


FILED
SUPERIOR COURT
OF GUAM

2021 OCT -8 AM 9: 06

CLERK OF COURT

IN THE SUPERIOR COURT OF GUAM

By: 

Criminal Case No. CM0262-21

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3
4 THE PEOPLE OF GUAM,)

5)
6 v.)

7 JN ANTONIO,
8 aka Jay Abraham)

9 DOB: 10/24/1989 or 10/29/1989 or 10/11/1989)

10 Defendant.)

DECISION & ORDER
(Defendant's Motion to Release)

11
12 This matter came before the Honorable Jonathan R. Quan on August 12, 2021 for a
13 Motion Hearing for JN ANTONIO's ("Defendant's") Motion for Release in the above-
14 captioned matter. Assistant Attorney General Katherine M. Nepton appeared on behalf of the
15 People of Guam. Assistant Public Defender Theresa G. Rojas represented Defendant. At the
16 hearing, the Court determined that release on Defendant's own recognizance was not proper and
17 ordered that Defendant remain confined pending the posting of ONE THOUSAND (\$1,000)
18 DOLLARS cash bail. The Court **DENIES** Defendant's Motion for Release.

19 Under Guam law, there is a presumption that a defendant charged with an offense will
20 be released pending trial. 8 GCA § 40.10. In all instances, the "[Court] shall order the person
21 charged to be released on recognizance, unless the [Court] determines, in [its] discretion, on the
22 basis of available information, that such a release will not reasonably assure the appearance of
23 the person as required or will endanger the safety of any other person or the community." 8
24 GCA § 40.15(b). In determining whether there is a substantial risk of nonappearance or if a
25 defendant will endanger the safety of individuals in the community, the Court "shall consider
26 the following factors:

- 27 (1) the nature of the offense charged, the apparent possibility of conviction
and the likely sentence;
28 (2) the history and characteristics of the person charged . . .

- 1 (3) the nature and seriousness of the danger the person would pose to the
community or to any individual member thereof if released; [and]
2 (4) any other factors which bear on the risk of willful failure to appear or the
danger the person would impose to the community or to any individual
3 member thereof if released.”

4
5 8 GCA § 40.15(c). If release on personal recognizance will not reasonably assure Defendant’s
6 appearance as required, or will endanger the safety of any individuals in the community, the
7 Court shall impose the least onerous conditions of release. 8 GCA § 40.20.

8 After reviewing all available information, the Court finds that Pre-trial Confinement is
9 the least onerous condition imposable for the following reasons.

10
11 **THE DEFENDANT IS A FLIGHT RISK**

12 Unemployment. Defendant appears to be unemployed. The Court considers this an
13 indication that Defendant is a flight risk.

14 No Significant Assets or Liabilities. Defendant appears to have no significant financial
15 assets or liabilities. The Court considers this an indication that Defendant is a flight risk.

16 **THE DEFENDANT MAY NOT COMPLY WITH COURT ORDERS**

17 Prior Convictions. Defendant has six (6) prior convictions in the state of Missouri.
18 Defendant was convicted of Domestic Assault as a Misdemeanor (Nov. 29, 2017), Domestic
19 Assault as a Misdemeanor (Sept. 7, 2016), Stealing (Jan. 4, 2019), Unlawful Possession of Drug
20 Paraphernalia as a Misdemeanor (Apr. 19, 2019), Burglary as a Second Degree Felony (Sept. 26,
21 2019), and Receiving Stolen Property (Sept. 20, 2019). Given the number of convictions and
22 their close temporal proximity to each other and the current matter, the Court is concerned
23 Defendant is unlikely to comply with the Court’s pretrial release orders.
24

25 Warrant of Arrest. At the time of his Magistrate’s Hearing, Defendant had an active
26 warrant of arrest. The warrant was issued by the Honorable Alberto C. Lamorena III on August
27 20, 2008, because Defendant failed to make a required court appearance in CM0087-08. The
28

1 Court is therefore concerned that Defendant may similarly fail to make required court
2 appearances in the instant case.

3 ORAS Score. Defendant's ORAS (Ohio Risk Assessment System) score is
4 MODERATE. Thus, according to Guam's Pre-trial Release risk forecasting system, Defendant
5 poses a medium risk of failing to re-appear in court while on Pre-trial Release.
6

7 **CONCLUSION**

8 For the reasons stated above, the Court hereby **ORDERS** that the Defendant remained
9 confined to the Department of Corrections during the pendency of trial in this matter and that
10 Defendant's Motion to Release be **DENIED**.

11
12 **IT IS SO ORDERED** on this 6th day of October 2021 *nunc pro tunc* to August 12,
13 2021.

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15 
16 HONORABLE JONATHAN R. QUAN
17 Magistrate Judge, Superior Court of Guam

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23 **SERVICE VIA E-MAIL**

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

24 AG, PDSC

25
26 Date: 10/8/21 Time: 9:12am

27 Antonio J. Cas
Deputy Clerk, Superior Court of Guam