

1 **IN THE SUPERIOR COURT OF GUAM**

2 THE PEOPLE OF GUAM,

CRIMINAL CASE NO.

3 v.

5 Defendant.

4 **STIPULATION AND ORDER**  
5 **FOR DIVERSION**

6 **DEFENDANT**, represented by **Counsel**, and the People, represented by the Office of the  
7 Attorney General Prosecution Division, hereby stipulate and agree, as follows:

8 1. Defendant consents to diversion of the above-captioned criminal case, pursuant to 9 GCA  
9 §§ 30.80 and 30.80.1, for a period of **ONE YEAR**, which may, subject to the Court’s discretion,  
10 be extended to no more than three (3) years for a misdemeanor and no more than five (5) years  
11 for a felony. Defendant expressly waives his right to speedy trial pursuant to 8 GCA §80.60 and  
12 the 6<sup>th</sup> Amendment.

13 2. The following marked conditions shall also apply to the Defendant during the diversion  
14 period:

15  Defendant shall **NOT CONTACT** the victim(s) either in person, through a third-party,  
16 by telephone, letter, or any other form of communication. Defendant shall not come within five  
17 hundred (500) feet of the victim(s), where the victim(s) is living, school, day care, place of  
18 employment, or any other specified place. Defendant shall not attend any function and/or  
19 establishment, including family and/or social functions, if the Defendant knows or becomes  
20 aware that the victim(s) will be present. Upon becoming aware of the victim(s) presence, or  
21 planned presence, the Defendant shall immediately leave the function or establishment.

22  Defendant shall not possess or consume any illegal drugs or alcohol beverages nor enter  
23 into any alcohol establishments whose primary business is the sale alcohol; and shall submit to  
24 random testing or search as required by Pre-Trial Probation Division

25  Defendant shall report to the Department of Mental Health & Substance Abuse for intake  
26 and assessment for drug and alcohol treatment and attend all required treatment.

27  Other Conditions: \_\_\_\_\_

28 3. Defendant shall not threaten, physically strike, or injure the victim(s). Defendant shall  
refrain from threatening to commit or committing acts of family violence against, or from  
harassing, or molesting the victim(s), a family or household member, or any person named in the  
court order.

1 4. Defendant shall report to Probation, and to Client Services & Family Counseling  
2 Division ('CSFC') for intake and assessment and comply with all treatment recommendations  
3 and requirements including paying fees and costs. These amounts may be converted to  
4 community service work as appropriate. If treatment requires, the defendant shall go to DMHSA  
5 and comply with all treatment recommendations. Defendant agrees to attend all Court hearings,  
6 report to Probation as required, and attend all treatment sessions and classes.

7 5. The Defendant agrees to abide by all policies, rules or regulations of CSFC, or any other  
8 treatment agency or provider. Failure to abide by said policies, rules or regulations may result in  
9 criminal proceedings being re-instituted against the Defendant pursuant to 9 GCA §30.80.2, or  
10 the Defendant may be found in contempt of Court pursuant to 7 GCA §34101, based on  
11 Defendant's failure to perform satisfactory in assigned programs, not benefitting from education  
12 and treatment programs, or being convicted of any offense involving violence.

13 6. Defendant shall surrender any and all firearms, firearm IDs, and firearm permits in the  
14 Defendant's control and/or possession to Probation until disposition of this case, and shall not  
15 live in any residence where firearms are present. **It is a violation of federal law under 18 USC**  
16 **§922 for any person subject to an order for protection or convicted of a misdemeanor**  
17 **crime of domestic violence to ship, transport, possess, or receive firearms or ammunition.**

18 7. Pursuant to 9 GCA §30.80.1(b) any bail bond or undertaking on file by or on behalf of  
19 the Defendant in this case shall be exonerated upon being diverted.

20 8. Upon completion of all requirements under diversion, this case and the arrest connected  
21 herewith shall be dismissed and expunged from public record.

22 9. **DEFENDANT IS ORDERED to appear for hearing on:** \_\_\_\_\_.

23 \_\_\_\_\_  
24 **Defendant**  
25 Dated: \_\_\_\_\_

23 \_\_\_\_\_  
24 **Assistant Attorney General**  
25 Dated: \_\_\_\_\_

26 \_\_\_\_\_  
27 **Defense Counsel**  
28 Dated: \_\_\_\_\_

**SO ORDERED:**

\_\_\_\_\_  
**HON. MICHAEL J. BORDALLO**  
**Judge, Superior Court of Guam**