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IN THE SUPERIOR COURT OF GUAM

SUPERIOR COURT  
OF GUAM

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2  
3 THE PEOPLE OF GUAM,

4 v.

5 KAIRON FAREWAY  
6 (aka KAIRON FAREWEY)  
7 (aka KAIRON FARAWAY),  
8 DOB: 02/26/1985

9 Defendant.

Criminal Case No. CF0338-21  
GPD Report No. 21-16419  
Criminal Case No. CF0427-21  
GPD Report No. 21-20879  
Criminal Case No. CF0458-22  
GPD Report Nos. 21-27534 / 22-17575

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

10  
11 INTRODUCTION

12 This matter came before the Honorable Alberto C. Lamorena, III on January 3, 2025 for a  
13 Revocation Hearing in the above-captioned matters related to Kairon Fareway's (aka Kairon  
14 Farewey's) (aka Kairon Faraway's) ("Defendant's") failure to abide by his probationary terms.  
15 Defendant was represented by Assistant Public Defender Jocelyn Roden. The People of Guam were  
16 represented by Assistant Attorney General William Stamps. Having duly considered the Parties'  
17 briefs, oral arguments, and the applicable law, the Court now issues the following Decision and  
18 Order Granting the People's Motion to Revoke Probation.  
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20 BACKGROUND

21 On November 30, 2022, Defendant entered a deferred plea of guilty to Family Violence (as  
22 a 3<sup>rd</sup> Degree Felony) in CF0338-21, Disorderly Conduct (as a Petty Misdemeanor) in CF0427-21,  
23 and Family Violence (as a Misdemeanor) in CF0458-22. See Judgment of Conviction (Dec. 5,  
24 2022). A judgment was entered imposing the following relevant conditions of probation:  
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- 26
- **LAWS:** Defendant shall obey all federal and local laws of Guam.
  - **COUNSELING/TREATMENT:** Defendant shall report to Client Services and  
27 Family Counseling (CSFC) with the Superior Court of Guam for intake and  
28

1 assessment. Defendant shall follow all treatment recommendations, including  
2 program attendance at Guam Behavioral Health and Wellness Center (GBHWC)  
3 programs if recommended by CSFC. Defendant is responsible for all treatment  
4 costs, and may convert the amount owed to community service hours.

- 5 • **FINE:** Defendant shall pay a fine of two thousand dollars (\$2,000.00) plus court  
6 costs of eighty dollars (\$80.00). All or part of the fine imposed may be converted  
7 to community service at the current prevailing minimum wage.
- 8 • **COMMUNITY SERVICE:** Defendant shall complete one hundred fifty (150)  
9 hours of community service under the direction of the Adult Probation Office. All  
10 or part of the community service imposed may be converted into a fine at the  
11 current prevailing minimum wage.
- 12 • **NO DRUGS:** Defendant shall not possess or consume any illegal controlled  
13 substances or marijuana.
- 14 • **MANDATORY REPORTING:** Defendant shall report to the Adult Probation  
15 Office once a month in person, or as ordered by the Court or the Probation Office.
- 16 • **COURT ORDERS:** Defendant shall comply with any court orders entered against  
17 Defendant, including orders of family court or any other local or federal court of  
18 competent jurisdiction.

19 Id.

20 On July 27, 2023, a Violation Report was filed informing the Court that Defendant had been  
21 arrested and charged with Family Violence (as a 3<sup>rd</sup> Degree Felony) and Family Violence (as a  
22 Misdemeanor) in CF0418-23. See First Violation Report (Jul. 27, 2023). The victim in that case was  
23 the same victim of Defendant's family violence convictions in the above-captioned cases. Id.  
24 Defendant would ultimately be convicted of Family Violence (as a Misdemeanor) following his guilty  
25 plea. See CF0418-23 Judgment of Conviction (Feb. 8, 2024). The Court was also informed that  
26 Defendant hadn't been attending his required counseling/treatment sessions at New Beginnings,  
27 hadn't made any progress on completing his community service hours, and still hadn't paid off any of  
28 his fine or court costs yet. See First Violation Report (Jul. 27, 2023).

1 On February 20, 2024, another Violation Report was filed. The Court was informed that  
2 Defendant had tested positive for methamphetamine usage at his recent drug test. See Second  
3 Violation Report (Feb. 20, 2024).

4 On April 17, 2024, another Violation Report was filed. The Court was informed that  
5 Defendant had again tested positive for methamphetamine usage. See Third Violation Report (Apr.  
6 17, 2024). This is the second time that Defendant has tested positive for methamphetamine usage  
7 since entering probation.

8 On May 8, 2024, another Violation Report was filed. The Court was informed that Defendant  
9 had again tested positive for methamphetamine usage during his recent drug test. See Fourth Violation  
10 Report (May 8, 2024).

11 On May 17, 2024, another Violation Report was filed. The Court was informed that Defendant  
12 had again tested positive for methamphetamine usage during his recent drug test. See Fifth Violation  
13 Report (May 17, 2024). This is the fourth time that Defendant has tested positive for  
14 methamphetamine usage since entering probation.

15 On June 6, 2024, another Violation Report was filed. The Court was informed that Defendant  
16 hadn't been reporting to the Adult Probation Office as required. See Sixth Violation Report (Jun. 6,  
17 2024).

18 A Further Proceedings date was scheduled in this court for June 12, 2024. However,  
19 Defendant failed to appear and a bench warrant was issued for his arrest. See Minute Entry (Jun. 12,  
20 2024); Bench Warrant (Jun. 14, 2024).

21 On June 28, 2024, the People filed their Motion to Revoke Defendant's Probation and Impose  
22 Jail Sentence ("Motion"). The People base their request on Defendant's non-compliance with  
23 numerous probation conditions. See Motion (Jun. 28, 2024). Opposing the Motion, Defendant claims  
24 he retains the ability to complete the terms of his probation if given another chance. See Opposition  
25 to Motion (Dec. 4, 2024).

26 On January 3, 2025, the Court held a Revocation Hearing and subsequently took the matter  
27 under advisement. See Minute Entry (Jan. 3, 2025).

28 **DISCUSSION**

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

2 The relevant statute, in its entirety, states as follows:

3 [T]he court, if satisfied that the offender has inexcusably failed to comply with a  
4 substantial requirement imposed as a condition of the order may revoke the  
5 suspension or probation and sentence or re-sentence the offender. Violation of a  
6 condition shall not result in revocation, however, unless the court determines that  
7 revocation under all the circumstances then existing will best satisfy the ends of  
8 justice and the best interests of the public.

9 See 9 G.C.A. § 80.66(a)(2) (1980).

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

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

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

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

26 It remains undisputed that Defendant violated his probation conditions and that there is  
27 probable cause to support the violations. Since entering probation, Defendant has committed  
28 Family Violence (as a Misdemeanor) against the same victim in the above-captioned cases.

1 Defendant also admitted to using methamphetamine on four different occasions since entering  
2 probation. Furthermore, Defendant has made no progress on paying off his fines and court costs,  
3 or working off his community service hours.

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

8 Based on a review of the record, Defendant has exhausted the trust of the Court by violating  
9 numerous probationary conditions. Defendant repeatedly violated the same probationary  
10 conditions over and over again as he consumed methamphetamine. Defendant also disobeyed  
11 numerous court orders, including orders to obey the laws of Guam, and orders to appear at  
12 scheduled court hearings. Defendant’s conviction in CF0418-23 is especially concerning given that  
13 Defendant’s probation was originally imposed for having committed Family Violence against that  
14 same victim.

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

21 **CONCLUSION**

22 For the reasons stated above, the Court hereby **REVOKES** the Defendant’s probation in the  
23 above-captioned matters. The Defendant is hereby **SENTENCED** to **one (1) year incarceration**  
24 at the Department of Corrections, Mangilao with credit for time served. After the completion of  
25 Defendant’s sentence the Court shall close the above-captioned cases.

27 **IT IS SO ORDERED** this January 10, 2025  
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**HONORABLE ALBERTO C. LAMORENA III**  
**Presiding Judge, Superior Court of Guam**

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**SERVICE VIA EMAIL**

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

AG, MSC

Date: 4/10/22 Time: 3:17pm

Antonio J Cruz  
Deputy Clerk, Superior Court of Guam