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SUPERIOR COURT
OF GUAM

IN THE SUPERIOR COURT OF GUAM

PEOPLE OF GUAM,

Criminal Case No. CF0199-25
GPD Report No. 25-07282

v.

ROBERT BENJAMIN WILLIS
(aka ROB),
DOB: 09/06/1974

**DECISION AND ORDER
DENYING DEFENDANT'S MOTION
TO RECONSIDER
RE: MOTION TO DISMISS**

Defendant.

INTRODUCTION

This matter came before the Honorable Alberto C. Lamorena, III on April 29, 2026 for hearing on Robert Benjamin Willis's (aka Rob's) ("Defendant's") Motion to Reconsider Re: Motion to Dismiss. Assistant Attorney General Lucas Wood represents the People, and Attorney Heather Quitugua represents Defendant. Having duly considered the parties' briefs, oral arguments, and the applicable law, the Court now issues the following Decision and Order and **DENIES** Defendant's Motion to Reconsider.

BACKGROUND

On March 20, 2025, Defendant was arrested after allegedly choking his wife, Resry Singky ("Victim"), with both a belt and his bare hands. See Magistrate's Complaint (Mar. 21, 2025).

On March 24, 2025, during a Magistrate Hearing, the People advised the Court "Regarding the Victim, she is in our office on the 9th floor writing a statement ... in the letter she made it clear that she wants him released and back at home because they have four kids that need his presence ... and she even wants to drop the case." See Minute Entry (Mar. 24, 2025). The People further advised the Court that Victim retained possession of the letter and never formally submitted it to the Office of the Attorney General ("OAG"). Id.

On April 7, 2025, a grand jury was convened and indicted Defendant on one charge of Family Violence (as a 3rd Degree Felony). See Indictment (Apr. 7, 2025). During the grand jury

1 proceedings, the People did not present any evidence concerning Victim's written statement. See
2 Minute Entry (Apr. 7, 2025).

3 On June 16, 2025, Defendant filed his Motion to Dismiss. Defendant seeks to dismiss the
4 case with prejudice, arguing the People failed to present exculpatory evidence to the grand jury.
5 See Brief in Support of Motion to Dismiss at 1-2 (Jun. 16, 2025). Specifically, Defendant claims the
6 Victim's written statement to the OAG and the circumstances surrounding it is exculpatory
7 evidence that should have been presented for the grand jury's consideration. Id. at 2-3.

8 On June 30, 2025, the People filed their Opposition to Defendant's Motion to Dismiss
9 ("Opposition"). The People claim they did not submit Victim's written statement to the grand jury
10 because it was never in their possession and Victim instead retained possession of the written
11 statement. See Opposition at 2-3 (Jun. 30, 2025). The People also claim the circumstances
12 surrounding the written statement are not exculpatory because they indicate the written statement
13 was made out of Victim's fear of housing instability and their children's need for a father presence
14 rather than her belief in Defendant's innocence. Id. at 2-3.

15 On July 7, 2025, Defendant filed his Reply to Opposition ("Reply"). Defendant claims
16 knowledge of the statement's existence is itself exculpatory and should have been presented. See
17 Reply at 1-3 (Jul. 7, 2025). Defendant claims the People's failure to present this information to the
18 grand jury substantially prejudiced him and warrants dismissal of the indictment. Id. at 2-3.

19 On July 11, 2025, the Court heard Defendant's Motion to Dismiss. See Minute Entry (Jul.
20 11, 2025). The Court ultimately denied Defendant's Motion to Dismiss because the written
21 statement was never in the People's possession. See Decision & Order Denying Defendant's
22 Motion to Dismiss at 2-3 (Aug. 29, 2025).

23 On September 8, 2025, Defendant filed his Motion to Reconsider. Defendant claims the
24 Decision & Order failed to consider the OAG's knowledge of Victim's written statement, and this
25 knowledge is itself exculpatory evidence that should have been presented to the grand jury
26 regardless of whether the written statement was in the OAG's possession. See Motion to
27 Reconsider at 2 (Sep. 8, 2025).

1 The Court held a hearing on April 29, 2026 and subsequently took the matter under
2 advisement.

3 DISCUSSION

4 I. Preliminary Law:

5 When considering whether there is reasonable cause to believe that Defendant committed an
6 indictable offense, “the grand jury shall receive only evidence presented to it by the prosecuting
7 attorney but *the prosecuting attorney shall submit any evidence in his possession which would tend*
8 *to negate guilt* and the grand jury shall weigh all the evidence submitted. See 8 G.C.A. § 50.46
9 (emphasis added).

10 “If the prosecution fails to comply with its disclosure duty and the failure results in
11 substantial prejudice, the portions of the indictment related to the undisclosed evidence should be
12 dismissed.” See *Berardi v. Superior Court*, 57 Cal.Rptr.3d 170, 180 (Cal. App. 2007). The
13 indictment remains valid if the failure to disclose exculpatory evidence does not substantially
14 prejudice the defendant. Id. at 182. Absent a showing of substantial prejudice, disciplinary
15 proceedings, rather than dismissal of the indictment, should be pursued in instances of attorney
16 misconduct. See *United States v. Hasting*, 461 U.S. 499, 506 (1983) (noting that courts should
17 select “more narrowly tailored” means “to deter objectionable prosecutorial conduct”).

18 In pretrial challenges, such as the one here, “the test for assessing prejudice ... is typically
19 determined by evaluating the entire record to determine whether it is reasonably probable that a
20 result more favorable to the appealing party would have been reached in the absence of the error.”
21 See *Berardi*, 57 Cal.Rptr.3d at 182. A reasonable probability of a more favorable result exists when
22 the court is “in serious doubt as to whether the error affected the result.” Id. at 183. “In the context
23 of grand jury proceedings, the court must decide whether the record reflects a probability that a
24 properly informed grand jury would not have found probable cause to indict.” Id. at 183.

25 II. The People were not required to submit Victim’s written statement to the grand jury 26 because it was not in their possession.

27 Under their grand jury obligations, the prosecution is required to present any exculpatory
28 evidence in their possession. See 8 G.C.A. § 50.46.

1 However, Victim's written statement was not in the OAG's possession during the April 7,
2 2025 grand jury proceeding because Victim took possession and control over the written statement
3 following the March 24, 2025 magistrate hearing. This is uncontested, and even Defendant
4 concedes Victim took the written statement following the magistrate hearing. See Brief in Support
5 of Moton to Dismiss at 2 (Jun. 16, 2025).

6 It is contested whether the People were *ever* in possession over the written statement.
7 However, they clearly were not in possession of the written statement on April 7, 2025. Therefore,
8 the People were not required to present the written statement to the grand jury regardless of whether
9 it is exculpatory or not.

10 **III. The People were not required to submit their knowledge of Victim's written statement**
11 **and its contents to the grand jury because it is not exculpatory evidence.**

12 The Court must next consider whether the People's knowledge of the Victim's written
13 statement and its contents is exculpatory evidence that should have been submitted to the grand jury.
14 In doing so, the Court recognizes there is a difference between "evidence in favor of the defendant"
15 and "evidence that will explain away the charge", and only the latter later is exculpatory evidence
16 whose presentation is required before a grand jury. See *Berardi*, 57 Cal.Rptr.3d at 180.

17 The People's knowledge of Victim's written statement does not explain away the charge or
18 negate Defendant's guilt because all circumstances surrounding the statement indicate it was
19 premised on Victim's fears over housing instability and her children's needs for a father presence
20 rather than any belief Defendant was innocent. For example, when the People initially disclosed the
21 existence of a written statement, they stated Victim "made it clear that she wants him released and
22 back at home *because they have four kids that need his presence*". See Minute Entry (Mar. 24,
23 2025). Furthermore, Victim indicated to the OAG her concerns about pursuing the case stemmed
24 from housing instability and Victim communicated to the OAG she no longer wished to pursue the
25 statement following a court order that Defendant secure alternative housing. See Opposition at 2
26 (Jun. 30, 2025).

27 Although this evidence might be in Defendant's favor, it does not "negate guilt" and is not
28 required to be presented to the grand jury.

1 IV. Even if the People's knowledge of Victim's written statement and its contents was
2 exculpatory evidence, their failure to submit it to the grand jury did not substantially
3 prejudice the Defendant.

4 Even if Defendant is correct in asserting that the People's knowledge of Victim's written
5 statement and its contents is exculpatory evidence, dismissal of the indictment is appropriate only if
6 their failure to disclose "results in substantial prejudice". See Berardi, 57 Cal.Rptr.3d at 180.

7 Looking at the entire record, the Court does not seriously doubt that the grand jury would
8 still have found probable cause to indict Defendant even if they had been informed of the People's
9 knowledge of Victim's written statement and its contents. It is true that such disclosure would
10 negatively affect Victim's credibility. However, the grand jurors were still presented with evidence
11 that an additional witness reported hearing and watching Defendant choke the Victim. Furthermore,
12 the People's disclosure of this knowledge would necessitate disclosure that: (i) Victim withdrew the
13 statement and communicated an intent not to pursue it, and (ii) the statement was made out of
14 Victim's concern for her own housing stability. These circumstances suggests that an informed
15 grand jury would still have found probable cause to indict and eliminates any reasonable probability
16 that their decision to indict would have changed.

17 **CONCLUSION**

18 For the reasons stated above, the Court **DENIES** Defendant's Motion. The People were not
19 required to present Victim's written statement to the grand jury because they were not in possession
20 of the statement during the grand jury proceedings. Furthermore, the People were not required to
21 disclose their knowledge of the statement or its contents because such knowledge is not exculpatory
22 evidence that negates Defendant's guilt. Even if the knowledge was exculpatory, the People's
23 failure to disclose it to the grand jury does not warrant dismissal of the indictment because it did not
24 substantially prejudice Defendant.

25
26 IT IS SO ORDERED this July 27, 2026



27
28 **HONORABLE ALBERTO C. LAMORENA, III**
Presiding Judge, Superior Court of Guam

Decision and Order Denying Defendant's Motion to Reconsider Re: Motion to Dismiss
CF0199-25, *People of Guam v. Robert Benjamin Willis*

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