

FILED
CLERK OF COURT

2026 FEB 18 AM 11:00

SUPERIOR COURT
OF GUAM *et al.*

IN THE SUPERIOR COURT OF GUAM

14 This matter came before the Honorable Alberto E. Tolentino on November 20, 2025, for
15 a Motion Hearing. Defendant Colleen Sherise Castillon Yurko (“Defendant”) was present with
16 counsel Public Defender Adam Gunkel. Assistant Attorney General Samuel Alexander was
17 present for the People of Guam (“People”). At the hearing, the court addressed the Defendant’s
18 Motion to Modify Bail Conditions. Following the hearing, the court took the matter under
19 advisement pursuant to Supreme Court of Guam Administrative Rule 06-001, CVR 7.1(e)(6)(A)
20 and CR1.1 of the Local Rules of the Superior Court of Guam. Having duly considered the parties’
21 briefings, oral arguments, and the applicable law, the court now issues this Decision and Order
22 **DENYING** the Defendant’s Motion to Modify Bail Conditions.
23

BACKGROUND

26 Based on events that occurred on or about March 27, 2023, the Defendant was charged
27 for the offense of POSSESSION OF A SCHEDULE II CONTROLLED SUBSTANCE (As a 3rd

Degree Felony). *See* Indictment (Apr. 13, 2023). After two days of trial, a jury of twelve found the Defendant guilty POSSESSION OF A SCHEDULE II CONTROLLED SUBSTANCE (As a 3rd Degree Felony). *See* Jury Trial (Day 2) Mins. at 9:55:23 – 10:03:18AM (Aug. 25, 2023). The court granted her continued release pending her Sentencing Hearing, which was scheduled for November 27, 2023. *Id.*

After her trial, the Defendant accumulated her second through tenth violations while on pre-trial release. Following the Defendant's tenth violation on pre-trial release, the court issued a warrant for her arrest, which was returned on June 20, 2024. *See Warrant (Jan. 23, 2024); see also Return (June 20, 2024).* Following the warrant's return, the court committed the Defendant to the Department of Corrections and scheduled the Defendant's Sentencing Hearing for July 25, 2024.

At the Sentencing Hearing, the court sentenced the Defendant to three (3) years at the Department of Corrections, with credit for time served. *See Judgment (Mar. 11, 2025).* The Defendant subsequently filed her Notice of Appeal on March 19, 2025. A few months later, she filed a Motion to Modify Bail Conditions RE: Release Pending Appeal (“Motion to Modify”). After the People filed its Opposition to the Motion to Modify on September 24, 2025, the court set this matter for a Motion Hearing on November 20, 2025.

During the Motion Hearing, the court heard oral arguments for the Defendant regarding her Motion to Modify. *See* Mot. Hr'g Mins. at 3:02:17PM (Nov. 20, 2025). Following the Defendant's argument, the People withdrew its Opposition to the Motion to Modify. *Id.* After addressing the Defendant, the court took the matter under advisement. *Id.*

DISCUSSION

To determine whether to release a Defendant pending appeal, 8 GCA § 40.85 states that:

(a) A person who has been convicted of an offense and is either awaiting sentence or has filed an appeal, shall be released pursuant to §§ 40.15 or 40.20 pending

1 the imposition of sentence or the final determination of the appeal, by the court
2 having jurisdiction of the case, unless the court has reason to believe that no
3 one or more conditions of release will reasonably assure that the person will not
4 flee or pose a danger to any other person or the community. If such a risk of
5 flight or danger is believed to exist, or if it appears that an appeal is frivolous
6 or taken for delay, the person may be ordered detained.

7 8 GCA § 40.85(a). Under 8 GCA § 40.20:

8 Where the judge determines that release of the person charged on his/her own
9 recognizance will not reasonably assure his/her appearance as required, or will
10 endanger the safety of any other person or the community, the judge shall impose
11 the least onerous of the following conditions which is reasonably likely to assure
12 the person's appearance as required and the safety of any other person and the
13 community, or, if no single condition gives that assurance, the least onerous
14 combination of the following conditions:

15 (a) *placement of the person in the custody of a designated person or organization
16 agreeing to supervise him/her and to assist him/her in appearing in court;*
17 (b) placement of restrictions on the activities, movements, associations, and
18 residence of the person;
19 (c) placement of the person under supervision by means of electronic monitoring,
20 including electronic monitoring with alleged victim stay-away alert technology,
21 if available, and subject to the payment of fees or the exemption of fees, and
22 other rules established by the court for electronic monitoring;
23 (d) execution of a bond in an amount specified by the judge; such bond in the
24 discretion of the judge to be either unsecured or secured in whole or in part by
25 the deposit of cash or other property, or by the obligation of qualified sureties;
26 (e) release of the person during working hours, but with the condition that he/she
27 return to custody at specified times;
28 (f) require the person charged with family violence or violation of a protective
order to undergo a lethality risk assessment or other risk assessments deemed
appropriate by the Judiciary of Guam; or
29 (g) any other condition reasonably necessary to assure appearance as required and
30 the safety of any other person and the community.

31 8 GCA § 40.20 (emphasis added).

32 In her Motion to Modify, the Defendant requests "to be released specifically to Guma
33 Famalao'an to undergo treatment." Def.'s Mot. Modify at 3. Although the Defendant states her
34 intent to undergo treatment pending appeal at Guma Famalao'an, no documentation was
35 provided.

1 submitted to support that this organization agrees to supervise the Defendant for treatment if the
2 court transferred custody over to it.

3 Additionally, the court is not convinced that there are conditions of release that can
4 reasonably assure this court that she will not flee based on Defendant's performance on pre-trial
5 release prior to her commitment in June of 2024. For instance, the Defendant accumulated a total
6 of nine violations after the court released her pending sentencing: five violations for "failing to
7 refrain from possessing or consuming illegal controlled substances";¹ two violations for failing
8 to report to probation as ordered;² one violation for failing to submit to drug testing;³ and one
9 violation for failing to obey the court's order.⁴ What is more concerning to the court is the
10 Defendant's tenth, and most recent, violation that stated the following:

11
12 **Defendant failed to obey Court orders set on January 08, 2024 by Judge**
13 **Tolentino.** At the Defendant's sentencing hearing, Judge Tolentino, delayed
14 sentencing and held the Defendant's 10-day sanction in abeyance on condition that
15 the Defendant voluntarily enter 'Detox' at Guam Behavioral Health & Wellness
16 Center (GBHWC) and participate with residential treatment. A phone call was
17 made on January 22, 2024 to GBHWC for a status update. GBHWC staff informed
18 the undersigned that the Defendant was in Detox awaiting a bed for residential
19 treatment, however, the Defendant checked herself out of Detox over the weekend,
20 and informed staff that she does not plan on participating in residential treatment.
21 The Defendant was supposed to start residential treatment on January 23, 2024.

22 10th Violation Report (Jan. 22, 2024). Without more, the court does not believe that no one or
23 more conditions of release will reasonably assure that she will not flee based on her past
24 performance while released. Therefore, the court denies the Defendant's release to the custody of
25 Guma Famalao'an at this time.

26
27 ¹ See 4th Violation Report (Nov. 27, 2023); *see also* 5th Violation Report (Nov. 29, 2023); *see also* 6th Violation
Report (Dec. 1, 2023); *see also* 8th Violation Report (Dec. 14, 2023); *see also* 9th Violation Report (Dec. 21, 2023);

28 ² See 2nd Violation Report (Oct. 16, 2023); *see also* 7th Violation Report (Dec. 13, 2023).

³ See 3rd Violation Report (Nov. 8, 2023).

⁴ See 10th Violation Report (Jan. 22, 2024).

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CONCLUSION

For reasons stated above, the court hereby **DENIES** the Defendant's Motion to Modify
Bail Conditions.

SO ORDERED this _____.

FEB 18 2026



HONORABLE ALBERTO E. TOLENTINO
Judge, Superior Court of Guam

SERVICE VIA E-MAIL

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

AGS PDSC

FEB 18 2026

Date: Time: 11:17 a.m.
Evan L. Topasna 

Deputy Clerk, Superior Court of Guam