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SUPERIOR COURT
OF GUAM

IN THE SUPERIOR COURT OF GUAM

PEOPLE OF GUAM,

v.

COLJAY KASELEL
(aka COOL JAY)
(aka COOL JAY KASELEL),
DOB: 07/27/1989

Defendant.

Criminal Case No. CF0335-23
GPD Report Nos. 22-32530

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

INTRODUCTION

This matter came before the Honorable Alberto C. Lamorena, III on August 1, 2025 for a Revocation Hearing in the above-captioned matter related to Coljay Kaselel's (aka Cool Jay's) (aka Cool Jay Kaselel's) ("Defendant's") failure to abide by his probationary terms. Defendant was represented by Alternate Public Defender Leonardo Rapadas. The People of Guam were represented by Assistant Attorney General Lucas Wood. Having duly considered the Parties' briefs, oral arguments, and the applicable law, the Court now issues the following Decision and Order Revoking Defendant's Probation.

BACKGROUND

On January 2, 2024, Defendant pled guilty to Criminal Facilitation (as a Misdemeanor). See Amended Judgment of Conviction (Apr. 11, 2025). A judgment was entered imposing the following relevant conditions of probation:

- **MANDATORY REPORTING:** Defendant shall report to the Adult Probation Office once a month in person, or as ordered by the Court or the Probation Office.
- **COUNSELING/TREATMENT:** Defendant shall report to Client Services and Family Counseling (CSFC) with the Superior Court of Guam for intake and assessment. Defendant shall follow all treatment recommendations including

1 psychological evaluation, psychiatric evaluation, drug and alcohol evaluation, and
2 individual, group, and family counseling.

- 3 • **FINE:** Defendant shall pay a fine of one thousand dollars (\$1,000.00) plus court costs
4 of eighty dollars (\$80.00). All or part of the fine imposed may be converted to
5 community service at the current prevailing minimum wage.
- 6 • **COMMUNITY SERVICE:** Defendant shall complete one hundred eighty (180)
7 hours of community service under the direction of the Adult Probation Office. All or
8 part of the community service imposed may be converted into a fine at the current
9 prevailing minimum wage.
- 10 • **COURT ORDERS:** Defendant shall comply with any court orders entered against
11 Defendant, including orders of family court or any other local or federal court of
12 competent jurisdiction.

13 Id.

14 On November 19, 2024, a Violation Report was filed indicating that Defendant had violated
15 several terms of his probation. See First Violation Report (Nov. 19, 2024). The Court was informed
16 that Defendant hadn't reported to the Adult Probation Office for over two (2) months and failed to
17 complete his intake/assessment at CSFC. Id. It was also reported that Defendant hadn't made any
18 progress on either paying off his fine or completing his required community service. Id.

19 On November 20, 2024, this matter came before the Court for Further Proceedings. However,
20 Defendant was absent despite being summonsed to appear. See Summons (Oct. 1, 2024); Minute
21 Entry (Nov. 20, 2024).

22 On March 6, 2025, another Violation Report was filed. See Second Violation Report (Mar. 6,
23 2025). The Court was informed that Defendant continued failing to report to Probation, still hadn't
24 completed his intake/assessment at CSFC, and still hadn't made any progress on either paying off his
25 fine or completing his community service. Id.

26 The People filed their Motion to Revoke Defendant's Probation ("Motion") on December 11,
27 2024. The People base their request on Defendant's non-compliance with numerous probation
28 conditions. See Motion (Dec. 11, 2024).

1 On August 1, 2025, the Court held a Revocation Hearing and subsequently took the matter
2 under advisement. See Minute Entry (August 1, 2025).

3 DISCUSSION

4 Guam law specifies the procedures that the Court must follow for revocation of probation.
5
6 The relevant statute, in its entirety, states as follows:

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

11 See 9 G.C.A. § 80.66(a)(2) (1980).

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

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

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

22 The Court also cannot order revocation unless the offender is provided with written notice
23 of grounds for revocation of probation. See 9 G.C.A. § 80.68(a). At the hearing, the offender shall
24 "have the right to hear and controvert the evidence against him, to offer evidence in his defense and
25 to be represented by counsel." Id. Should the Court revoke an offender's probation, "it may impose
26 on the offender any sentence that might have been imposed originally for the crime of which he
27 was convicted." See 9 G.C.A. § 80.66(b).
28

1 It remains undisputed that Defendant violated his probation conditions and that there is
2 probable cause to support the violations. Defendant has failed to make any progress on paying off
3 his fines/court costs or completing his community service. See First Violation Report (Nov. 19,
4 2024); Second Violation Report (Mar. 6, 2025). Defendant has also displayed no effort to complete
5 his counseling/treatment sessions, having failed to appear for even a preliminary intake/assessment
6 at CSFC. Id. Defendant has also disobeyed this Court's orders by failing to appear at required
7 court proceedings. See Minute Entry (Nov. 20, 2024).

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


13 Based on a review of the record, Defendant has exhausted the trust of the Court by violating
14 numerous probationary conditions. The nature of these violations suggest Defendant was never
15 serious about completing the terms of his probation. For example, Defendant has made zero
16 progress on paying off his fines/court costs or completing his community service. Defendant even
17 failed to complete his preliminary intake/assessment at CSFC. If Defendant is unwilling to attend
18 even a preliminary meeting, he cannot be trusted to complete any long-term treatment
19 recommendations CSFC may make. Defendant has also demonstrated his unwillingness to follow
20 this Court's orders, suggesting he won't comply with future orders from this Court or the Adult
21 Probation Office.

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

28 CONCLUSION

1 For the reasons stated above, the Court hereby **REVOKES** the Defendant's probation in the
2 above-captioned matters. The Defendant is hereby **SENTENCED** to **one (1) year incarceration**
3 at the Department of Corrections, Mangilao with credit for time served. After the completion of
4 the Defendant's sentence the Court shall close the above-captioned case.
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6 **IT IS SO ORDERED** this Oct. 3, 2025



9 **HONORABLE ALBERTO C. LAMORENA III**
10 **Presiding Judge, Superior Court of Guam**

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23 **SERVICE VIA EMAIL**

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

26 DAG & R. Cardo

27 Date: 10/3/25 Time: 4:20

28 **Reimta M. Lindlau**

Deputy Clerk, Superior Court of Guam