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IN THE SUPERIOR COURT OF GUAM

SUPERIOR COURT  
OF GUAM *SMA*

THE PEOPLE OF GUAM,

Criminal Case No. CM0078-21  
GPD Report No. 21-07984

v.

ROGER MARIS TOWAI  
(aka ROGER MARIS TOWAI, JR.),  
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's (aka Roger Maris Towai, Jr.'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 October 11, 2021, Defendant entered a deferred plea of guilty to Family Violence (as a Misdemeanor). See Order After Hearing (Oct. 26, 2021). An Order After Hearing was entered imposing the following relevant conditions of probation:

- **COURT ORDERS:** Defendant shall comply with any court orders entered against Defendant, including orders of family court or any other local or federal court of competent jurisdiction.
- **LAWS:** Defendant shall obey all federal and local laws of Guam.

- 1 • **COUNSELING/TREATMENT:** Defendant shall report to the Adult Probation  
2 Office for an intake and a drug and alcohol assessment. If referred to the Guam  
3 Behavioral Health and Wellness Center (GBWHC), Defendant shall follow all  
4 treatment plans as may be recommended by the drug and alcohol assessment  
5 counselor.
- 6 • **COUNSELING/TREATMENT:** Defendant shall report to Client Services and  
7 Family Counseling (CSFC) with the Superior Court of Guam for intake and  
8 assessment. Defendant shall follow all treatment recommendations including  
9 psychological evaluation, psychiatric evaluation, drug and alcohol evaluation, and  
10 individual, group, and family counseling.
- 11 • **FINE:** Defendant shall pay a fine of one thousand dollars (\$1,000.00) plus court  
12 costs of eighty dollars (\$80.00). All or part of the fine imposed may be converted  
13 to community service at the current prevailing minimum wage.

14 Id.

15 On December 1, 2021, Defendant disobeyed this Court's orders by failing to appear at a  
16 required Further Proceedings hearing, despite being summonsed. See Minute Entry (Dec. 1, 2021);  
17 Summons (Nov. 12, 2021).

18 On December 6, 2021, a Violation Report was filed indicating that Defendant was arrested  
19 and indicted on charges of Terrorizing (as a 3<sup>rd</sup> Degree Felony), Family Violence (as a Misdemeanor),  
20 and four counts of Violation of a Court Order (as a Misdemeanor) in CF0616-21. See Violation  
21 Report (Dec. 6, 2021). Defendant would ultimately be convicted of Family Violence (as a  
22 Misdemeanor) and two counts of Violation of a Court Order (as a Misdemeanor). See CF0616-21  
23 Judgment of Conviction (Mar. 30, 2022).

24 On December 27, 2022, another Violation Report was filed indicating that Defendant was  
25 again arrested and indicted on new criminal charges. See Violation Report (Dec. 27, 2022). This  
26 time, Defendant was indicted on charges of Criminal Mischief (as a 3<sup>rd</sup> Degree Felony) in CF0707-  
27 22, and would ultimately be convicted of said offense. See CF0707-22 Indictment (Dec. 12, 2022);  
28 CF0707-22 Judgment of Conviction (Apr. 12, 2023).

1 On July 25, 2023, another Violation Report was filed indicating that Defendant was again  
2 arrested and indicted on new criminal charges. See Violation Report (Jul. 25, 2023). This time,  
3 Defendant was indicted on charges of Terrorizing (as a 3<sup>rd</sup> Degree Felony) and Criminal Mischief (as  
4 a 3<sup>rd</sup> Degree Felony) in CF0392-23. See Violation Report (Jul. 25, 2023).

5 On January 15, 2026, another Violation Report was filed indicating that Defendant failed to  
6 report to both GBHWC and CSFC for his initial intake and drug/alcohol assessments. See Violation  
7 Report (Jan. 15, 2026). It was also reported that Defendant hadn't made any progress on paying off  
8 his fine or court costs. Id.

9 On February 12, 2026, the People filed their Motion to Revoke Defendant's Probation  
10 ("Motion"). The People base their request on Defendant's non-compliance with numerous probation  
11 conditions. See Motion (Feb. 12, 2026).

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

#### 14 DISCUSSION

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

16 The relevant statute, in its entirety, states as follows:  
17

18 [T]he court, if satisfied that the offender has inexcusably failed to comply with a  
19 substantial requirement imposed as a condition of the order may revoke the  
20 suspension or probation and sentence or re-sentence the offender. Violation of a  
21 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.

22 See 9 G.C.A. § 80.66(a)(2) (1980).

23 The process for revoking an offender's probation has been further explained by the Guam  
24 Supreme Court as follows:

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

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

5  
6 The Court also cannot order revocation unless the offender is provided with written notice  
7 of grounds for revocation of probation. See 9 G.C.A. § 80.68(a). At the hearing, the offender shall  
8 “have the right to hear and controvert the evidence against him, to offer evidence in his defense and  
9 to be represented by counsel.” Id. Should the Court revoke an offender’s probation, “it may impose  
10 on the offender any sentence that might have been imposed originally for the crime of which he  
11 was convicted.” See 9 G.C.A. § 80.66(b).

12  
13 It remains undisputed that Defendant violated his probation conditions and that there is  
14 probable cause to support the violations. Since entering probation, Defendant has been convicted  
15 of numerous criminal offenses, including Family Violence (as a Misdemeanor) and two counts of  
16 Violation of a Court Order (as a Misdemeanor) in CF0616-21, and Criminal Mischief (as a 3<sup>rd</sup>  
17 Degree Felony) in CF0707-22. See CF0616-21 Judgment of Conviction (Mar. 30, 2022); CF0707-  
18 22 Judgment of Conviction (Apr. 12, 2023). Defendant also picked up additional criminal charges  
19 in CF0392-23, which is still in the pre-trial phase. See Violation Report (Jul. 25, 2023).  
20 Furthermore, Defendant has failed to make any progress on paying off his fine / court costs, and  
21 hasn’t reported to GBHWC or CSFC for his initial intake/assessments. See Violation Report (Jan.  
22 15, 2026).

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24 Having found that Defendant was in violation of his probation requirements, the next  
25 question the Court must resolve is whether “revocation under all the circumstances . . . will best  
26 satisfy the ends of justice and the best interests of the public.” See 9 G.C.A. § 80.66(a)(2).  
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1 Based on a review of the record, Defendant has exhausted the trust of the Court by violating  
2 numerous probationary conditions. These violations are serious in nature, as Defendant has been  
3 convicted of several criminal charges since entering probation. Defendant has repeatedly engaged  
4 in criminal behavior and has been convicted of multiple counts of violating this Court's orders.  
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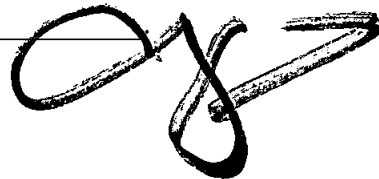
6 Were probation continued, it appears unlikely that any significant progress would be made  
7 in positively altering Defendant's behavior and ensuring compliance with the Court's orders.  
8 Therefore, the Court finds that revocation is in the public's best interest and satisfies the ends of  
9 justice. See 9 GCA § 80.66(a)(2).

10 **CONCLUSION**

11 For the reasons stated above, the Court hereby **REVOKES** the Defendant's probation in the  
12 above-captioned matter. The Defendant is hereby **SENTENCED** to **one (1) year incarceration** at  
13 the Department of Corrections, Mangilao with credit for time served. After the completion of  
14 Defendant's sentence, the Court shall close the above-captioned case.  
15

16 **MAY 14 2026**

17 **IT IS SO ORDERED** this \_\_\_\_\_



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20 **HONORABLE ALBERTO C. LAMORENA III**  
21 **Presiding Judge, Superior Court of Guam**  
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