FILED CLERK OF COURT 1 2024 SEP 27 AM II: 16 2 SUPERIOR COURT 3 OF GUAM a 4 IN THE SUPERIOR COURT OF GUAM 5 6 PEOPLE OF GUAM, Criminal Case No. CF0015-20 GPD Report No. 19-35615 7 v. **DECISION AND ORDER** 8 LESLIE JO CRUZ RUGANTE. **GRANTING DEFENDANT'S PETITION** 9 DOB: 06/18/1981 FOR REVOCATION OF FINE 10 Defendant. 11 12 INTRODUCTION This matter came before the Honorable Alberto C. Lamorena, III on August 8, 2024 for hearing 13 on Leslie Jo Cruz Rugante's ("Defendant's") Petition for Revocation of Fine ("Petition"). Assistant 14 15 Attorney General Jacob Wagner represents the People, and Attorney Terry Timblin represents Defendant. Having duly considered the parties' briefs, oral arguments, and the applicable law, the 16 Court now issues the following Decision and Order and GRANTS Defendant's Petition. 17 18 BACKGROUND On November 30, 2021, Defendant pled guilty to Theft of Property (as a 3<sup>rd</sup> Degree Felony). 19 See Judgment of Conviction (Dec. 17, 2021). As a condition of her plea, Defendant agreed to pay a 20 21 fine of two thousand dollars (\$2,000.00) and court costs of eighty dollars (\$80.00). Id. On May 14, 2024, Defendant filed her Petition for Revocation of Fine. Defendant argues that 22 23 given her recent health problems, she is unable to pay the fine and court costs imposed. See Petition at 2 (May 14, 2024). 24 The Court held a hearing on August 8, 2024. After hearing the arguments of the parties, the 25 26 Court took the matter under advisement.

Decision and Order Granting Defendant's Petition for Revocation of Fine CF0015-20, *People of Guam v. Leslie Jo Cruz Rugante*Page 1 of 2

**DISCUSSION** 

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Under 9 G.C.A. § 80.58:

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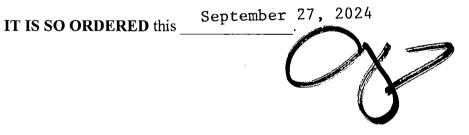
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An offender who has been sentenced to pay a fine and who is not in contumacious default in the payment thereof may at any time petition the court which sentenced him for a revocation of the fine or of any unpaid portion thereof. If it appears to the satisfaction of the court that the circumstances which warranted the imposition of the fine have changed, or that it would otherwise be unjust to require payment, the court may revoke the fine or the unpaid portion thereof in whole or in part.

Here, the Court is satisfied that it would be unjust to require future payment of these fines and court costs. Since imposition of the fine, Defendant has been diagnosed with congestive heart failure. This condition has prevented her from maintaining gainful employment. The People agree that these circumstances warrant revocation of the fines and court costs imposed. See Court Recording at 10:17:20am (Aug. 8, 2024).

## CONCLUSION

For the reasons stated above, the Court GRANTS Defendant's Motion. The fine of two thousand dollars (\$2,000.00) and court costs of eighty dollars (\$80.00) shall hereby not be enforced. Defendant's probation term shall also be closed because she has completed all other terms and conditions of her probation.



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

SERVICE VIA E-MAIL acknowledge that an electronic AG, Timblin Date 9-27-24 Time 11:3/am