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SUPERIOR COURT  
OF GUAM

IN THE SUPERIOR COURT OF GUAM

THE PEOPLE OF GUAM,

Plaintiff,

v.

JASON JESUS CRUZ,

Defendant.

CRIMINAL CASE NO. CF0290-25

**DECISION AND ORDER**

**INTRODUCTION**

This case presents a straightforward question: When Defendant Jason Jesus Cruz (“Defendant”) invokes his right to a speedy trial, and the trial is later continued to secure the testimony of an essential witness on active military deployment, was that right violated? The People of Guam (“the People”) say no. They maintain that Guam’s speedy-trial statute permits reasonable delays for good cause, and that the unavailability of a deployed military victim-witness fits squarely within that exception.

The Defendant sees it differently. He argues that once he demanded a speedy trial, the statutory clock ran out, and the delay cannot be justified under either Guam law or the Constitution. Statutes and precedent supply the framework. Guam law establishes firm deadlines for bringing a defendant to trial, but it also authorizes tolling when circumstances beyond the prosecution’s control make delay necessary. Thus, the question before the Court is

1 narrow but significant: whether the continuance granted to accommodate a key witness's  
2 military deployment violated Defendant's statutory or constitutional right to a speedy trial.

3 For the reasons explained below, the Court concludes it did not.

4

## 5 BACKGROUND

6 On April 29, 2025, the People charged Defendant with Theft by Receiving a Motor  
7 Vehicle (as a 2nd Degree Felony), Possession of a Schedule II Controlled Substance (as a 3rd  
8 Degree Felony), and Unauthorized Use of a Vehicle (as a Misdemeanor), in violation of 9 GCA  
9 §§ 43.20(a), 43.50(a), 43.15, 67.401.2(a)-(b), and 43.65(a). *See*, Compl. (Apr. 29, 2025). The  
10 charges also alleged commission of a felony while on felony release under CF0647-19 pursuant  
11 to 9 GCA § 80.37.1. A grand jury returned an identical indictment on May 6, 2025. *See*,  
12 Indictment (May 6, 2025).

13 Defendant was arraigned on May 29, 2025, represented by the Alternate Public  
14 Defender after the Public Defender Service Corporation withdrew. At arraignment, Defendant  
15 asserted his right to a speedy trial under 8 GCA § 80.60. *See*, Min. Entry (May 29, 2025).

16 At the July 2, 2025 pretrial conference, the prosecution advised that a key witness—the  
17 victim—was deployed on active military duty. The Court permitted the witness to testify  
18 remotely via Zoom, and Defendant initially raised no objection. *See*, Min. Entry (July 2, 2025).  
19 But just before jury selection on July 8, 2025, Defendant objected, claiming a Sixth Amendment  
20 violation. The People moved to continue trial, citing *People v. Tedtaotao*, 2015 Guam ¶ 31, and  
21 the Court granted the motion, finding good cause, and reset trial for September 3, 2025.

22 On that date, Defendant moved to dismiss, arguing that ninety-seven days had elapsed  
23 since he asserted his right and that the delay was unjustified. *See*, Def.'s Mot. to Dismiss (Sept.  
24 3, 2025). The People opposed, contending that the continuance was proper given the

1 unavailability of a material witness on official military assignment and that the delay was  
2 reasonable under *Barker v. Wingo*, 407 U.S. 514 (1972). *See*, People's Resp. (Sept. 17, 2025).

3

4 **I. The record shows that the continuance was supported by good cause under  
Guam law.**

5 A defendant in custody must be brought to trial within 45 days of arraignment, or 60 days  
6 if not in custody. 8 GCA § 80.60(a)(2). Failure to meet that deadline can warrant dismissal—but  
7 not if “good cause” justifies the delay. 8 GCA § 80.60(b)(3). What qualifies as good cause rests  
8 within the trial court’s discretion, and the Guam Supreme Court has recognized that the  
9 unavailability of essential witnesses qualifies as good cause. *People v. Flores*, 2009 Guam 22 ¶  
10 32.

11

12 Defendant argues that the Court erred by crediting the prosecutor’s representations about  
13 the witness’s unavailability without holding an evidentiary hearing. But Guam precedent does  
14 not require one when the reason for delay is clear on the record and supported by competent  
15 representations from counsel. The People explained that the victim—a U.S. Air Force officer—  
16 was deployed on official military assignment and unavailable until August 30, 2025. The Court  
17 considered remote-testimony options, but Defendant objected only on the morning of jury  
18 selection. The prosecution further represented that recalling the witness required military  
19 approval beyond its control. The Court found those representations credible, specific, and  
20 sufficient to establish good cause.

21

22 Guam courts recognize that “good cause” includes circumstances beyond the  
23 prosecution’s control, such as illness or unavailability of a witness. The short continuance from  
24 July 8 to September 3 was narrowly tailored to the witness’s availability, and nothing in the  
25 record suggests that the People acted with negligence or bad faith.

1           The Court finds that the witness's off-island military deployment presented  
2           circumstances beyond the control of the prosecution and was not due to lack of diligence.  
3           Because the delay was both necessary and reasonable in length, it falls squarely within the  
4           definition of "good cause" recognized under *Flores*.  
5

6           **II.       An evidentiary hearing was unnecessary because the record resolved the factual  
7           question**

8           Defendant argues that the Court erred by accepting the prosecution's representations  
9           without conducting an evidentiary hearing. However, the Court finds that an evidentiary hearing  
10          was unnecessary in this case. The prosecution's representations regarding the unavailability of  
11          the key witness due to military deployment were clear, specific, and supported by the facts.  
12

13          Defendant did not object to the remote testimony until the morning of jury selection, at which  
14          point the prosecution had already provided sufficient information about the witness's  
15          circumstances. Given that the delay was due to circumstances beyond the prosecution's control  
16          and the absence was adequately explained, the Court was not required to hold an evidentiary  
17          hearing.  
18

19          The Court finds that the representations made by the prosecution were credible and  
20          sufficiently detailed to establish good cause for the continuance, obviating the need for further  
21          testimony or evidence.  
22          //  
23          //  
24          //  
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28

## CONCLUSION

For the foregoing reasons the Court Denies Defendant's Motion to Dismiss. A Pretrial Conference is scheduled for January 6, 2026 at 10:00 am. Jury Selection and Trial is scheduled for January 6, 2026 at 1:00 pm.

IT IS SO ORDERED JAN 05 2026

JAN 05 2026

On 31

**HONORABLE ARTHUR R. BARCINAS**

**Judge, Superior Court of Guam**

**SERVICE VIA E-MAIL**

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

AG, APD

Date: 1/5/26 Time: 3:56pm

Antonio J. Cruz  
Deputy Clerk, Superior Court of Guam

Deputy Clerk, Superior Court of Guam