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SUPERIOR COURT
OF GUAM

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

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

CM 0784-13

THE PEOPLE OF GUAM,

CRIMINAL CASE NO. CM
GPD REPORT NO. 13-24970

vs.

Charge:

ERNICK FOUNA (aka JOHN DOE),
DOB: Unknown

PUBLIC DRUNKENNESS
(As a Violation)

Defendant.

MAGISTRATE'S COMPLAINT

The Attorney General of Guam hereby accuses **ERNICK FOUNA (aka JOHN DOE)** of a certain crime committed as follows:

On or about the 3rd day of September 2013, in Guam, **ERNICK FOUNA (aka JOHN DOE)**, did commit the offense of *Public Drunkenness*, in that he appeared in a public place, that is, Dededo, manifestly under the influence of alcohol to the degree he endangered himself and other persons and property or annoyed other persons in his in his vicinity, in violation of 9 G.C.A. §§61.25(a) and (b).

Dated this 5th day of September 2013.

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

SEAN E. BROWN
Assistant Attorney General, Prosecution Division

IN THE SUPERIOR COURT OF GUAM

DECLARATION

COMES NOW, SEAN BROWN, a duly appointed Assistant Attorney General, and assert, upon information and belief, that the foregoing is true.

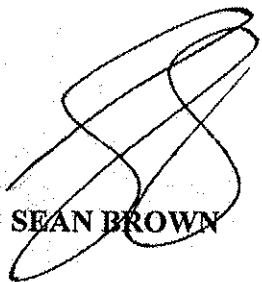
I have reviewed Guam Police Report No. 13-24970 submitted by GPD Officer S.S. Santos which sets forth that the following events occurred on Guam.

On or about September 3, 2013, at about 3:20p.m., police responded to a call of a disturbance in Dededo. Upon arriving at the scene, police met with a Shell cashier named Nelly who reported that ERNICK FOUNA ("Defendant") harassed her earlier in the day. Nelly explained to police that Defendant continues to bother her about her boyfriend and he always enters the gas station intoxicated and asks customers for money. Police discovered Defendant who appeared intoxicated and attempted to place him under arrest near a public bus stop. Police observed Defendant to possess a bottle of vodka in his pants and had an odor of an alcoholic beverage emanating from his breath as well as slurred speech.

Based on the foregoing, there is probable cause to charge ERNICK FOUNA with one count PUBLIC DRUNKENNESS (as a Violation) in violation of Title 9 G.C.A. § 61.25(a) and (b).

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

Executed this 4th day of September, 2013.



SEAN BROWN



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OF GUAM

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Attorneys for the People of Guam

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

CM 0785-13

PEOPLE OF GUAM,

Criminal Case No. CM
GPD Report No. 13-25007

vs.

Charges:

F-SON ROOSEVELT,
DOB: 09/09/1978

- 1) **DRIVING WHILE UNDER THE INFLUENCE OF ALCOHOL**
(As a Misdemeanor)
- 2) **POSSESSION OF AN OPEN CONTAINER**
(As a Misdemeanor)
- 3) **OPERATING A MOTOR VEHICLE WITHOUT A VALID DRIVER'S LICENSE**
(As a Petty Misdemeanor)

Defendant.

MAGISTRATE'S COMPLAINT

The Attorney General of Guam hereby accuses **F-SON ROOSEVELT** of certain crimes committed as follows:

FIRST CHARGE

On or about the 4th day of September 2013, in Guam, **F-SON ROOSEVELT**, did commit the offense of *Driving While Under the Influence of Alcohol*, in that he did operate or was in

ORIGINAL

1 physical control of a vehicle while under the influence of alcohol, in violation of 16 GCA §18102(a)
2 (as enacted on June 22, 1993, Public Law 22-20).

3 **SECOND CHARGE**

4 On or about the 4th day of September 2013, in Guam, **F-SON ROOSEVELT**, commit the
5 offense of *Open Container*, in that, while in a motor vehicle upon a highway, the Defendant had in
6 his/her possession on his person, a bottle vodka, containing an alcoholic beverage which had been
7 opened and the contents partially removed, in violation of 16 GCA § 18121.

8 **THIRD CHARGE**

9 On or about the 4th day of September 2013, in Guam, **F-SON ROOSEVELT** did commit
10 the offense of *Operation of a Motor Vehicle Without a Valid Operator's License*, in that he did
11 knowingly drive a motor vehicle on a highway without having in his immediate possession a valid
12 operator or chauffeur's license issued under the Motor Vehicle Code of Guam, in violation of 16
13 GCA § 3101(a) and (c) and 9108, as amended.

14
15 Dated this date, September 4, 2013.

16 **OFFICE OF THE ATTORNEY GENERAL**
17 Leonardo M. Rapadas, Attorney General of Guam

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19 
20 **JAMES L. G. STAKE**
21 Assistant Attorney General, Prosecution Division

IN THE SUPERIOR COURT OF GUAM

DECLARATION

COMES NOW, James L.G. Stake, a duly appointed Assistant Attorney General, and aver, upon information and belief, that the foregoing is true.

I have reviewed Guam Police Report No. 13-25007 submitted by GPD Police Officers which sets forth the following events occurred on Guam.

That on September 4th, 2013, at around 12:56am Officer A.B. Diola responded to a possible drunk driver in Yigo. The tip came from ASHLEY ANN LEE ("Lee"). Lee observed a vehicle swerving across several lanes and nearly hit other vehicles. Officer Diola observed the suspect beige Toyota Corolla weaving within the outer most lane and straddling the outer shoulder and inner dividing line. Officer Diola pulled the Toyota Corolla over and met with the operator of the vehicle identified as F-SON ROOSEVELT ("Defendant"). Defendant had a strong odor of an intoxicating beverage emitting from his breath and person. Defendant had bloodshot watery eyes and a very slurred speech. Defendant was unable to produce a driver's license. Defendant was asked to participate in SFSTs and upon exiting the vehicle immediately fell and used the door to prevent falling to the ground. Defendant admitted to drinking vodka. Defendant failed the HGN portion of the SFSTs but did not participate in the later portions because of a leg injury. Officer J.N. Lizama located a large vodka bottle on the driver seat floorboard of the Toyota Corolla. The bottle was mostly filled with a clear liquid and was marked with tape. Defendant refused any scientific testing.

Based on the foregoing, there is probable cause to charge F-Son Roosevelt with Driving While Under the Influence of Alcohol (As a Misdemeanor), in violation of Title 16 GCA §18102(a), Possession of An Opened Container (As a Misdemeanor), in violation of Title 16 GCA §18121, and Operating a motor vehicle without a valid driver's license (As a Petty Misdemeanor) in violation of Title 16 GCA §3101(a),

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

Executed this 4th day of September, 2013.


JAMES L.G. STAKE



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BY:

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Attorney General of Guam
Prosecution Division
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Attorneys for the People of Guam

IN THE SUPERIOR COURT OF GUAM
HAGATÑA, GUAM

PEOPLE OF GUAM,

vs.

DIAN KIRK CRUZ,
DOB: 05/08/1986

Defendant.

Criminal Case No. CM
GPD Report No. 13-24972

CM 0786-13

Charge:

RETAIL THEFT
(As a Petty Misdemeanor)

MAGISTRATE'S COMPLAINT

The Attorney General of Guam hereby accuses DIAN KIRK CRUZ of a certain crime committed as follows:

On or about September 3, 2013, in Guam, DIAN KIRK CRUZ did commit the offense of *Retail Theft*, when he did knowingly carry away merchandise offered for sale at *Payless Supermarket* in Hagatña, a retail mercantile establishment, with intent of permanently depriving *Payless Supermarket* of the possession, use, or benefit of such merchandise without paying the full retail value of such merchandise, the amount involved is not more than \$50.00, in violation of 9 GCA §§ 43.91(a) and 43.20(d).

Dated this September 5, 2013

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

GABRIELLE L. ROSSI
Assistant Attorney General, Prosecution Division

ORIGINAL

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. 13-24972 submitted by GPD Officer Artui (#700), which sets forth that the following events occurred on Guam.

On September 3, 2013 at approximately 3:00 p.m., an individual employed with the Payless Supermarket in Hagatna observed an individual later identified as **DIAN KIRK CRUZ** ("Defendant") in the store. This caught the employee's attention because Defendant was banned from all Payless locations on island for stealing a family pack of t-bone steaks the previous day. The employee observed Defendant pick up two packages of ribeye steak. Defendant then placed them in his shorts and attempted to walk out of the store without paying for them. The steaks had a total retail value of \$38.09. When GPD arrived on scene, Defendant admitted to taking the steaks so he could cook them at his sister's birthday party.

Based on the foregoing, there is probable cause to charge **DIAN KIRK CRUZ** with **RETAIL THEFT** (As a Petty Misdemeanor) in violation of Title 9 G. C. A. § 43.91(a) and § 43.20(d).

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

Executed on this 5th day of September, 2013.


GABRIELLE ROSSI



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Attorneys for the People of Guam

IN THE SUPERIOR COURT OF GUAM
HAGÁTÑA, GUAM

CF 0487 - 13

THE PEOPLE OF GUAM,

vs.

DOMINIK RUBEN,
(aka JOHN DOE aka GUNSMOKE),
(aka DOMINO),
DOB: 07-17-1985
Defendant.

CRIMINAL CASE NO. CF
GPD REPORT NO. 13-25123

Charges:

AGGRAVATED ASSAULT
(As a 3rd Degree Felony)

SPECIAL ALLEGATION
Possession and Use of a Deadly
Weapon in the Commission of a Felony

MAGISTRATE'S COMPLAINT

The Attorney General of Guam hereby accuses **DOMINIK RUBEN (aka JOHN DOE aka GUNSMOKE aka DOMINO)** of certain crimes committed as follows:

On or about the 5th day of September 2013, in Guam, **DOMINIK RUBEN (aka JOHN DOE aka GUNSMOKE aka DOMINO)**, did commit the offense of *Aggravated Assault*, in that he did recklessly cause or attempt to cause bodily injury to another, that is, KN Niosy, with a deadly weapon, that is, a **pocket knife**, in violation of 9 G.C.A. §§ 19.20(a)(3).

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MAGISTRATE'S - People v. DOMINIK RUBEN (aka JOHN DOE aka GUNSMOKE aka DOMINO)

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SPECIAL ALLEGATION

Possession and Use of a Deadly Weapon in the Commission of a Felony

On or about the 5th day of September 2013, in Guam, **DOMINIK RUBEN** (aka **JOHN DOE** aka **GUNSMOKE** aka **DOMINO**), did knowingly and unlawfully possessed and used a deadly weapon, that is, a **pocket knife**, in the commission of a felony, that is, *Aggravated Assault*, in violation of 9 G.C.A. § 80.37.

Dated this 5th day of September 2013.

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


BRIAN D. GALLAGHER
Assistant Attorney General, Prosecution Division

Page 2

IN THE SUPERIOR COURT OF GUAM
DECLARATION

COMES NOW, Brian D. Gallagher, a duly appointed Assistant Attorney General, and does aver, upon information and belief, that the following is true. I have reviewed Guam Police Department Report number 2013-25123 submitted by officers of the Guam Police Department. This report involves an investigation of suspect(s) DOMINIK RUBEN (aka "Gunsmoke") (aka "John Doe") (aka "Domino") (age 28, date of birth unknown). The report revealed the following events occurred in Guam.

On or about 1:55am on Thursday, September 5, 2013, police received a report of a disturbance at 160 Carmemcoa Lane in Dededo. Apparently, a man armed with a machete was the source of the disturbance. According to police investigation, the man was later identified as the defendant, DOMINIK RUBEN. Police responded immediately, and upon arrival commenced an interview with the complaining witness. According to the witness, the defendant had stabbed her cousin with a pocket knife. The defendant, also known as "Gunsmoke," had been drinking beer and vodka and yelling at the occupants of the home. Defendant left the scene, later returned and continued to create a disturbance. He eventually stabbed the victim, KN Niosy in the hand. A number of female witnesses were able to rush the defendant, and push him out of the house. The complaining witness was unable to identify the reason for any dispute between the victim and the defendant. Witnesses could only identify defendant by his nickname, "Gunsmoke," not his given name.

Defendant fled the scene in a silver sedan, and was immediately apprehended by the police. When stopped, police noted that defendant emitted an odor of alcohol and blood shot, watery eyes. This led the arresting officer to believe that defendant had been consuming alcohol prior to his arrest. A pocket knife was confiscated from his person at the time of arrest. He did not have a driver's license.

Mr. Noisy also was interviewed after the event.

Witnesses on the scene were able to corroborate this version of events. Victim affirmed that he was awakened by defendant. Victim was sleeping in his bedroom when attacked and stabbed by victim in the hand. Police noted the injuries to the victim's hand, but the victim refused medical assistance.


Defendant was eventually detained, but police were unable to confirm his given name. He could not speak English, so police quickly terminated any efforts to interview him.

Based upon the forgoing, I believe that there is good cause to charge defendant with the following crimes:

DOMINIK RUBEN (aka "Gunsmoke") (aka "John Doe") (aka "Domino")

1. 9 GCA § 19.20(a)(3) AGGRAVATED ASSAULT (bodily injury to another with a deadly weapon, deadly weapon being a knife)
 - a. 9 GCA §80.37. Special Allegation: Deadly Weapon(s) Used in a Felony (to wit, a knife) (Felony being Aggravated Assault))

Dated: September 5, 2013


BRIAN D. GALLAGHER, Assistant Attorney General



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Attorneys for the People of Guam

IN THE SUPERIOR COURT OF GUAM
HAGÁTÑA, GUAM

PEOPLE OF GUAM,

vs.

BENJAMIN THOMAS PEREZ RECANOR,
DOB: 05/23/1979

Defendant.

Criminal Case No. **CF 0488-13**
GPD Report Nos. 13-20358/18255/20563/16439/
13-16549/15523/17171/15507/17766
Charges:

- 1. BURGLARY
(As a 2nd Degree Felony) *Two Counts*
- 2. THEFT OF PROPERTY
(As a 2nd Degree Felony)
- 3. THEFT OF PROPERTY
(As a 3rd Degree Felony)

MAGISTRATE'S COMPLAINT

The Attorney General of Guam hereby accuses BENJAMIN THOMAS PEREZ RECANOR
of certain crimes committed as follows:

FIRST CHARGE

Count One

On or about the period between June 21, 2013 and June 24, 2013, inclusive, in Guam,
BENJAMIN THOMAS PEREZ RECANOR did commit the offense of *Burglary*, in that he did enter
in the property of *Oceanview Middle School* in *Agat*, with the intent to commit the crime of theft
therein, at a time when the premises was neither open to the public nor Defendant was licensed or
privileged to so enter in, in violation of 9 GCA §§ 37.20(a) and (b), and 4.60.

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Count Two

On or about June 19, 2013, in Guam, BENJAMIN THOMAS PEREZ RECANOR did commit the offense of *Burglary*, in that he did enter in the property of *Maria Ulloa Elementary School* in *Dededo*, with the intent to commit the crime of theft therein, at a time when the premises was neither open to the public nor Defendant was licensed or privileged to so enter in, in violation of 9 GCA §§ 37.20(a) and (b), and 4.60.

SECOND CHARGE


On or about June 19, 2013, in Guam, BENJAMIN THOMAS PEREZ RECANOR did commit the offense of *Theft of Property*, in that he did unlawfully take, obtain or exercise unlawful control over the movable property of *Maria Ulloa Elementary School*, with intent to deprive *Maria Ulloa Elementary School* thereof, the amount involved exceeding \$1,500.00, in violation of 9 GCA §§ 43.20(a), 43.30(a), and 4.60.

THIRD CHARGE

On or about the period between June 21, 2013 and June 24, 2013, inclusive, in Guam BENJAMIN THOMAS PEREZ RECANOR did commit the offense of *Theft of Property*, in that he did unlawfully take, obtain or exercise unlawful control over the movable property of *Oceanview Middle School*, with intent to deprive *Oceanview Middle School* thereof, the amount involved exceeding \$500.00 but not more than \$1,500.00, in violation of 9 GCA §§ 43.20(b), 43.30(a), and 4.60.

Dated this September 4, 2013

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


GABRIELLE L. ROSSI
Assistant Attorney General, Prosecution Division

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 Nos. 13-20358, 13-18255, and 13-20563, 13-16439, 13-16549, 13-15523, 13-17171, 13-15507, and 13-17766 submitted by GPD Officer Nanoto (#620) and others, which sets forth, that the following events occurred on Guam.

On June 24, 2013, police responded to a burglary complaint at Oceanview Middle School in Agat. Between June 21, 2013 and June 24, 2013 inclusive, MIGUEL MUNA CASTRO ("Castro"), J.D.U., ("J.D.U.") and BENJAMIN THOMAS PEREZ RECANOR ("Recanor"), broke into the school and took electronics and US currency. The value of the stolen items totaled approximately \$1,429.00.

On June 19, 2013, police responded to a burglary complaint at Maria Ulloa Elementary School in Dededo. On that day, Castro, Recanor, and another individual broke into the school and took electronics and approximately \$100.00 in US currency. The value of the missing items is approximately \$10,988.00.

On July 18, 2013, GPD received information from witnesses that identified Castro, Salas, J.D.U., and Recanor as the responsible parties for the aforementioned burglaries. On July 25, 2013, a search warrant was executed at the residence where some of the individuals were staying. Numerous stolen items were recovered from the residence and Recanor admitted to his involvement in the burglaries. After speaking to the suspects, officers ascertained that **THERESA DUMANAL CASTRO** acted as the driver for all aforementioned burglaries. Theresa Castro was aware that defendants were going to commit the burglaries and acted as the driver to assist in the commission of the thefts.

Based on the foregoing, there is probable cause to charge **BENJAMIN THOMAS PEREZ RECANOR** with two counts of **BURGLARY** (As a Second Degree Felonies) in violation of Title 9 G. C. A. § 37.20(a) and (b) and § 4.60; **THEFT OF PROPERTY** (As a Second Degree Felony) in violation of Title 9 G.C.A. § 43.20(a) and § 43.30(a) and § 4.60; and **THEFT OF PROPERTY** (As a Third Degree Felony) in violation of Title 9 G.C.A. § 43.20(b) and § 43.30(a) and § 4.60.

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

Executed on this 5th day of September, 2013.


GABRIELLE ROSSI