*
2 *Moulton*, 182 Cal.Rptr. 761, 767–68 (App. Dep’t Super. Ct. 1982).

3 **A. The “Civil Injury” is Not Co-Extensive with the Criminal Offense**

4 California courts have interpreted the civil compromise statutes to include only “those
5 misdemeanors in which *by their very nature* there is an overlapping of the civil remedy and the
6 public remedy by way of prosecution for a crime.” *People v. O’Rear*, 34 Cal.Rptr 61, 63 (App.
7 Dep’t Super. Ct. 1963) (emphasis added). However, this Court has consistently held that Family
8 Violence has no corresponding civil remedy. *See People v. Coto*, Criminal Case No. CM0165-24,
9 Dec. & Order at 5–6 (Feb. 27, 2025); *People v. Naputi*, Criminal Case No. CM0135-21, Dec. &
10 Order at 4 (Nov. 21, 2023); *see also People v. Salgado*, Criminal Case No. CM0125-23, Dec. &
11 Order (Oct. 24, 2023) (Cenzon, J.) (denying civil compromise of Violation of a Court Order charge
12 for lack of civil remedy). The Court maintains that position here. Defendant’s Motion offers no
13 argument on this point; it does not address what civil remedy, if any, was available to the alleged
14 victim. Accordingly, this factor weighs against granting the Motion.

15 **B. Civil Compromise Would Not Vindicate the “Public Injury”**

16 To determine the relevant “public injury” caused by Family Violence, the Court looks to
17 Public Law (“P.L.”) 22-160 (Dec. 30, 1994), through which the Guam Legislature enacted the
18 Family Violence statutes. P.L. 22-160 includes an extensive statement of the legislative intent
19 behind these statutes. The Legislature found that Family Violence takes a “heavy toll” on the
20 community. *See P.L. 22-160:1* at 4. The Legislature recognized that these offenses cause ripple
21 effects beyond the direct physical harm caused to the victims. For example, the Legislature noted
22 the significant correlation between Family Violence and even more serious offenses; the emotional
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1 impact on children who witness such offenses or who are “raised in an atmosphere of violence;”
2 the emotional impact borne by victims, which can manifest in a fear of reporting and speaking out;
3 and the burden that these offenses causes to law enforcement and to the judicial system. *See id.* at
4 1–4. As such, the Legislature clarified that the purpose of the Family Violence statutes is not only
5 to punish offenders, but also to “promote the protection and safety of all victims of family violence
6 in a fair, prompt, and effective manner,” to “give victims and families greater access to the courts,”
7 and to give judges “greater authority to divert appropriate defendants into enforced education and
8 treatment programs, as well as providing for mandatory penalties in certain situations.” *Id.* at 4.

10 These legislative findings demonstrate that Family Violence is different in kind from other
11 violent offenses. Perhaps more than any other offense, “[t]he impact of a family violence charge
12 is felt not only by the victims themselves but other family members, loved ones and those involved
13 in the family dynamic.” *People v. Coto*, Criminal Case No. CM0165-24, Dec. & Order at 5. As
14 such, while a civil compromise (i.e., a private settlement) may be able to restore a victim’s injury,
15 it cannot restore the injury suffered by others affected. Nor can a civil compromise promote all the
16 purposes of the Family Violence statute, such as diverting offenders into education and treatment
17 programs in order to prevent future incidents. In short, the “public injury” caused by Family
18 Violence cannot be vindicated through a private settlement between perpetrator and victim. This
19 factor also weighs against granting the Motion.

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22 **C. The Compromise Appears Voluntary, but This Factor is Non-Dispositive**

23 The proposed compromise appears to be voluntary, as there is no evidence before the Court
24 to the contrary.¹ The Court recognizes that the alleged victim has declared, under penalty of

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26 ¹ *But see People v. Cluck*, Criminal Case No. CM0345-25, Dec. & Order at 2 (May 13, 2026) (Lamorena,

1 perjury, that she does not agree with the charges filed against Defendant, does not fear him, and
2 wants the case dismissed so her family can be united. Mot. Dismiss, Ex. A at 1–2. The fact that
3 the proposed compromise appears to be voluntary weighs in favor of granting Defendant’s Motion.
4 However, this factor does not outweigh the other factors discussed above. As the Court has
5 explained, Family Violence causes a private injury that cannot be civilly remedied, and also causes
6 a “public injury” that cannot be fully remedied by a private settlement. Thus, even assuming that
7 the alleged victim entered into this proposed compromise voluntarily, this fact alone does not
8 persuade the Court to grant the Motion.
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10 **D. It is Unclear What Recompense the Victim Has Received**

11 As a final point, the Court notes that one condition of a civil compromise is that the alleged
12 victim must “acknowledge[] that [s]he has received satisfaction for the injury.” 8 GCA § 80.90(b).
13 Here, the alleged victim’s Declaration states that “this matter has been compromised between
14 [Defendant] and me to my satisfaction,” but it does not elaborate on what this compromise entailed,
15 or what (if anything) she received as recompense.
16

17 In analyzing the “satisfaction” requirement for a civil compromise, one California court
18 has explained:

19 the court's inquiry focuses on the reason for requiring acknowledgement of
20 satisfaction, which is twofold: (1) to ensure that the victim has in fact received
21 recompense from the defendant, albeit not necessarily the maximum possible
22 therefor; and (2) to ensure that the victim's settlement with defendant is voluntary.
23 Where the victim voluntarily accepts recompense from the defendant, the court may
24 infer that the victim considered the proffered reparation to be “satisfactory.”

25 P.J.) (“Domestic violence . . . offenses almost always involve victims, who because of their status or condition, or
26 relationship to the defendant, may be unduly influenced to civilly compromise.” (quoting *People v. Gokcek*, 42
Cal.Rptr.3d 405, 413 (Super. Ct. App. Div. 2006)); *Moulton*, 182 Cal.Rptr. at 768 (“Instances in which the victim has
been subjected to coercion to dismiss charges are not without precedent.”)).

1 However, where the recompense is disproportionate to the extent or nature of the
2 injury, the court may infer that the settlement was coerced.

3 *People v. Stephen*, 227 Cal.Rptr. 380, 389 (Super. Ct. App. Div. 1986). Here, given the silence in
4 the record, the Court cannot determine whether the alleged victim has in fact received recompense,
5 or whether the recompense (if any) was proportionate or disproportionate to the injury suffered.
6 As such, the Court is not satisfied that the alleged victim's bare assertion that she has received
7 "satisfaction" meets the statutory requirement.

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9 In sum, the Court concludes that Family Violence is not an offense that can be civilly
10 compromised, given the lack of civil remedy and the inability of a compromise to remedy the
11 public injury. Moreover, even if the offense were generally eligible for civil compromise,
12 Defendant's evidence establishing the terms of *this* compromise is not sufficient evidence on
13 which to grant the Motion.

14 **CONCLUSION**

15 For the above reasons, Defendant's Motion to Dismiss is **DENIED**.

16 **SO ORDERED** this 9/1/2026.

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20 **HONORABLE MARIA T. CENZON**
Judge, Superior Court of Guam

21 **SERVICE VIA EMAIL**

22 I acknowledge that an electronic
copy of the original was e-mailed to:

23 AG, Peter C. Perez

24 Date: 9/2/26 Time: 3:08pm

25 Albert Caldeira Jr

26 Deputy Clerk, Superior Court of Guam