

FILED  
CLERK OF COURT

2024 SEP 27 AM 11:16

SUPERIOR COURT  
OF GUAM *Q*

IN THE SUPERIOR COURT OF GUAM

PEOPLE OF GUAM,

v.

LESLIE JO CRUZ RUGANTE,  
DOB: 06/18/1981

Defendant.

Criminal Case No. CF0015-20  
GPD Report No. 19-35615

DECISION AND ORDER  
GRANTING DEFENDANT'S PETITION  
FOR REVOCATION OF FINE

**INTRODUCTION**

This matter came before the Honorable Alberto C. Lamorena, III on August 8, 2024 for hearing on Leslie Jo Cruz Rugante's ("Defendant's") Petition for Revocation of Fine ("Petition"). Assistant 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 Court now issues the following Decision and Order and **GRANTS** Defendant's Petition.

**BACKGROUND**

On November 30, 2021, Defendant pled guilty to Theft of Property (as a 3<sup>rd</sup> Degree Felony). See Judgment of Conviction (Dec. 17, 2021). As a condition of her plea, Defendant agreed to pay a 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 given her recent health problems, she is unable to pay the fine and court costs imposed. See Petition at 2 (May 14, 2024).

The Court held a hearing on August 8, 2024. After hearing the arguments of the parties, the Court took the matter under advisement.

**DISCUSSION**

Under 9 G.C.A. § 80.58:

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

7 Here, the Court is satisfied that it would be unjust to require future payment of these fines and  
8 court costs. Since imposition of the fine, Defendant has been diagnosed with congestive heart failure.  
9 This condition has prevented her from maintaining gainful employment. The People agree that these  
10 circumstances warrant revocation of the fines and court costs imposed. See Court Recording at  
11 10:17:20am (Aug. 8, 2024).

12 **CONCLUSION**

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

17 **IT IS SO ORDERED** this September 27, 2024



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

23 **SERVICE VIA E-MAIL**

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

AG, Timblin

26 Date 9-27-24 Time 11:31am

Albert Calderon

27 Deputy clerk, Superior Court of Guam