



1 The court originally scheduled Jury Selection and Trial for December 1, 2021, pursuant to  
2 the Defendant's assertion of speedy trial. *See* Criminal Trial Scheduling Order (Oct. 21, 2021).<sup>1</sup>  
3 When the Defendant filed his written waiver of speedy trial, the court vacated the Pre-Trial  
4 Conference and Jury Selection and Trial dates. *See* Waiver (Nov. 4, 2021); *see also* Mot. Hr'g  
5 Mins. at 10:17:08AM (Nov. 9, 2021).  
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7 After setting the second trial date for April 27, 2022, the court continued the December  
8 trial date after the parties filed a Stipulation to Continue Jury Selection and Trial. *See* Amended  
9 Criminal Trial Scheduling Order (Nov. 17, 2021); *see also* Stipulation (Apr. 26, 2022). In light of  
10 this, the court issued a third date for Jury Selection and Trial to commence on September 28, 2022.  
11 *See* Amended Criminal Trial Scheduling Order (May 13, 2022). At a later Further Proceedings,  
12 the court vacated the September trial date after the parties represented to the court that negotiations  
13 were underway. *See* Further Proceedings Mins. at 9:20:13AM (Sep. 13, 2022).  
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15 The parties were before the court on April 14, 2023, after the Probation Services Division  
16 filed a violation against the Defendant. *See* Further Proceedings Mins. at 2:44:20PM (Apr. 14,  
17 2023). After addressing this violation, the next hearing in this case was a Further Proceedings on  
18 September 10, 2025. The Defendant filed his Motion to Dismiss on December 11, 2025, which  
19 led the People to file its Opposition on December 29, 2025.  
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21 Upon receipt of the pleadings, the court scheduled a Motion Hearing on February 5, 2026,  
22 to address the parties' arguments on the Motion to Dismiss. After hearing arguments, the court  
23 took the matter under advisement.  
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28 <sup>1</sup> In accordance with the forty-five (45) day period to assert speedy trial under 8 GCA § 80.60(a), the last day to bring the Defendant to trial was November 29, 2021.

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**DISCUSSION**

Although the Defendant waived his right to statutory speedy trial, he argues that his case “laid dormant for *over two (2) years* without hearing.” Def.’s Mot. Dismiss (Dec. 11, 2025). Because of the delay, the Defendant now seeks the dismissal of his case under 8 GCA § 80.70(b). “If there is unnecessary delay in bringing a defendant to trial, the court, on its own motion, may dismiss the indictment, information or complaint.” 8 GCA § 80.70(b). Before the court can dismiss this case under 8 GCA § 80.70(b), it must first determine whether the delay in this case was unnecessary enough to find a constitutional violation of the Defendant’s right to speedy trial.

The Sixth Amendment protects the right to a speedy and public trial in all criminal prosecutions against the accused. *See* U.S. Const. amend. VI. For U.S. citizens residing in Guam, “[t]he Sixth Amendment to the United States Constitution, incorporated by the Organic Act of Guam, guarantees the accused the ‘right to a speedy and public trial.’” *People v. Mendiola*, 2023 Guam 12 ¶ 21 (citing U.S. Const. amend. VI; 48 U.S.C.A. § 1421b(g); 8 GCA § 1.11(a) (2005)).

The Guam Supreme Court has previously determined whether a person’s constitutional right to speedy trial was violated when considering the following factors under *Barker v. Wingo*: (1) the length of the delay; (2) the cause of the delay; (3) the defendant’s assertion of his right to a speedy trial; and (4) the presence or absence of prejudice resulting from the delay. *People v. Mendiola*, 2015 Guam 26 ¶ 13 (quoting *Barker v. Wingo*, 407 U.S. 514, 530-33 (1972)). This court will now review the *Barker* factors to determine whether the Defendant’s constitutional right to a speedy trial was violated.

**A. The Length of the Delay**

The first *Barker* factor to review is the length of delay in this case. “The length of the delay is measured from the point of arrest or indictment until trial.” *People v. Naich*, 2013 Guam 7 ¶ 50

1 (citing *People v. Flores*, 2009 Guam 22 ¶ 43). Until there is delay that is presumptively prejudicial,  
2 there is no need for inquiry into or balancing of the other *Barker* factors. *See Barker*, 407 U.S. at  
3 530. The more serious or complex the charge, the greater the length of delay that will be tolerated.  
4 *Id.* at 530–31.

5 While there is no exact amount of time that constitutes as prejudicial, the Guam Supreme  
6 Court has previously found delays of four (4) and six (6) years to be prejudicial enough to warrant  
7 examination of the other *Barker* factors. *See Flores*, 2009 Guam 22 ¶¶ 43-44; *see also People v.*  
8 *Mendiola*, 1999 Guam 8 ¶ 24. However, the Court has also held that an eighteen-month delay did  
9 not rise to the level of a constitutional violation when much of that time was attributable to the  
10 defendant. *See Naich*, 2013 Guam 7 ¶ 57.

11 The Defendant argued that there was a delay of more than two (2) years, during which the  
12 Government made no attempts to either bring this matter to trial or resolve without trial. *See Def.’s*  
13 *Mot. Dismiss* at 3. In this case, the Defendant was arrested on June 24, 2021, and charged via  
14 Magistrate’s Complaint the following day. *See Magistrate’s Compl.* (June 25, 2021). The court  
15 set the matter for trial on three separate dates before the parties eventually agreed to vacating each  
16 date: December 1, 2021; April 27, 2022; and September 28, 2022. Because this case has not gone  
17 to trial, the court notes that it has been almost five (5) years between the time he was arrested and  
18 the filing of his Motion to Dismiss. Although the Defendant was released at his first appearance  
19 before the court on June 25, 2021, the court finds that the length of this delay is presumptively  
20 prejudicial enough to warrant further review of the other *Barker* factors.

### 21 **B. The Cause of the Delay**

22 Under the second *Barker* factor, the court must review the People’s reasons for the delay  
23 in bringing the Defendant to trial. In comparison to “[a] deliberate attempt to delay trial in order  
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1 to hamper the defense,” a more neutral reason for the People’s delay is weighed less heavily but  
2 still requires consideration. *Mendiola*, 1999 Guam 8 ¶ 61 (quoting *Barker*, 407 U.S. at 531).

3 In his Motion to Dismiss, the Defendant argues that there was no legitimate reason for this  
4 delay when it made no attempt to bring this case to trial or resolve without trial. *See* Def.’s Mot.  
5 Dismiss at 3. In regards to any causes of delay, the People argue the Defendant does not address  
6 “the practicalities of moving forward on the case while Defendant is deployed to the middle east,  
7 and now that the case is back on calendar Defendant did not make it to their September hearing,  
8 further delaying resolution.” Ppl.’s Opp’n (Dec. 29, 2025). However, the Defendant argued that  
9 his deployment between 2023 and 2024 was not the reason for this case’s delay when there was a  
10 two-year delay between the last hearing in 2023 and the next hearing in 2025. *See* Mot. Hr’g Mins.  
11 at 11:04:38 – 11:04AM (Feb. 5, 2026); *see also* Def.’s Mot. Dismiss at 3.  
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14 When reviewing the parties’ arguments and the record of this case, the court does not  
15 believe that the Defendant’s deployment was the sole reason for the delay. Although his  
16 deployment contributed to one year’s worth of the delay, the court also vacated each trial date in  
17 this case without objection from either side. For instance, the court vacated the first trial date after  
18 the Defendant waived his right to speedy trial. *See* Mot. Hr’g Mins. at 10:17:08AM (Nov. 9, 2021).  
19 The court vacated the April trial date, because the parties stipulated to continue Jury Selection and  
20 Trial. *See* Stipulation (Apr. 26, 2022). Lastly, the court vacated the September trial date after the  
21 parties represented to the court that negotiations were underway. *See* Further Proceedings Mins.  
22 at 9:20:13AM (Sep. 13, 2022). Therefore, the court finds that this factor weighs against the  
23 Defendant.  
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1 witnesses, or subversion of the defendant’s ability to prepare for trial—or (2) seriously prejudice  
2 “defendant’s liberty, . . . disrupt his employment, drain his financial resources, curtail his  
3 associations, subject him to public obloquy, and create anxiety in him, his family and his friends.”  
4 *People v. Corpuz*, 2019 Guam 1 ¶ 25; *United States v. Bert*, 814 F.3d 70, 82 (2d Cir. 2016)  
5 (quoting *United States v. Taylor*, 487 U.S. 326, 340-41 (1988)) (explaining prejudice to defendant  
6 may come in trial prejudice or non-trial prejudice); *People v. Aromin*, 2014 Guam 3 ¶ 24. Because  
7 this case did not go to trial, the court will examine the existence of any non-trial prejudice against  
8 the Defendant.  
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10           Despite the four-year age of this case, the Defendant cites his many accomplishments  
11 within this period, including completion of Substance Abuse Prevention Program and Driving  
12 With Care Program, and graduation from the University of Guam with a Bachelor’s Degree in  
13 Criminal Justice in 2022. *See* Def.’s Mot. Dismiss at 3–4. At the Motion Hearing, the Defendant  
14 also vocalized these accomplishments in spite of the amount of time that has passed in this case.  
15 *See* Mot. Hr’g Mins. at 11:04:38 – 11:04AM.  
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17           Without more, the court is not convinced that the Defendant has been so prejudiced by the  
18 delay to warrant his case’s dismissal. Therefore, the court finds that this factor weighs against the  
19 Defendant. Because majority of the factors under *Barker* weigh against the Defendant, the court  
20 finds that there was no violation of his constitutional right to speedy trial. Therefore, the court  
21 finds that the delay in this case does not warrant dismissal at this time.  
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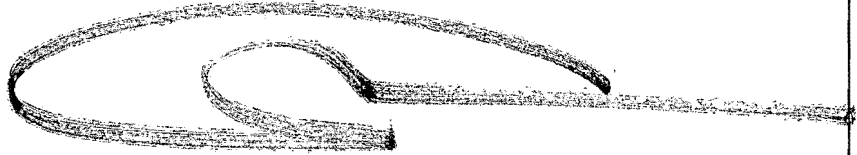
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**CONCLUSION**

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

A Further Proceedings is scheduled before this court on May 29, 2026, at 2:00PM.

**SO ORDERED** APR 20 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, PO5C

Date: 4/20/26 Time: 3:32 pm

Antonio J. Cruz  
Deputy Clerk, Superior Court of Guam