



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

6  
7 After her trial, the Defendant accumulated her second through tenth violations while on  
8 pre-trial release. Following the Defendant's tenth violation on pre-trial release, the court issued a  
9 warrant for her arrest, which was returned on June 20, 2024. *See* Warrant (Jan. 23, 2024); *see also*  
10 Return (June 20, 2024). Following the warrant's return, the court committed the Defendant to the  
11 Department of Corrections and scheduled the Defendant's Sentencing Hearing for July 25, 2024.

12  
13 At the Sentencing Hearing, the court sentenced the Defendant to three (3) years at the  
14 Department of Corrections, with credit for time served. *See* Judgment (Mar. 11, 2025). The  
15 Defendant subsequently filed her Notice of Appeal on March 19, 2025. A few months later, she  
16 filed a Motion to Modify Bail Conditions RE: Release Pending Appeal ("Motion to Modify").  
17 After the People filed its Opposition to the Motion to Modify on September 24, 2025, the court  
18 set this matter for a Motion Hearing on November 20, 2025.

19  
20 During the Motion Hearing, the court heard oral arguments for the Defendant regarding  
21 her Motion to Modify. *See* Mot. Hr'g Mins. at 3:02:17PM (Nov. 20, 2025). Following the  
22 Defendant's argument, the People withdrew its Opposition to the Motion to Modify. *Id.* After  
23 addressing the Defendant, the court took the matter under advisement. *Id.*

## 24 DISCUSSION

25  
26 To determine whether to release a Defendant pending appeal, 8 GCA § 40.85 states that:

- 27 (a) A person who has been convicted of an offense and is either awaiting sentence  
28 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  
flight or danger is believed to exist, or if it appears that an appeal is frivolous  
or taken for delay, the person may be ordered detained.

5 8 GCA § 40.85(a). Under 8 GCA § 40.20:

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

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

8 GCA § 40.20 (emphasis added).

24 In her Motion to Modify, the Defendant requests "to be released specifically to Guma  
25 Famalao'an to undergo treatment." Def.'s Mot. Modify at 3. Although the Defendant states her  
26 intent to undergo treatment pending appeal at Guma Famalao'an, no documentation was  
27  
28

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";<sup>1</sup> two violations for failing  
8 to report to probation as ordered;<sup>2</sup> one violation for failing to submit to drug testing;<sup>3</sup> and one  
9 violation for failing to obey the court's order.<sup>4</sup> What is more concerning to the court is the  
10 Defendant's tenth, and most recent, violation that stated the following:  
11

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

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

27 <sup>1</sup> See 4th Violation Report (Nov. 27, 2023); see also 5th Violation Report (Nov. 29, 2023); see also 6th Violation  
28 Report (Dec. 1, 2023); see also 8th Violation Report (Dec. 14, 2023); see also 9th Violation Report (Dec. 21, 2023);

<sup>2</sup> See 2nd Violation Report (Oct. 16, 2023); see also 7th Violation Report (Dec. 13, 2023).

<sup>3</sup> See 3rd Violation Report (Nov. 8, 2023).

<sup>4</sup> See 10th Violation Report (Jan. 22, 2024).

**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:

AG's PDSC

FEB 18 2026

Date: \_\_\_\_\_ Time: 11:17am

Evan L. Topasna

Deputy Clerk, Superior Court of Guam