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CLERK OF COURT

BY: _____

IN THE SUPERIOR COURT OF GUAM

PEOPLE OF GUAM,

v.

PETER PANGELINAN REYES,
DOB: 03/21/1978

Defendant.

Criminal Case No. CF0474-17
GPD Report No. 17-22645

**DECISION AND ORDER
GRANTING
PEOPLE'S MOTION TO REVOKE
DEFENDANT'S PROBATION**

INTRODUCTION

This matter came before the Honorable Alberto C. Lamorena, III on February 29, 2024 for a Revocation Hearing in the above-captioned matter related to Peter Pangelinan Reyes's ("Defendant's") failure to abide by his probationary terms. Defendant was represented by Assistant Public Defender Renita Taimanao. The People of Guam were represented by Assistant Attorney General Grant Olan. Having duly considered the Parties' briefs, oral arguments, and the applicable law, the Court now issues the following Decision and Order Granting Revocation of Probation.

BACKGROUND

On May 13, 2022, Defendant pled guilty to Manufacturing a Schedule I Controlled Substance (as a 1st Degree Felony). See Judgment of Conviction (Jun. 27, 2022). A judgment was entered imposing the following relevant conditions of probation:

- **MANDATORY REPORTING:** Upon release from the Department of Corrections, Defendant shall report to the Adult Probation Office for intake and processing within forty-eight (48) hours of being released.

- **MANDATORY REPORTING:** Defendant shall report to the Adult Probation Office *three (3) times per week* in person, or as ordered by the Court or the Probation Office.

Id.

The following month, a Violation Report was filed indicating that Defendant had failed to report to the Adult Probation Office for intake and processing within forty-eight (48) hours of being released. See Violation Report (Jun. 24, 2022). In fact, Defendant had failed to report to the Adult Probation Office even once during the first six weeks of his probationary term. Id.

On January 9, 2023, another Violation Report was filed indicating that Defendant had failed to report to the Adult Probation Office for several weeks following his latest release from the Department of Corrections. See Violation Report (Jan. 9, 2023).

On May 31, 2023, another Violation Report was filed indicating that, yet again, Defendant had failed to report to the Adult Probation Office for several weeks following his latest release from the Department of Corrections. See Violation Report (May 31, 2023).

On June 2, 2023, the People filed their Motion to Revoke Defendant's Probation ("Motion"). The People base their request on Defendant's repeated failures to report to the Adult Probation Office since entering probation. See Motion (Jun. 2, 2023). Opposing the Motion, Defendant claims revocation is premature because he has ample time to complete his remaining probationary terms and requirements. See Opposition to Motion (Aug. 31, 2023).

On February 29, 2024, the Court held a Revocation Hearing and subsequently took the matter under advisement. See Minute Entry (Feb. 29, 2024).

DISCUSSION

Guam law specifies the procedures that the Court must follow for revocation of probation. The relevant statute, in its entirety, states as follows:

[T]he court, if satisfied that the offender has inexcusably failed to comply with a substantial requirement imposed as a condition of the order may revoke the suspension or probation and sentence or re-sentence the offender. Violation of a condition shall not result in revocation, however, unless the court determines that

1 revocation under all the circumstances then existing will best satisfy the ends of
2 justice and the best interests of the public.

3 See 9 G.C.A. § 80.66(a)(2) (1980).

4 The process for revoking an offender's probation has been further explained by the Guam
5 Supreme Court as follows:

6 Probation revocation is a two-step process. First, the trial court must make a factual
7 determination that a violation of probation actually has occurred. If a violation is
8 proven, then the Court must determine if the violation warrants revocation of the
probation.

9 See *People of Guam v. Camacho*, 2009 Guam 6 ¶ 27 (internal citations omitted). To revoke a
10 defendant's probation, evidence and facts presented to the Court must be "reasonably necessary to
11 satisfy the judge that the probationer's conduct has not been as required by the conditions of
12 probation." Id. at ¶ 30 (*citing People v. Angoco*, 1998 Guam 10).

14 The Court also cannot order revocation unless the offender is provided with written notice
15 of grounds for revocation of probation. See 9 G.C.A. § 80.68(a). At the hearing, the offender shall
16 "have the right to hear and controvert the evidence against him, to offer evidence in his defense and
17 to be represented by counsel." Id. Should the Court revoke an offender's probation, "it may impose
18 on the offender any sentence that might have been imposed originally for the crime of which he
19 was convicted." See 9 G.C.A. § 80.66(b).

21 It remains undisputed that Defendant violated his probation conditions and that there is
22 probable cause to support the violations. Defendant repeatedly failed to timely report to the Adult
23 Probation Office and these failures continued for the better part of a year.

25 Having found that Defendant was in violation of his probation requirements, the next
26 question the Court must resolve is whether "revocation under all the circumstances . . . will best
27 satisfy the ends of justice and the best interests of the public." See 9 G.C.A. § 80.66(a)(2).

1 Based on a review of the record, it is clear that Defendant has exhausted the trust of the
2 Court by violating his probationary conditions. Defendant's violations occurred almost
3 immediately upon entering probation, as he failed to even report to the Adult Probation Office for
4 his initial intake/scheduling. Defendant continued to violate his mandatory reporting conditions,
5 receiving multiple Violation Reports for the same repeated conduct. This suggests Defendant was
6 never serious about following his probation conditions, and will not follow them now if given
7 another chance.

9 Were probation continued, it appears unlikely that any significant progress would be made
10 in positively altering Defendant's behavior and ensuring compliance with the Court's orders.
11 Therefore, the Court finds that revocation is in the public's best interest and satisfies the ends of
12 justice. See 9 GCA § 80.66(a)(2).

14 CONCLUSION

15 For the reasons stated above, the Court hereby **REVOKES** the Defendant's probation in the
16 above-captioned matter. The Defendant is hereby **SENTENCED** to **three (3) years incarceration**
17 at the Department of Corrections, Mangilao with credit for time served. After the completion of
18 the Defendant's sentence the Court shall close the above-captioned case.

21 **IT IS SO ORDERED** this March 22, 2024



24 **SERVICE VIA EMAIL**
I acknowledge that an electronic
copy of the original was e-mailed to:

25 AG: PDR

26 Date: 3/22/24 Time: 1:30
27 Conrado C
28 Deputy Clerk, Superior Court of Guam

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