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IN THE SUPERIOR COURT OF GUAM

SUPERIOR COURT
OF GUAM

THE PEOPLE OF GUAM,

Criminal Case No. CF0707-22
GPD Report No. 22-30943

v.

ROGER MARIS TOWAI JR.
(aka ROGER M. TOWAI)
(aka ROGER MARIS TOWAI),
DOB: 01/07/1996 or 01/09/1996

DECISION AND ORDER
REVOKING
DEFENDANT'S PROBATION

Defendant.

INTRODUCTION

This matter came before the Honorable Alberto C. Lamorena, III on March 27, 2026 for a Revocation Hearing in the above-captioned matter related to Roger Maris Towai Jr.'s (aka Roger M. Towai's) (aka Roger Maris Towai's) ("Defendant's") failure to abide by his probationary terms. Defendant was represented by Alternate Public Defender Tyler Scott. 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 March 17, 2023, Defendant entered a plea of guilty to Criminal Mischief (as a 3rd Degree Felony). See Judgment of Conviction (Apr. 12, 2023). A judgment was entered imposing the following relevant conditions of probation:

- **COUNSELING/TREATMENT:** Defendant shall report to the Adult Probation Office for intake and processing within forty-eight (48) hours of sentencing.
- **LAWS:** Defendant shall obey all federal and local laws of Guam.

- 1 • **COUNSELING/TREATMENT:** Defendant shall report to Client Services and
2 Family Counseling (CSFC) with the Superior Court of Guam for intake and
3 assessment. Defendant shall follow all treatment recommendations including
4 psychological evaluation, psychiatric evaluation, drug and alcohol evaluation,
5 and individual, group, and family counseling.
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- 7 • **FINE:** Defendant shall pay a fine of two thousand dollars (\$2,000.00) plus court
8 costs of eighty dollars (\$80.00). All or part of the fine imposed may be converted
9 to community service at the current prevailing minimum wage.
- 10 • **COMMUNITY SERVICE:** Defendant shall complete one hundred fifty (150)
11 hours of community service under the direction of the Adult Probation Office. All
12 or part of the community service imposed may be converted into a fine at the
13 current prevailing minimum wage.

14 Id.

15 On May 16, 2023, a Violation Report was filed informing the Court that Defendant never
16 appeared at the Adult Probation Office for his initial intake and processing. See Violation Report
17 (May 16, 2023).

18 On July 25, 2023, another Violation Report was filed informing the Court that Defendant was
19 arrested and indicted on charges of Terrorizing (as a 3rd Degree Felony) and Criminal Mischief (as a
20 3rd Degree Felony) in CF0392-23. See Violation Report (Jul. 25, 2023).

21 On January 15, 2026, another Violation Report was filed informing the Court that Defendant
22 never reported to CSFC for his initial intake/assessment and made zero progress on paying off his
23 fines/court costs or completing his required community service hours. See Violation Report (Jan. 15,
24 2026).

25 On February 11, 2026, the People filed their Motion to Revoke Defendant's Probation and
26 Impose Jail Sentence ("Motion"). The People base their request on Defendant's non-compliance with
27 numerous probation conditions. See Motion (Feb. 11, 2026). Opposing the Motion, Defendant claims
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1 he retains the ability to complete the terms of his probation if given another chance. See Opposition
2 to Motion (Mar. 9, 2026).

3 On March 27, 2026, the Court held a Revocation Hearing and subsequently took the matter
4 under advisement. See Minute Entry (Mar. 27, 2026).

5 **DISCUSSION**

6 Guam law specifies the procedures that the Court must follow for revocation of probation.

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8 The relevant statute, in its entirety, states as follows:

9 [T]he court, if satisfied that the offender has inexcusably failed to comply with a
10 substantial requirement imposed as a condition of the order may revoke the
11 suspension or probation and sentence or re-sentence the offender. Violation of a
12 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.

13 See 9 G.C.A. § 80.66(a)(2) (1980).

14 The process for revoking an offender’s probation has been further explained by the Guam
15 Supreme Court as follows:

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

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

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

3 It remains undisputed that Defendant violated his probation conditions and that there is
4 probable cause to support the violations. Immediately upon entering probation, Defendant failed
5 to report to the Adult Probation Office for his initial intake/assessment. See Violation Report May
6 16, 2023). Defendant also failed to report to CSFC for his initial intake/assessment, and made no
7 progress on paying off his fines/court costs or completing his required community service hours.
8 See Violation Report (Jan. 15, 2026). Most concerning of all, Defendant has failed to obey all laws
9 of Guam, having been arrested and indicted on new felony charges in CF0392-23. See Violation
10 Report (Jul. 25, 2023).

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

14 Based on a review of the record, Defendant has exhausted the trust of the Court by violating
15 numerous probationary conditions. These violations started immediately as Defendant failed to
16 report to the Adult Probation Office for his initial intake/assessment. This suggests Defendant
17 never intended to comply with the terms of his probation, and is unlikely to start now. Such intent
18 is further suggested by Defendant’s complete lack of progress on paying off any of his fine/court
19 costs or completing any of his required community service hours. Defendant’s lack of progress on
20 such conditions again suggests that Defendant is not serious about complying with the terms of his
21 probation.

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

3 **CONCLUSION**

4 For the reasons stated above, the Court hereby **REVOKES** the Defendant's probation in the
5 above-captioned matter. The Defendant is hereby **SENTENCED** to **three (3) years incarceration**
6 at the Department of Corrections, Mangilao with credit for time served. After the completion of
7 Defendant's sentence, the Court shall close the above-captioned case.
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10 **IT IS SO ORDERED** this _____

MAY 14 2026



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13 **HONORABLE ALBERTO C. LAMORENA III**
14 **Presiding Judge, Superior Court of Guam**

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27 **Reinita M. Lindlau**
28 Department of Superior Court of Guam