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SUPERIOR COURT  
OF GUAM *cy*

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3 **IN THE SUPERIOR COURT OF GUAM**

4 **PEOPLE OF GUAM,**

5 **v.**

6  
7 **ADAM RAY CLUCK,**  
8 **DOB: 05/18/1979**

9 Defendant.

**Criminal Case No. CM0345-25**  
GPD Report No. 25-24365

**DECISION AND ORDER**  
**DENYING**  
**DEFENDANT'S MOTION TO DISMISS**

10 **INTRODUCTION**

11 This matter came before the Honorable Alberto C. Lamorena, III on February 13, 2026 for  
12 hearing on Adam Ray Cluck's ("Defendant's") Motion to Dismiss ("Motion"). Assistant Attorney  
13 General Lucas Wood represents the People, and Attorney Le Roi Enriquez represents Defendant.  
14 Having duly considered the parties' briefs, oral arguments, and the applicable law, the Court now  
15 issues the following Decision and Order and **DENIES** Defendant's Motion.

16 **BACKGROUND**

17 Defendant is charged with Family Violence (as a Misdemeanor). See Amended Magistrate's  
18 Complaint (Sep. 27, 2025). The charge stems from an alleged incident in which Defendant was  
19 accused of punching his wife, Brook Amber Cluck ("Victim"). Id.

20 On October 6, 2025, Defendant filed his Motion to Dismiss. Defendant claims dismissal is  
21 appropriate because he and Victim reached a civil compromise. See Motion at 2 (Oct. 6, 2025).  
22 Victim filed a signed declaration with the Court that same day stating "any claim I have against the  
23 Defendant in this case has been compromised" and "I received adequate satisfaction of my claim".  
24 See Declaration of Civil Compromise of Victim (Oct. 6, 2025). Victim did not provide any further  
25 details on what that satisfaction or compromise entailed. Id.

26 The Court held a hearing on February 13, 2026. After hearing the arguments of the parties,  
27 the Court took the matter under advisement.

1 **DISCUSSION**

2 Guam law allows for a civil compromise of misdemeanors. Specifically, 8 G.C.A. § 80.90  
3 states as follows:

- 4 (a) When the defendant has been charged with the commission of an offense  
5 which is not a felony for which the person injured by the act constituting the  
6 offense has a remedy by a civil action, the offense may be compromised as  
7 provided by this Section.
- 8 (b) If the person injured appears before, or files his declaration in, the court in  
9 which the criminal action is pending at any time before trial and  
10 acknowledges that he has received satisfaction for the injury, the court may,  
11 on payment of the costs incurred, order the criminal action dismissed.
- 12 (c) A dismissal under this Section is a bar to another prosecution for the same  
13 offense.

14 8 G.C.A. § 80.90 is based on Cal. Pen. Code §§ 1377 & 1378. See Note at 8 G.C.A. § 80.90.  
15 However, Cal. Pen. Code § 1377 specifically excludes the civil compromise of an offense “when it  
16 is committed ... by or upon any family or household member”. See Cal. Pen. Code § 1377(e).  
17 “Family or household members” include “adults or minors who are current or former spouses”. See  
18 9 G.C.A. § 30.10(b)(1).

19 Civil compromises exist to encourage direct restitution to a victim and discourage “criminal  
20 prosecution of cases which are in reality of a private rather than public nature”. See *People v.*  
21 *Stephen*, 182 Cal.App.3d Supp. 14, 19-20 (1986). However, a family or household member  
22 exception to civil compromises is necessary because an inherent power imbalance arises in criminal  
23 cases involving family or household member victims. “Domestic violence ... offenses almost  
24 always involve victims, who because of their status or condition, or relationship to the defendant,  
25 may be unduly influenced to civilly compromise.” See *People v. Gokcek*, 138 Cal.App.4<sup>th</sup> Supp. 8,  
26 21 (2006).

27 This power imbalance makes it exceptionally difficult to ensure the voluntariness of the  
28 agreement and fully vindicate the injury to the public. See *People v. Moulton*, 131 Cal.App.3d  
Supp. 10, 21-23 (1982) (when dismissing a charge due to civil compromise, “significant  
consideration” should be given to “the circumstances” of the private settlement and whether the

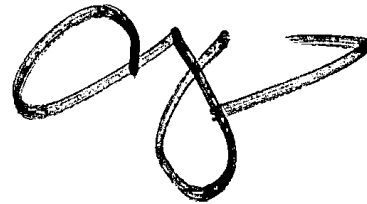
1 settlement agreement was “a completely voluntary one”). Therefore, courts cannot allow civil  
2 compromises in criminal cases involving family or household member victims.

3 The Defendant and Victim cannot civilly compromise this case because they share a family  
4 or household member relationship through their marriage. Therefore, dismissal of the action is  
5 inappropriate under 8 G.C.A. § 80.90(b).

6 **CONCLUSION**

7 For the reasons stated above, the Court **DENIES** Defendant’s Motion. This case cannot be  
8 dismissed under 8 G.C.A. § 80.90(b) because Defendant and Victim share a family or household  
9 member relationship to each other.

10  
11 **IT IS SO ORDERED** this May 13, 2026.



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15 **HONORABLE ALBERTO C. LAMORENA, III**  
16 **Presiding Judge, Superior Court of Guam**