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SUPERIOR COURT OF GUAM

1
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4 Attorney General of Guam
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8 **IN THE SUPERIOR COURT OF GUAM**
9 **HAGÁTÑA, GUAM**

CF 0207-11

10	PEOPLE OF GUAM,)	Criminal Case No. CF _____
		)	GPD Report No. 11-11297
11)	
12	vs.	)	Charges:
)	
13		) 1)	POSSESSION OF A FIREARM
14	MARCOS GABRIEL MARTINEZ,	)	WITHOUT A IDENTIFICATION
15	DOB: 07/23/1987	)	CARD
	Defendant.	)	(As a 3 rd Degree Felony)
16		) 2)	ASSAULT
		)	(As a Misdemeanor)
17)	
		) 3)	PERMITTING A PERSON WITHOUT
18	VICTOR HUGO MARTINEZ-IBARRA,	)	AN IDENTIFICATION CARD TO
19	DOB: 07/18/1986	)	USE HIS FIREARM
	Defendant.	)	(As a 3 rd Degree Felony)
20		) 4)	TERRORIZING
		)	(As a 3 rd Degree Felony)
21		) 5)	AGGRAVATED ASSAULT
22		)	(As a 3 rd Degree Felony)

23 **MAGISTRATE'S COMPLAINT**

24
25 The Attorney General of Guam hereby accuses **MARCOS GABRIEL MARTINEZ** and
26 **VICTOR HUGO MARTINEZ-IBARRA** of certain crimes committed as follows:
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FIRST CHARGE

On or about the 14th day of April, 2011, in Guam, **MARCOS GABRIEL MARTINEZ** did commit the offense of *Possession of a Firearm without an Identification Card*, in that he knowingly used, carried, and possessed a firearm, specifically, a *Glock 45*, at a time when he had not obtained an identification card, in violation of 10 GCA §§ 60106 and 60121(e).

SECOND CHARGE

On or about the 14th day of April, 2011, in Guam, **MARCOS GABRIEL MARTINEZ** did commit the offense of *Assault*, in that he did attempt to cause bodily injury to another, that is, *Joshua James Pangelinan Cruz*, in violation of 9 GCA §§ 19.30(a)(1) and (e).

THIRD CHARGE

On or about the 14th day of April, 2011, in Guam, **VICTOR HUGO MARTINEZ-IBARRA** did commit the offense of *Permitting a Person without an Identification Card to Use His Firearm*, in that he did transfer, loan, give or permit the use of a firearm, that is, a *Glock 45*, to **Marcos Gabriel Martinez**, who at the time when had not obtained an identification card, in violation of 10 GCA §§ 60114(b) and 60121(f).

FOURTH CHARGE

On or about the 14th day of April, 2011, in Guam, **VICTOR HUGO MARTINEZ-IBARRA** did commit the offense of *Terrorizing*, in that he did knowingly communicate a threat to another person, *Joshua James Pangelinan Cruz*, to commit a crime of violence dangerous to human life against *Joshua James Pangelinan Cruz*, the natural and probable consequence of such threat being to place *Joshua James Pangelinan Cruz*, in reasonable fear that the crime would be committed, in violation of 9 GCA §§ 19.60(a) and (b).

FIFTH CHARGE

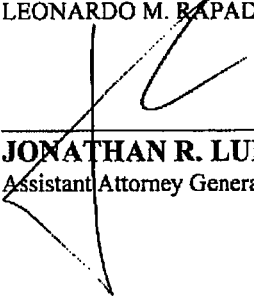
On or about the 14th day of April, 2011, in Guam, **VICTOR HUGO MARTINEZ-IBARRA** did commit the offense of *Aggravated Assault*, in that he did attempt to cause bodily injury to

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another, that is, *Joshua James Pangelinan Cruz*, with a deadly weapon, that is, a *Glock 45*, in violation of 9 GCA §§ 19.20(a)(3), (b), and 80.30.

Dated this day, Saturday, April 16, 2011.

OFFICE OF THE ATTORNEY GENERAL
LEONARDO M. BAPADAS, Attorney General of Guam



JONATHAN R. LUKE
Assistant Attorney General, Prosecution Division

IN THE SUPERIOR COURT OF GUAM
DECLARATION

COMES NOW Jonathan R. Luke, a duly appointed Assistant Attorney General, who avers upon information and belief that the following is true. I have reviewed GPD Report Number 11-11297 submitted by officers of the Guam Police Department. The report revealed that the following events occurred on Guam:

On or about the 14th day of April, 2011 at or around 9:10 a.m., Joshua James Pangelinan Cruz met with police officers in regard to an incident that occurred on April 10, 2011. Cruz had been arrested for the incident in PR 11-10781 and charged in CF195-11. Cruz explained to officers that the incident started when he sent a text message to his girlfriend Derin Joy Santos. Cruz said Derin Santos did not reply but Derin's brother-in-law **VICTOR HUGO MARTINEZ-IBARRA** did. Cruz said the messages were vulgar and threatening. The messages were recorded and retrieved by the police. One from **VICTOR** stated the following: "Ya test us mother fucker! I'm right here bitch! You wanna talk shit?! Don't ever turn my family on me... I'll kill you motherfucker.!" Cruz said then he warned his friend that he was going to go beat someone up and if he didn't return, for the friend to come find him at Royal Gardens.

Cruz proceeded to **VICTOR**'s location (Royal Garden Condominiums) where he found Derin Santos, **WILLIAM STINNETT**, **VICTOR**, **KENNETH RICK DAVO-ROBERTS**, and **MARCOS GABRIEL MARTINEZ**. Cruz apparently exited his vehicle when **VICTOR**, **KENNETH**, and **MARCOS** ran at him. Cruz said he retreated to his vehicle - when the group rushed at him - to grab an aluminum baseball bat. Cruz said he brandished the bat and admitted to using it twice to hit **VICTOR**. Cruz said **VICTOR** took the bat away and struck him causing him to fall. Cruz said once he fell, **VICTOR**, **KENNETH**, **MARCOS**, and **WILLIAM** all punched and kicked him while he was on the ground. Cruz said the beating stopped and he was made to stand up at which point he tried to run away. Cruz said the four assailants apprehended him and beat him up some more. Cruz said the assault did not stop until a G4S security guard approached and police sirens could be heard. Cruz said he ran and was later summoned to the Tumon precinct where he was arrested in PR 11-10781. Officer Barry Flores noted that Cruz sustained the following injuries: abrasions to the knees and elbows, bruising of the scalp, bruising of the left rib cage, a laceration over the left eye, swelling and bruising to both eyes, and an abrasion on the top of the left shoulder.

A firearm (Glock 45) was found at the scene. **VICTOR** admitted to being the owner of the gun and said he has a proper identification card for it. He said he had kept it in his trunk to go to the firing range the next day with **MARCOS**. He did not know the gun had been taken from his trunk until the police arrived.

MARCOS stated that he had grabbed the firearm (a pistol) from the trunk of **VICTOR**'s car when the fight started. He felt it might be necessary for the safety of his friends and he wanted to scare Cruz to "de-escalate the situation". **MARCOS** said he approached the fight and then felt the gun was no longer necessary so he put it down to the side. He said Cruz, **WILLIAM**, and **KENNETH** were all wrestling. He said he saw **VICTOR** holding the bat at that point. He said he threw four punches all which landed on Cruz's face. **MARCOS** said he saw **WILLIAM** attacking Cruz after that. He claims Cruz never fell to the ground.

Witness Edward Perez stated he was the one who found the firearm; he said he cleared the firearm (to make it safe), retrieved it, and called the police. He said there was one round in the chamber and two in the magazine.

Based on the foregoing, there is probable cause to charge **MARCOS GABRIEL MARTINEZ** with **POSSESSION OF A FIREARM WITHOUT AN IDENTIFICATION CARD (as a third-degree felony)** in violation of 10 G.C.A. § 60106, 60114(a), and 60121(e) and **ASSAULT (as a misdemeanor)** in violation of 9 G.C.A. § 19.30(a)(1).

Based on the foregoing, there is probable cause to charge **VICTOR HUGO MARTINEZ-IBARRA** with **PERMITTING A PERSON WITHOUT AN IDENTIFICATION CARD TO USE HIS FIREARM (as a third-degree felony)** in violation of 10 G.C.A. § 601114(b) and 60121(f); **TERRORIZING (as a third-degree felony)** in violation of 9 G.C.A. § 19.60; and **AGGRAVATED ASSAULT (as a third-degree felony)** in violation of 9 G.C.A. § 19.20(a)(3).

I declare under penalty of perjury that the foregoing is true and correct. Executed this 16th day of April, 2011.



JONATHAN R. LUKE



FILE

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SUPERIOR COURT GUAM

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IN THE SUPERIOR COURT OF GUAM
HAGÁTÑA, GUAM

CM 0491-11

10	PEOPLE OF GUAM,)	Criminal Case No. CM _____
		)	GPD Report No. 11-11297
11)	
12	vs.	)	Charges:
)	
13	KENNETH RICK DAVO-ROBERTS,	) 1)	ASSAULT
	DOB: 05/12/1991	)	(As a Misdemeanor)
14		) 2)	DISORDERLY CONDUCT
	Defendant.	)	(As a Petty Misdemeanor)
15)	
16)	
17	WILLIAM E. STINNETT, III,	) 3)	ASSAULT
	DOB: 12/17/1985	)	(As a Misdemeanor)
18		) 2)	DISORDERLY CONDUCT
	Defendant.	)	(As a Petty Misdemeanor)
19)	

MAGISTRATE'S COMPLAINT

The Attorney General of Guam hereby accuses of **KENNETH RICK DAVO-ROBERTS** and **WILLIAM E. STINNETT, III**, certain crimes committed as follows:

FIRST CHARGE

On or about the 14th day of April, 2011, in Guam, of **KENNETH RICK DAVO-ROBERTS** did commit the offense of *Assault*, in that he did attempt to cause bodily injury to another, that is, **Joshua James Pangelinan Cruz**, in violation of 9 GCA §§ 19.30(a)(1) and (e).

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SECOND CHARGE

On or about the 14th day of April, 2011, in Guam, of **KENNETH RICK DAVO-ROBERTS** did commit the offense of *Disorderly Conduct*, in that he recklessly created a risk of public inconvenience, annoyance and alarm by engaging in fighting, threatening or violent and tumultuous behavior, in violation of 9 GCA §§ 61.15(a)(1), (b), and (c),

THIRD CHARGE

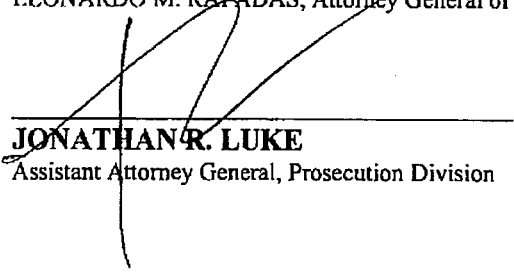
On or about the 14th day of April, 2011, in Guam, of **WILLIAM E. STINNETT, III**, did commit the offense of *Assault*, in that he did attempt to cause bodily injury to another, that is, *Joshua James Pangelinan Cruz*, in violation of 9 GCA §§ 19.30(a)(1) and (e).

FOURTH CHARGE

On or about the 14th day of April, 2011, in Guam, of **WILLIAM E. STINNETT, III**, did commit the offense of *Disorderly Conduct*, in that he recklessly created a risk of public inconvenience, annoyance and alarm by engaging in fighting, threatening or violent and tumultuous behavior, in violation of 9 GCA §§ 61.15(a)(1), (b), and (c),

Dated this day, Saturday, April 16, 2011.

OFFICE OF THE ATTORNEY GENERAL
LEONARDO M. RAPADAS, Attorney General of Guam


JONATHAN R. LUKE
Assistant Attorney General, Prosecution Division

NO PRIORS

IN THE SUPERIOR COURT OF GUAM
DECLARATION

COMES NOW Jonathan R. Luke, a duly appointed Assistant Attorney General, who avers upon information and belief that the following is true. I have reviewed GPD Report Number 11-11297 submitted by officers of the Guam Police Department. The report revealed that the following events occurred on Guam:

On or about the 14th day of April, 2011 at or around 9:10 a.m., Joshua James Pangelinan Cruz met with police officers in regard to an incident that occurred on April 10, 2011. Cruz had been arrested for the incident in PR 11-10781 and charged in CF195-11. Cruz explained to officers that the incident started when he sent a text message to his girlfriend Derin Joy Santos. Cruz said Derin Santos did not reply but Derin's brother-in-law VICTOR HUGO MARTINEZ-IBARRA did. Cruz said the messages were vulgar and threatening. Cruz said then he warned his friend that he was going to go beat someone up and if he didn't return, for the friend to come find him at Royal Gardens.

Cruz proceeded to VICTOR's location (Royal Garden Condominiums) where he found Derin Santos, **WILLIAM STINNETT**, VICTOR, **KENNETH RICK DAVO-ROBERTS**, and **MARCOS GABRIEL MARTINEZ**. Cruz apparently exited his vehicle when VICTOR, **KENNETH**, and **MARCOS** ran at him. Cruz said he retreated to his vehicle - when the group rushed at him - to grab an aluminum baseball bat. Cruz said he brandished the bat and admitted to using it twice to hit VICTOR. Cruz said VICTOR took the bat away and struck him causing him to fall. Cruz said once he fell, VICTOR, **KENNETH**, **MARCOS**, and **WILLIAM** all punched and kicked him while he was on the ground. Cruz said the beating stopped and he was made to stand up at which point he tried to run away. Cruz said the four assailants apprehended him and beat him up some more. Cruz said the assault did not stop until a G4S security guard approached and police sirens could be heard. Cruz said he ran and was later summoned to the Tumon precinct where he was arrested in PR 11-10781. Officer Barry Flores noted that Cruz sustained the following injuries: abrasions to the knees and elbows, bruising of the scalp, bruising of the left rib cage, a laceration over the left eye, swelling and bruising to both eyes, and an abrasion on the top of the left shoulder.

KENNETH said Cruz had approached them with a bat. He said they retreated. He said once VICTOR was hit, he launched at Cruz and grabbed at Cruz's mid-part. However, he said he did not recall if he participated in the actual beating of Cruz.

MARCOS said Cruz, **WILLIAM**, and **KENNETH** were all wrestling. He said he saw **VICTOR** holding the bat at that point. He said he threw four punches all which landed on Cruz's face. **MARCOS** said he saw **WILLIAM** attacking Cruz after that. He claims Cruz never fell to the ground.

Based on the foregoing, there is probable cause to charge **KENNETH RICK DAVO-ROBERTS** with **ASSAULT (as a misdemeanor)** in violation of 9 G.C.A. § 19.30(a)(1) and **DISORDERLY CONDUCT (as a petty misdemeanor)** in violation of 9 G.C.A. § 61.15(a)(1).

Based on the foregoing, there is probable cause to charge **WILLIAM STINNETT** with **ASSAULT (as a misdemeanor)** in violation of 9 G.C.A. § 19.30(a)(1) and **DISORDERLY CONDUCT (as a petty misdemeanor)** in violation of 9 G.C.A. § 61.15(a)(1).

I declare under penalty of perjury that the foregoing is true and correct. Executed this 16th day of April, 2011.



JONATHAN R. LUKE
Assistant Attorney General