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CLERK OF COURT

IN THE SUPERIOR COURT OF GUAM

PEOPLE OF GUAM,

v.

JASON RAY TAISIPIC TAIMANGLO
(aka JASON RAY TAISAPIC TAIMANGLO)
(aka JASON RAY TAIMANGLO)
(aka JASON R. TAIMANGLO)
(aka JASON TAIMANGLO)
(aka J)
(aka JAY),
DOB: 12/21/1987 or 09/30/1990

Defendant.

Criminal Case No. CF0554-21
GPD Report Nos. 21-20360 / 21-22354 /
21-15216 / 21-26688

DECISION AND ORDER
GRANTING
THE PEOPLE'S MOTION
TO REVOKE PROBATION

INTRODUCTION

This matter came before the Honorable Alberto C. Lamorena, III on June 14, 2024 for a Revocation Hearing in the above-captioned matter related to Jason Ray Taisipic Taimanglo's (aka Jason Ray Taisapic Taimanglo's) (aka Jason Ray Taimanglo's) (aka Jason R. Taimanglo's) (aka Jason Taimanglo's) (aka J's) (aka Jay's) ("Defendant's") failure to abide by his probationary terms. Defendant was represented by Assistant Public Defender Jocelyn Roden. The People of Guam were represented by Assistant Attorney General Leta Womack. Having duly considered the Parties' briefs, oral arguments, and the applicable law, the Court now issues the following Decision and Order Revoking Defendant's Probation.

BACKGROUND

On July 11, 2022, Defendant pled guilty to two counts of Family Violence (as a Misdemeanor). See Judgment of Conviction (Sep. 7, 2022). A judgment was entered imposing the following relevant conditions of probation:

- 1 • **MANDATORY REPORTING:** Defendant shall report to the Adult Probation Office
2 for intake and processing within forty-eight (48) hours of sentencing.
- 3 • **NO DRUGS:** Defendant shall not possess or consume any illegal controlled
4 substances or marijuana.
- 5 • **MANDATORY TESTING:** Defendant shall submit to random alcohol and drug
6 testing under the supervision of the Adult Probation Office.

7 Id.

8 A Violation Report was filed less than one month later, indicating that Defendant failed to
9 report to the Adult Probation Office within forty-eight (48) hours of his release from the Department
10 of Corrections. See First Violation Report (Aug. 8, 2022).

11 Another Violation Report was filed in April, 2023, after Defendant admitted to smoking
12 methamphetamine and refused to submit to a drug test administered by the Adult Probation Office.
13 See Second Violation Report (Apr. 24, 2023).

14 On May 1, 2023, the People filed their Motion to Revoke Defendant's Probation and Impose
15 Jail Sentence ("Motion"). The People base their request on Defendant's failures to obey his
16 probationary requirements. See Motion (May 1, 2023). Opposing the Motion, Defendant claims
17 revocation is premature because he is still able and eager to complete his probationary terms and
18 requirements before the expiration of his probation term. See Opposition to Motion (May 9, 2023).

20 On June 14, 2024, the Court held a Revocation Hearing and subsequently took the matter
21 under advisement. See Minute Entry (Jun. 14, 2024).

22 DISCUSSION

23 Guam law specifies the procedures that the Court must follow for revocation of probation.

24 The relevant statute, in its entirety, states as follows:
25

26 [T]he court, if satisfied that the offender has inexcusably failed to comply with a
27 substantial requirement imposed as a condition of the order may revoke the
28 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
9 probation.

10 See *People of Guam v. Camacho*, 2009 Guam 6 ¶ 27 (internal citations omitted). To revoke a
11 defendant's probation, evidence and facts presented to the Court must be "reasonably necessary to
12 satisfy the judge that the probationer's conduct has not been as required by the conditions of
13 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. Since entering probation, Defendant admitted to using
23 illegal substances and failed to timely report to the Adult Probation Office.

24 Having found that Defendant was in violation of his probation requirements, the next
25 question the Court must resolve is whether "revocation under all the circumstances . . . will best
26 satisfy the ends of justice and the best interests of the public." See 9 G.C.A. § 80.66(a)(2).
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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 began immediately after his
3 release from incarceration, as he failed to timely report to the Adult Probation Office for his initial
4 intake/processing. This suggests Defendant never intended to follow his probation conditions.
5 Defendant's violation continued for several months as he later admitted to using illegal drugs during
6 his probationary term. Defendant has an established history of non-compliance with his probation
7 conditions, and it's unlikely he will suddenly start complying now.

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.

17 The Defendant is hereby **SENTENCED** as follows:

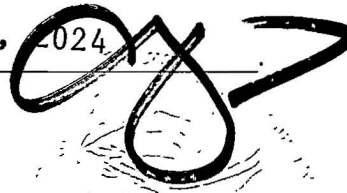
- 19 • For Charge Two (Count One) – Family Violence (as a Misdemeanor):
 - 20 ○ Defendant is sentenced to **one (1) year incarceration**, at the Department of
21 Corrections, Mangilao with credit for time served.
- 22 • For Charge Two (Count Two) – Family Violence (as a Misdemeanor):
 - 23 ○ Defendant is sentenced to **one (1) year incarceration**, at the Department of
24 Corrections, Mangilao with credit for time served.
- 25 • The periods of incarceration set forth above shall run **concurrent** to one another.

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27 After the completion of the Defendant's sentence the Court shall close the above-captioned
28 case.

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IT IS SO ORDERED this

June 20, 2024



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

SERVICE VIA E-MAIL

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

AGi PDR

Date: 6/20/24 Time: 10:40

Caulerio



Deputy Clerk, Superior Court of Guam