

2023 JUN -6 PM 2:36

CLERK OF COURT

IN THE SUPERIOR COURT OF GUAM

PEOPLE OF GUAM,

v.

ATANACIO RODRIGO S. CEPEDA
(aka ATANACIO RODRIGO CEPEDA)
(aka ATANACIO SABLAN CEPEDA),
DOB: 10/14/1994

Defendant.

Criminal Case No. CF0073-19

GPD Report No. 19-03687

Criminal Case No. CF0261-20

GPD Report No. 20-12508

**DECISION AND ORDER
DENYING DEFENDANT'S MOTION TO
REDUCE SENTENCE**

INTRODUCTION

This matter came before the Honorable Alberto C. Lamorena, III on March 31, 2023 for hearing on Atanacio Rodrigo S. Cepeda's (*aka* Atanacio Sablan Cepeda's) ("Defendant's") Motion to Reduce Sentence ("Motion"). Assistant Attorney General Basil O'Mallan represents the People, and Assistant Public Defender Christian Spotanski represents Defendant. Having duly considered the parties' briefs, oral arguments, and the applicable law, the Court now issues the following Decision and Order and **DENIES** Defendant's Motion.

BACKGROUND

On February 1, 2022, Defendant pled guilty to Terrorizing (as a 3rd Degree Felony) and Third Degree Robbery (as a 3rd Degree Felony). See Minute Entry (Feb. 1, 2022). Under the terms of his plea agreement, Defendant was to serve five (5) years incarceration at the Department of Corrections, Mangliao ("DOC"), with the parties to argue for a range of suspension of up to four (4) years, with credit for time served. See Plea Agreement at 4 (Jun. 3, 2022). Defendant was ultimately sentenced on April 14, 2022 to five (5) years incarceration at DOC, with no suspended portion. See Minute Entry (Apr. 14, 2022).

1 On August 12, 2022, Defendant filed his Motion to Reduce Sentence. Defendant requests that
2 the remaining portion of his five-year sentence be suspended. See Motion at 2 (Aug. 12, 2022).
3 Defendant bases this request on his desire to get outside treatment for his drug addiction and mental
4 health issues. Id. at 2.

5 On March 31, 2023, the People filed their Opposition to Motion (“Opposition”). The People
6 claim Defendant can receive his desired treatment while incarcerated and that Defendant provided no
7 compelling reasons justifying a sentence reduction. See Opposition at 1-2 (Mar. 31, 2023).

8 The Court held a hearing on March 31, 2023. After hearing the arguments of the parties, the
9 Court took the matter under advisement.

10 **DISCUSSION**

11 **I. Legal Standard:**

12 “The Court may reduce a sentence within one hundred twenty (120) days after the
13 sentence is imposed.” See 8 G.C.A. § 120.46.

14 **II. Application:**

15 Defendant’s Motion was timely filed within the established 120 timeframe following
16 his sentencing.

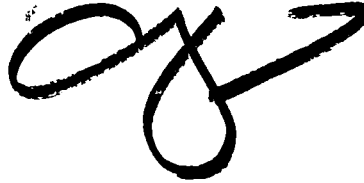
17 That being said, Defendant has provided an insufficient basis to justify a sentence
18 reduction. DOC offers many avenues and programs allowing Defendant to receive both his
19 desired mental health and drug addiction treatments. For example, DOC offers the RSAT
20 program which should prepare Defendant to return to a sober and drug-free lifestyle once he
21 is released. The RSAT program also provides both individual and group counseling which
22 should allow Defendant to manage his mental health issues.

23 Defendant also currently remains a danger the community, as indicated by his two
24 separate felony convictions stemming from two completely unrelated instances. Defendant
25 has time to address his mental health and drug addiction issues while incarcerated, and
26 releasing him any earlier would put the community in danger.

1 **CONCLUSION**

2 For the reasons stated above, the Court **DENIES** Defendant's Motion. Defendant's sentence
3 of five years incarceration, none suspended, remains unaltered.

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5 **IT IS SO ORDERED** this June 6, 2023.

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