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SUPERIOR COURT  
OF GUAM

IN THE SUPERIOR COURT OF GUAM

PEOPLE OF GUAM,

v.

JUAN FAISAO MENDIOLA  
(aka JOHN F. MENDIOLA),  
DOB: 07/04/1963

Defendant.

Criminal Case No. CF0245-20  
GPD Report No. 20-11619

DECISION AND ORDER  
DENYING DEFENDANT'S MOTION  
FOR REDCUCTION OF SENTENCE

**INTRODUCTION**

This matter came before the Honorable Alberto C. Lamorena, III on August 23, 2024 for hearing on Juan Faisao Mendiola's (aka John F. Mendiola's) ("Defendant's") Motion for Reduction of Sentence ("Motion"). Assistant Attorney General Jacob Wagner represents the People, and Attorney Joshua Walsh 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**

Defendant was convicted of Manslaughter (as a 1<sup>st</sup> Degree Felony), with Special Allegation: Possession or Use of a Deadly Weapon in the Commission of a Felony following a jury trial held in this Court between August 25, 2021 and September 7, 2021. See Judgement of Conviction (Jan. 26, 2022). Sentencing was held on January 12, 2022 and Defendant was sentenced to twenty-five (25) years incarceration at the Department of Corrections and three (3) years of supervised parole for the two convictions. Id.

On April 18, 2024, Defendant filed his Motion for Reduction of Sentence. Asking the Court for leniency in its sentence, Defendant cites to his age (60 years old), family obligations, and

1 rehabilitative progress made while incarcerated as factors for the Court’s consideration. See Motion  
2 at 1 (Apr. 18, 2024).

3 On July 26, 2024, the People filed their Opposition to Defendant’s Motion (“Opposition”).  
4 The People challenge Defendant’s reasoning, claiming that no leniency should be extended for such  
5 a violent crime. See Opposition at 2-3 (Jul. 26, 2024).

6 The Court held a hearing on August 23, 2024. After hearing the arguments of the parties, the  
7 Court took the matter under advisement.

## 8 DISCUSSION

### 9 **I. Relevant Law:**

10 Defendant’s conviction of Manslaughter (as a 1<sup>st</sup> Degree Felony) carries a potential sentence  
11 of five (5) to twenty (20) years incarceration. See 9 G.C.A. §§ 16.50(b) and 80.30(a). Defendant’s  
12 conviction of Special Allegation: Possession or Use of a Deadly Weapon in the Commission of a  
13 Felony carries a potential sentence of ten (10) to twenty-five (25) years incarceration, which shall run  
14 “in addition to the punishment imposed for the commission of such felony”. See 9 G.C.A. §  
15 80.37(a)(1). In total, Defendant faced a minimum of fifteen (15) years and a maximum of forty-five  
16 (45) years incarceration for his crimes.

17 “The Court may reduce a sentence... within one hundred twenty (120) days after entry of any  
18 order or judgement of the Supreme Court of Guam, having the effect of upholding a judgment or  
19 conviction.” See 8 G.C.A. § 120.46.

### 20 **II. Application:**


21 Defendant’s Motion for Reduction of Sentence is untimely, being filed more than 120 days  
22 after the Guam Supreme Court’s Judgment upholding his conviction filed on November 28, 2023.

23 Even if the Motion were timely, Defendant has provided an insufficient basis to justify a  
24 sentence reduction. The Defendant has established himself as a serious risk to the public, being  
25 convicted of a violent and brutal offense that resulted in the death of another individual. While the  
26 Court applauds Defendant for receiving treatment while incarcerated, there is much more work to be  
27 done before Defendant can be safely released back into society. Although Defendant has family  
28 members who rely on him, their needs do not trump the need to ensure public safety.

1 Lastly, the Court already accounted for such mitigating factors in its original sentence.  
2 Defendant could have been sentenced to forty-five (45) years incarceration, but was only sentenced  
3 to twenty-five (25) years incarceration for his crimes. Defendant has presented no new evidence or  
4 reasons for why the original sentence should be altered.

5 **CONCLUSION**

6 For the reasons stated above, the Court **DENIES** Defendant's Motion. Defendant's sentence  
7 of twenty-five (25) years incarceration at the Department of Corrections and three (3) years of  
8 supervised parole remains in effect.

9  
10 IT IS SO ORDERED this Oct. 23, 2024  
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14 **HONORABLE ALBERTO C. LAMORENA, III**  
15 **Presiding Judge, Superior Court of Guam**  
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24 **SERVICE VIA E-MAIL**  
25 I acknowledge that an electronic  
copy of the original was e-mailed to:  
Ally Walsh

26 10/23/24 3:19 p  
27 Antonia Oliver  
28 Deputy Clerk, Superior Court of Guam