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Attorneys for the People of Guam

IN THE SUPERIOR COURT OF GUAM
HAGÁTÑA, GUAM

PEOPLE OF GUAM,

vs.

JEFFREY PAUL SAN AGUSTIN,
DOB: 08/03/1974

Defendant.

Criminal Case No. CF **0618-12**
GPD Report No. 12-32704

Charges:

1. FIRST DEGREE CRIMINAL SEXUAL CONDUCT
(As a 1st Degree Felony)
2. SECOND DEGREE CRIMINAL SEXUAL CONDUCT
(As a 1st Degree Felony)
3. AGGRAVATED ASSAULT
(As a 3rd Degree Felony)
4. CHILD ABUSE
(As a 3rd Degree Felony)

MAGISTRATE'S COMPLAINT

The Attorney General of Guam hereby accuses JEFFREY PAUL SAN AGUSTIN of certain crimes committed as follows:

FIRST CHARGE

On or about the period between December 1, 2011 and December 26, 2011, inclusive, in Guam, JEFFREY PAUL SAN AGUSTIN did commit the offense of *First Degree Criminal Sexual Conduct*, in that he intentionally engaged in sexual penetration with another, to wit: *by causing his finger to enter the vagina of A.M. (Approx. 3 years old)*, a minor under fourteen (14) years of age, in violation of 9 GCA §§ 25.15 (a)(1) and (b).

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SECOND CHARGE

On or about the period between December 1, 2011 and December 26, 2011, inclusive, in Guam, JEFFREY PAUL SAN AGUSTIN did commit the offense of *Second Degree Criminal Sexual Conduct*, in that he did intentionally engage in sexual contact with another, to wit: *by causing the Defendant's finger to touch the buttocks of A.M. (Approx. 3 years old)*, a minor under fourteen (14) years of age, in violation of 9 GCA §§ 25.20(a)(1) and (b).

THIRD CHARGE


On or about the period between December 1, 2011 and December 26, 2011, inclusive, in Guam, JEFFREY PAUL SAN AGUSTIN did commit the offense of *Aggravated Assault*, in that he did recklessly cause serious bodily injury to A.M. (Approx. 3 years old), in violation of 9 GCA §§ 19.20(a)(2) and (b).

FOURTH CHARGE

On or about the period between December 1, 2011 and December 26, 2011, inclusive, in Guam, JEFFREY PAUL SAN AGUSTIN did commit the offense of *Child Abuse*, in that he did intentionally subjected a child, namely A.M. (Approx. 3 years old), to cruel mistreatment, in violation of 9 GCA § 31.30(a)(1) and (b).

Dated this day, Saturday, October 27, 2012.

OFFICE OF THE ATTORNEY GENERAL
LEONARDO M. RAPADAS, Attorney General of Guam


ELIZABETH S. VASILIADES for
LISA D. HACK
Assistant Attorney General, Prosecution Division

IN THE SUPERIOR COURT OF GUAM
DECLARATION

COMES NOW, ELIZABETH VASILIADES, a duly appointed Assistant Attorney General, and aver, upon information and belief, that the following is true. I have reviewed Guam Police Department Report Number 12-32704 submitted by Officer Manlulu. The report revealed the following occurred in Guam:

On or about December 26, 2011, Officer Manlulu responded to a criminal sexual conduct complaint at a Tamuning residence. Upon arrival on scene, Officer Manlulu met with the adult female reporting party who stated she was giving her sister's daughter *A.M. (3 years old)* a bath when she left the bathroom. *A.M.* began crying and the female reporting party came back to the bathroom and asked what was the matter. *A.M.* stated her 'bebe' was hurting while pointing to her vagina. The reporting party asked why and *A.M.* stated because her 'daddy' (referring to JEFFREY SAN AGUSTIN) hurt her and put his finger in her vagina. *A.M.* further pointed to her buttocks when asked if SAN AGUSTIN had put his finger anywhere else. The female reporting party reported to *A.M.*'s mother what was told to her and the mother stated about two days prior *A.M.* had been bleeding from her vagina and was having pain while urinating. The mother intended to take *A.M.* to the doctor but was unable to because her only transportation was through JEFFREY SAN AGUSTIN.

Officers met with *A.M.* who told officers that JEFFREY put his finger in her bebe. *A.M.* was transported along with her mother to Guam Memorial Hospital for evaluation and treatment. *A.M.*'s mother was interviewed by police and corroborated that she had observed blood on *A.M.*'s underwear shortly after JEFFREY SAN AGUSTIN an adult male known to her, washed *A.M.* in the bathroom. Emergency Room Doctors at GMH on December 26, 2011 found injury to the vaginal area of *A.M.* Officers contacted JEFFREY SAN AGUSTIN on October 26, 2012. SAN AGUSTIN stated he remembered observing blood coming from *A.M.*'s vagina after he was helping her use the toilet but that he did not touch *A.M.* in a sexual way.

Based on the foregoing there is probable cause to charge JEFFREY SAN AGUSTIN with:

FIRST DEGREE CRIMINAL SEXUAL CONDUCT in violation of 9 G.C.A. Section 25.15(a)(1);

SECOND DEGREE CRIMINAL SEXUAL CONDUCT in violation of 9 G.C.A. Section 25.20(a)(1);

AGGRAVATED ASSAULT as a Third Degree Felony in violation of 9 G.C.A. Section 19.20(a)(2) and (b);

CHILD ABUSE as a Third Degree Felony in violation of 9 G.C.A. Section 31.30(a)(1) and (b)

I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 27, 2012


ELIZABETH VASILIADES
ASSISTANT ATTORNEY GENERAL