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SUPERIOR COURT  
OF GUAM

2013 MAY 10 AM 11:05

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**Office of the Attorney General**  
**Leonardo M. Rapadas**  
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Attorneys for the People of Guam

**IN THE SUPERIOR COURT OF GUAM**  
**HAGÁTÑA, GUAM**

PEOPLE OF GUAM,	)	Criminal Case No. CF	<b>CF 0248-13</b>
	)	GPD Report No. 13-11587	
	)		
vs.	)	Charges:	
	)		
<b>JOSEPH JOAQUIN PALOMO,</b>	)	<b>1. BURGLARY</b>	
DOB: 08/03/1987	)	(As a Second Degree Felony)	
	)	<b>2. THEFT OF PROPERTY</b>	
	)	(As a 3 <sup>rd</sup> Degree Felony)	
Defendant.	)	<b>3. THEFT OF PROPERTY</b>	
	)	(As a Misdemeanor)	

**MAGISTRATE'S COMPLAINT**

The Attorney General of Guam hereby accuses **JOSEPH JOAQUIN PALOMO** of certain crimes committed as follows:

**FIRST CHARGE**

On or about the 19<sup>th</sup> day of April 2013, in Guam, **JOSEPH JOAQUIN PALOMO** did commit the offense of **Burglary**, in that he did enter in the habitable property of Rizalito Gino F.Paglingayan, Toto, with the intent to commit the crime theft, therein, at a time when the premises were neither open to the public nor the Defendant licensed or privileged to so enter in, violation of 9 GCA §§ 37.20(a) and 37.20(b), as amended.

1 **SECOND CHARGE**

2 On or about the 19<sup>th</sup> day of April 2013, in Guam, **JOSEPH JOAQUIN PALOMO** did  
3 commit the offense of *Theft of Property*, in that he did unlawfully take, obtain and exercise unlawful  
4 control over the movable property of Rizalito Gino F.Paglingayan, with intent to deprive Rizalito  
5 Gino F.Paglingayan, thereof, the amount involved being less than \$1,500.00, but exceeding \$500.00,  
6 in violation of 9 GCA §§ 43.20(b), 43.30(a), and 80.50, as amended.  
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8 **THIRD CHARGE**

9 On or about the 19<sup>th</sup> day of April 2013, in Guam, **JOSEPH JOAQUIN PALOMO** commit  
10 the offense of *Theft of Property*, in that he did unlawfully take, obtain and exercise unlawful control  
11 over the movable property of **Remedios C. Marasigan**, that is, **credit cards**, with intent to deprive  
12 **Remedios C. Marasigan** thereof, the amount involved exceeding \$50.00 but less than \$500.00, in  
13 violation of 9 GCA §§ 43.20(c) and 43.30(a).  
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15 Dated this 10<sup>th</sup> day of May 2013.  
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19 **OFFICE OF THE ATTORNEY GENERAL**

20 Leonardo M. Rapadas, Attorney General of Guam

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24 **GABRIELLE ROSSI**

25 Assistant Attorney General, Prosecution Division  
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IN THE SUPERIOR COURT OF GUAM

DECLARATION

COMES NOW, GABRIELLE ROSSI, a duly appointed Assistant Attorney General, and aver, upon information and belief, that the following is true.

I have reviewed Guam Police Report No. 13-11587 submitted by GPD Officer Nakamura (#621), which sets forth that the following events occurred on Guam.

On April 19, 2013, at approximately 6:40 a.m., police responded to a burglary complaint in Toto. The complainant, Rizalito Gino F. Paglingayan ("Victim") stated that he parked his maroon in color, 2007 Suzuki Grand Vitara in the parking lot of his residence the previous evening. When he awoke the next morning, he discovered that someone had entered through the kitchen window and taken the keys to his vehicle. When Victim went to the parking lot, he saw that his vehicle had been stolen. Victim reported that he had approximately \$1,280.00 worth of property in the trunk of the vehicle.

On May 8, 2013 at approximately 6:18 a.m., officers were doing vehicle checks in the parking lot of the Tamuning Plaza Hotel when they discovered the stolen Suzuki Grand Vitara. Officers later discovered that the car was being driven by an individual later identified as **JOSEPH JOAQUIN PALOMO** ("Defendant"). When officers located Defendant, he was in possession of the keys to the stolen vehicle. Defendant was also found to be in possession of stolen credit cards that belonged to a woman named Remedios C. Marasigan. Ms. Marasigan reported her credit cards had been stolen while she was sitting in church in Dededo on May 7, 2013.

Based on the foregoing, there is probable cause to charge **JOSEPH JOAQUIN PALOMO** with **BURGLARY** (As a Second Degree Felony) in violation of Title 9 G. C. A. § 37.20(a) and (b); and **THEFT OF PROPERTY** (As a Third Degree Felony) in violation of Title 9 G.C.A. § 43.20(b) and § 43.30(a); **THEFT OF PROPERTY** (As a Misdemeanor) in violation of Title 9 G.C.A. § 43.20(c) and § 43.30(a).

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

Executed on this 9<sup>th</sup> day of May, 2013.

  
**GABRIELLE ROSSI**



FILED  
SUPERIOR COURT  
OF GUAM

2013 MAY 10 AM 11:06

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BY:

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Attorneys for the People of Guam

IN THE SUPERIOR COURT OF GUAM  
HAGÁTÑA, GUAM

CF 0249-13

PEOPLE OF GUAM,	)	Criminal Case No. CF
	)	GPD Report No. 13-13681/12-16108
vs.	)	
	)	Charge:
KENNETH RAY AFAISEN,	)	
DOB: 11/10/1980	)	THEFT BY RECEIVING
	)	(As a 2 <sup>nd</sup> Degree Felony)
Defendant.	)	

MAGISTRATE'S COMPLAINT

The Attorney General of Guam hereby accuses KENNETH RAY AFAISEN of a certain crime committed as follows:

On or about the period between May 22, 2012 and May 8, 2013, inclusive, in Guam, KENNETH RAY AFAISEN did commit the offense of *Theft by Receiving*, in that he did intentionally receive, retain or dispose of the motor vehicle of Bryan Joseph M. Celis, that is, a 1992 Nissan Sentra (VIN JN1EB31P8NU11852, GLP# DED 727A), knowing that it had been stolen or believing that it had probably been stolen, in violation of 9 GCA §§ 43.50(a) and 43.20(a).

Dated this May 9, 2013

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

NICHOLAS B. BARRETT  
Assistant Attorney General, Prosecution Division

ORIGINAL

IN THE SUPERIOR COURT OF GUAM

DECLARATION

COMES NOW, NICHOLAS BROOKS BARRETT, a duly appointed Assistant Attorney General, and aver, upon information and belief, that the following is true.

I have reviewed Guam Police Report No. 13-13681 submitted by GPD Officer J.N. Muna (#660), which sets forth the following events occurred on Guam.

On or about May 8, 2012 at approximately 9:20 p.m., Officer Muna observed a Nissan Sentra traveling west on Route 1 in Yigo. The Nissan appeared to have a defective headlight. Officer Muna and his partner pursued the vehicle and activated their sirens; however, the Nissan did not stop. The car turned onto Wusstig Road where it accelerated and nearly collided with another car. The Nissan continued to drive at a high rate of speed and in close proximity to other vehicles. Turning onto Chalan Kaskahu where it intersects Chalan Luchan Yigo, the driver lost control and crashed the vehicle. The driver then exited the car and attempted to flee on foot. Officer Muna gave chase and eventually apprehended the driver who was then identified as KENNETH RAY AFAISEN ("Afaisen").

When asked to take the standardized field sobriety test, Afaisen said he would "plead the Fifth."

Officer Patague then examined the Nissan which appeared to have been damaged in the crash. The ignition had been pried and exposed, and the VINs had been removed from the dashboard and the door jam. Officer Patague located a VIN in the engine compartment, which corresponded to a stolen vehicle report. By accessing the records for that VIN, Officer Patague also determined that the Nissan displayed fraudulent license plates.

The VIN on the engine compartment matched a 1992 Nissan Sentra owned by Bryan Celis. Mr. Celis had reported his car stolen on May 22, 2012. After being informed that his car had been located, he arrived and noted that the ignition had been damaged and the car had been painted. He called a tow-truck to remove the vehicle.

Based on the foregoing, there is probable cause to charge KENNETH RAY AFAISEN with THEFT BY RECEIVING as a second degree felony in violation of Title 9 G. C. A. § 43.20(a).

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

Executed on this 9<sup>TH</sup> day of May, 2013.

  
NICHOLAS B. BARRETT