



FILED
SUPERIOR COURT
OF GUAM

2010 OCT 23 PM 12:38

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Attorneys for the People of Guam

IN THE SUPERIOR COURT OF GUAM
HAGÁTÑA, GUAM

THE PEOPLE OF GUAM,

vs.

MARK CRISOSTOMO TOLENOA,
DOB: 08/18/1978

Defendant.

Criminal Case No. **CF 0623-10**
GPD Report No. 10-31078

Charges:

- 1) **KIDNAPPING**
(As a Second Degree Felony)
- 2) **CHILD ABUSE**
(As a Third Degree Felony)
- 3) **ABUSE OF AN INCOMPETENT PERSON**
(As a Third Degree Felony)
- 4) **RECKLESS CONDUCT**
(As a Misdemeanor)

MAGISTRATE'S COMPLAINT

The Attorney General of Guam hereby accuses **MARK CRISOSTOMO TOLENOA** of certain crimes committed as follows:

FIRST CHARGE

On or about the 22nd day of October 2010, in Guam, **MARK CRISOSTOMO TOLENOA**, did commit the offense of **Kidnaping**, in that he intentionally and unlawfully removed another, namely *V.T.H.C. (Age: 13 yrs)*, a substantial distance from the vicinity where he was found, with

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1 the intent to inflict bodily injury or terrorize said *V.T.H.C. (Age: 13 yrs)*, in violation of 9 G.C.A.
2 § 22.20(a)(3) and (b).

3 **SECOND CHARGE**

4 On or about the 22nd day of October 2010, in Guam, **MARK CRISOSTOMO TOLENOA**,
5 did commit the offense of did commit the offense of **Child Abuse (As a 3rd Degree Felony)**, in that
6 while having a child, namely *V.T.H.C. (Age: 13 yrs)*, in his care and custody, **MARK**
7 **CRISOSTOMO TOLENOA** intentionally deserted said child with intent to abandon him, under
8 circumstances likely to result in serious bodily injury, in violation of 9 G.C.A. § 31.30(a)(2)(A)(B)
9 (C) and (b).

10 **THIRD CHARGE**

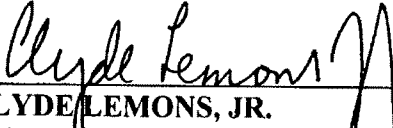
11 On or about the 22nd day of October 2010, in Guam, **MARK CRISOSTOMO TOLENOA**
12 did commit the offense did commit the offense of **Abuse of an Incompetent Person**, in that he did
13 knowingly subject an incompetent person, to wit: *V.T.H.C. (Age: 13 yrs)*, a person who is unable
14 to care for himself because of mental defect, to cruel mistreatment, by committing the act of
15 *Kidnaping* on the said *V.T.H.C. (Age: 13 yrs)*, in violation of 9 G.C.A. §§ 31.40(a)(1) and (2)(C),(b)
16 and (c).

17 **FOURTH CHARGE**

18 On or about the 22nd day of October 2010, in Guam, **MARK CRISOSTOMO TOLENOA**
19 did commit the offense of did commit the offense of **Reckless Conduct**, in that he recklessly
20 engaged in conduct which unjustifiably may have placed another, namely, *V.T.H.C. (Age: 13 yrs)*,
21 in danger of death or serious bodily injury, in violation of 9 G.C.A. §§ 19.40(a)(1).

22 Dated this 23rd day of October 2010.

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24 **OFFICE OF THE ATTORNEY GENERAL**
JOHN M. WEISENBERGER, Attorney General of Guam

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27 **CLYDE LEMONS, JR.**
Assistant Attorney General, Prosecution Division

IN THE SUPERIOR COURT OF GUAM
DECLARATION

COMES NOW Clyde Lemons, Jr., a duly appointed Assistant Attorney General, and aver, upon information and belief, that the following is true. I have reviewed GPD Report #2010-31078 prepared by GPD Officer Carbullido #577 and others. The report revealed the following occurred on Guam:

On October 21, 2010, Elisabeth Cruz went to the police station to report that her 13 year old son **V.T.H.C. (Age: 13 years)**, has severe autism and was missing. She said that the victim had left home on the school bus at 7:25 a.m. that morning, driven by the defendant **MARK CRISOSTOMO TOLENA**. The bus was a Guam Department of Education Special Education school bus.

Ms. Cruz told police that her son, the victim, generally arrives home around 4:30p.m. on the same bus driven by defendant. At 5:30 the victim's caregiver called Ms. Cruz to tell her that the victim nor the bus had arrived at the house. The victim's special education teacher saw the victim get on the bus driven by defendant after school.

The victim was found on the bus which was secured at the Yona Bus Sattelite at approximately 6:00p.m. The victim was on the bus naked and sweating. All of the windows and the doors to the bus were closed when the victim was found on the bus.

Based on the foregoing, there is probable cause to charge **MARK CRISOSTOMO TOLENA** with the following:

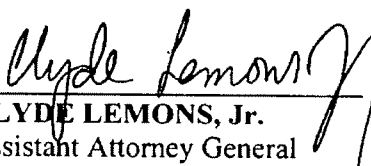
Kidnapping as a 2nd degree felony (9 GCA § 22.20(a)(3); (b) and (c));

Child Abuse as a 3rd degree felony (9 GCA § 31.30(a)(2)(A),(B) and (C) (b));

Abuse of an Incompetent Person as a 3rd degree felony (9 GCA § 31.40(a)(1) and (2)(C), (b), (c)); and

Reckless Conduct as a misdemeanor (9 GCA § 19.40(a)(1))

I declare under penalty of perjury that the foregoing is true and correct. Executed this 23rd day of October, 2010.


CLYDE LEMONS, Jr.
Assistant Attorney General