

2025 JAN -9 PM 2: 07

IN THE SUPERIOR COURT OF GUAM SUPERIOR COURT
OF GUAM

THE PEOPLE OF GUAM,

v.

TOMMY PETER
(aka TOMMY FASI)
(aka BATNI FASI)
(aka BALTI FASI)
(aka BAT FASY)
(aka BATLY FASI)
(aka PATSY FASI)
(aka PATNI FASI)
(aka BENTY PATCHES)
(aka PLENTY PATCHES)
(aka BENTY)
(aka JOHN DOE)
(aka TEKESON WILLIAM)
(aka TOMMY WILLIAM)

DOB: 05/10/1976 or 05/09/1979 or 05/19/1979

Defendant.

Criminal Case No. CF0042-21
GPD Report No. 20-31823
Criminal Case No. CF0048-18
GPD Report No. 18-02431

DECISION AND ORDER
GRANTING
THE PEOPLE'S MOTION
TO REVOKE PROBATION

INTRODUCTION

This matter came before the Honorable Alberto C. Lamorena, III on December 31, 2024 for a Revocation Hearing in the above-captioned matter related to Tommy Peter's (aka Tommy Fasi) (aka Batni Fasi) (aka Balti Fasi) (aka Bat Fasy) (aka Batly Fasi) (aka Patsy Fasi) (aka Patni Fasi) (aka Benty Patches) (aka Plenty Patches) (aka Benty) (aka John Doe) (aka Tekeson William) (aka Tommy William) ("Defendant") failure to abide by his probationary terms. Defendant was represented by Assistant Public Defender John Morrison. The People of Guam were represented by Assistant Attorney General William Stamps. Having duly considered the Parties' briefs, oral

1 arguments, and the applicable law, the Court now issues the following Decision and Order Granting
2 the People's Motion to Revoke Probation.

3
4 **BACKGROUND**

5 On August 26, 2021, Defendant entered a plea of guilty to Aggravated Assault (as a 3rd
6 Degree Felony) in CF0042-21 and Assault (as a Misdemeanor) in CF0048-18. See Judgment of
7 Conviction (Sep. 24, 2021). A judgment was entered imposing the following relevant conditions
8 of probation:

- 9 • **MANDATORY REPORTING:** Defendant shall report to the Adult Probation
10 Office once a month in person, or as ordered by the Court or the Probation Office.
- 11 • **COUNSELING/TREATMENT:** Defendant shall report to Client Services and
12 Family Counseling (CSFC) with the Superior Court of Guam for intake and
13 assessment and comply with all treatment recommendations and requirements
14 including paying all related treatment and Court costs. If treatment requires
15 attendance at Guam Behavioral Health and Wellness Center (GBHWC) programs,
16 Defendant shall go to GBHWC for assessment.
- 17 • **RESTITUTION:** Defendant shall pay restitution in the amount of **two thousand**
18 **dollars (\$2,000.00)** to Mylene Sandoval (in CM0224-13). Defendant's obligation
19 shall survive beyond the expiration of any probation term.
- 20 • **FINE:** Defendant shall pay a **fine of one thousand dollars (\$1,000.00)** plus court
21 costs of eighty dollars (\$80.00). All or part of the fine imposed maybe converted
22 to community service at the current prevailing minimum wage.
- 23 • **COMMUNITY SERVICE:** Defendant shall complete **one hundred fifty (150)**
24 **hours of community service** under the direction of the Adult Probation Office. All
25 or part of the community service imposed may be converted into a fine at the
26 current prevailing minimum wage.
- 27 • **LAWS:** Defendant shall obey all federal and local laws of Guam.
- 28

- 1 • **COURT ORDERS:** Defendant shall comply with any court orders entered against
2 Defendant, including orders of family court or any other local or federal court of
3 competent jurisdiction.

4 Id.

5 On December 21, 2021, a Violation Report was filed indicating that Defendant had violated
6 several terms of his probation. See First Violation Report (Dec. 21, 2021). The Court was informed
7 that Defendant hadn't reported to the Adult Probation Office in nearly two months, and had not
8 reported to either CSFC or GBHWC for his initial intake and drug/alcohol assessments. Id. The Court
9 was also informed that Defendant had made no progress on paying off his restitution, court costs, or
10 fines, and had not performed any of his community service hours. Id.

11 On March 30, 2022, another Violation Report was filed. The Court was informed that
12 Defendant had been arrested and charged with Assault (as a Misdemeanor) in CM0090-22. See
13 Second Violation Report (Mar. 30, 2022).

14 On October 2, 2023, another Violation Report was filed. The Court was informed that
15 Defendant hadn't been attending CSFC's treatment recommendations, and hadn't reported to
16 GBHWC for his initial intake and assessment. See Third Violation Report (Oct. 2, 2023). The Court
17 was also informed that Defendant hadn't reported to the Adult Probation Office in several months.
18 Id. It was also made known that Defendant hadn't begun paying off any of his restitution claims or
19 working off his community service hours, and was also behind on paying off his fines and court costs.

20 Id.

21 On November 14, 2023, the People filed their Motion to Revoke Defendant's Probation and
22 Impose Jail Sentence ("Motion"). The People base their request on Defendant's non-compliance with
23 numerous probation conditions. See Motion (Nov. 14, 2023). Opposing the Motion, Defendant
24 claims he retains the ability to complete the terms of his probation if given another chance. See
25 Opposition to Motion (Nov. 28, 2023).

26 This matter was set for Further Proceedings on December 28, 2023, and Defendant was
27 summonsed to appear in person. See Summons (Oct. 11, 2023). However, Defendant failed to appear
28

1 on that date and a bench warrant was issued for his arrest. See Minute Entry (Dec. 28, 2023); Bench
2 Warrant (Dec. 29, 2023).

3 On December 31, 2024, the Court held a Revocation Hearing and subsequently took the
4 matter under advisement. See Minute Entry (Nov. 8, 2024).

5 DISCUSSION

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

7
8 The relevant statute, in its entirety, states as follows:

9 [T]he court, if satisfied that the offender has inexcusably failed to comply with a
10 substantial requirement imposed as a condition of the order may revoke the
11 suspension or probation and sentence or re-sentence the offender. Violation of a
12 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.

13 See 9 G.C.A. § 80.66(a)(2) (1980).

14 The process for revoking an offender’s probation has been further explained by the Guam
15 Supreme Court as follows:

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

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

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

3 It remains undisputed that Defendant violated his probation conditions and that there is
4 probable cause to support the violations. Defendant has consistently failed to report to the Adult
5 Probation Office, and has made zero progress on paying off his restitution or working off his
6 community service hours. Furthermore, Defendant is not attending his counseling / treatment
7 sessions as required, and hasn’t even appeared for his initial intake / assessment at GBHWC.
8 Defendant has also directly violated this Court’s orders, having failed to appear at hearings at which
9 he was summonsed to.

10
11 Having found that Defendant was in violation of his probation requirements, the next
12 question the Court must resolve is whether “revocation under all the circumstances . . . will best
13 satisfy the ends of justice and the best interests of the public.” See 9 G.C.A. § 80.66(a)(2).

14
15 Based on a review of the record, Defendant has exhausted the trust of the Court by violating
16 numerous probationary conditions. Defendant repeatedly violated the same probationary
17 conditions over and over again, failing to report to the Adult Probation Office and failing to comply
18 with his counseling and treatment sessions at CSFC and GBHWC. The fact that Defendant has
19 made zero progress on completing his restitution or community service obligations shows that
20 Defendant never intended on completing these conditions to begin with. Defendant’s demonstrated
21 history of noncompliance with conditions and orders imposed by the Adult Probation Office is
22 compounded by his noncompliance with orders imposed by this Court.

23
24 Were probation continued, it appears unlikely that any significant progress would be made
25 in positively altering Defendant’s behavior and ensuring compliance with the Court’s orders.
26 Therefore, the Court finds that revocation is in the public’s best interest and satisfies the ends of
27 justice. See 9 GCA § 80.66(a)(2).

1 **CONCLUSION**

2 For the reasons stated above, the Court hereby **REVOKES** the Defendant's probation in the
3 above-captioned matters. Defendant is hereby **SENTENCED** to **three (3) years incarceration** at
4 the Department of Corrections, Mangilao with credit for time served. After the completion of the
5 Defendant's sentence the Court shall close the above-captioned cases.
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7 **IT IS SO ORDERED** this Jan. 9, 2025



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9
10 **HONORABLE ALBERTO C. LAMORENA III**
11 **Presiding Judge, Superior Court of Guam**
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22 **SERVICE VIA EMAIL**

23 I acknowledge that an electronic
copy of the original was e-mailed to:

24 AG, POSC

25 Date: 1/9/25 Time: 2:13p

26 Antonio Cruz
Deputy Clerk, Superior Court of Guam