

1 offense of *Theft by Deception (As a Third Degree Felony)* in that he intentionally obtained the
2 property of *Tito Frank Castro*, by creating or reinforcing a false impression or other state of mind,
3 the amount involved exceeding \$500.00 but less than \$1,500.00, in violation of 9 G.C.A. §
4 43.35(a)(1) and § 43.20(b).

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6 **NOTICE:**
7 *Felony Committed on Release*

8 *In the commission of the above offense, the Defendant, ESTANISLAO B.*
9 *MATAGOLAI, aka Estanislao Babauta Matagolai, Jr., aka Joe Babauta,*
10 *aka "EJ", aka Junior, committed the above felony offense while he was on*
11 *release pursuant to Chapter 40, Title 8, Guam Code Annotated, on pending*
12 *felony charges, to wit: Theft by Deception (As a Third Degree Felony), in*
13 *violation of 9 G.C.A. § 43.35(a)(1) and § 43.20(b) with Special Allegation:*
14 *Vulnerable Victim in violation of 9 GCA 80.37.3 (a) and (b) and (c)(1) and*
15 *Theft by Deception (As a Misdemeanor) in violation of 9 G.C.A. 43.20 (c) and*
16 *43.35(a)(1) filed under Superior Court Criminal Case No. CF0017-20, within*
17 *the meaning of 9 GCA § 80.37.1.*

18 **SPECIAL ALLEGATION:**
19 *Vulnerable Victim*

20 *On or about the 11th day of October, 2021, in ESTANISLAO B.*
21 *MATAGOLAI, aka Estanislao Babauta Matagolai, Jr., aka Joe Babauta,*
22 *aka "EJ", aka Junior did knowingly commit a crime of Theft by Deception*
23 *(As a Third Degree Felony) to a vulnerable victim, that is, Tito Frank Castro,*
24 *an elderly person or senior citizen who is fifty-five (55) years old or older at*
25 *the time of the crime committed upon her, under the language of 9 GCA §§*
26 *80.37.3(a), (b) and (c)(1).*

27 **SECOND CHARGE**

28 **Count One**

On or about the 10th day of October, 2021 in Guam, **ESTANISLAO B. MATAGOLAI, aka**
Estanislao Babauta Matagolai, Jr., aka Joe Babauta, aka "EJ", aka Junior did commit the

1 offense of *Theft by Deception (As a Misdemeanor)*, in that he intentionally obtained the property
2 of another by deception, that is, *U.S. currency of \$300.00*, from *Tito Frank Castro*, the amount
3 involved is less than \$500 but more than \$50, in violation of 9 GCA §§ 43.35(a)(1) and 43.20(c),
4 as amended.
5

6 **Count Two**

7 On or about the 09th day of October, 2021 in Guam, **ESTANISLAO B. MATAGOLAI**, *aka*
8 **Estanislao Babauta Matagolai, Jr.**, *aka Joe Babauta*, *aka "EJ"*, *aka Junior* did commit the
9 offense of *Theft by Deception (As a Misdemeanor)*, in that he intentionally obtained the property
10 of another by deception, that is, *U.S. currency of \$450.00*, from *Tito Frank Castro*, the amount
11 involved is less than \$500 but more than \$50, in violation of 9 GCA §§ 43.35(a)(1) and 43.20(c),
12 as amended.
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14
15 Dated this day, Wednesday, October 13, 2021.

16
17 **OFFICE OF THE ATTORNEY GENERAL**
LEEVIN TAITANO CAMACHO, Attorney General

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19 **KATHERINE NEPTON**
Assistant Attorney General, Prosecution Division

20 PRIOR

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IN THE SUPERIOR COURT OF GUAM

DECLARATION

COMES NOW, KATHERINE NEPTON, a duly appointed Assistant Attorney General, and aver, upon information and belief, that the foregoing is true. I have reviewed Guam Police Report No. 21-24974 submitted by GPD Officer Arriola, and others, which sets forth that the following events occurred on Guam.

On or about October 12, 2021, Officer Arriola received information of a walk-in theft complaint. Officer Arriola met with Tito Frank Castro, Victim, who describes that he received three phone calls over three days where the caller identified himself as "Joey" and referred to Victim as "Uncle Tito." Victim reports that he does have a family member named Joey and that he was under the impression that he was talking to his family member. Victim described that "Joey" requested money and that the money would be picked up by Joey's brother-in-law "Tony Alejo."

Victim reports that on October 9th he agreed to give his family member Joey \$450 to help with Joey's daughter's burial expenses. "Tony" arrived at Victim's home and collected the money. Victim reports that on October 10th he agreed to give his family member Joey \$300 to help with Joey feed his family. "Tony" arrived at Victim's home and collected the money. Victim reports that on October 11th he agreed to give Tony, as a family member of his family member Joey, \$650 to help Tony pay his power bill. "Tony" arrived at Victim's home and collected the money.

Victim was able to contact "Tony" and ask him to meet at his residence. "Tony" was identified to be **ESTANISLAO B. MATAGOLAI** (Defendant). Defendant admitted that Victim had given him money. Victim identified Defendant as "Tony Alejo." Victim's date of Birth is January 4, 1941.

Based on the forgoing, there is probable cause to charge **ESTANISLAO^{B.} MATAGOLAI_{han}** with:

- One count of THEFT BY DECEPTION (as a Third-Degree Felony) in violation of Title 9 G.C.A. §43.35(a)(1) and §43.20(b)
 - for events happening on October 11, 2021;
 - NOTICE: Felony Committed on Release in violation of Title 9 G.C.A. §80.37;
 - CF0017-20

- CF0017-20
 - SPECIAL ALLEGATION: Vulnerable Victim in violation of Title 9 G.C.A. §80.37.3 (a) & (b) & (c)(1);
- Two counts of THEFT BY DECEPTION (As a Misdemeanor) in violation of Title 9 G.C.A. §43.35(a)(1) and §43.20(c)
 - for events happening on October 10, 2021;
 - for events happening on October 9, 2021.

I declare under penalty of perjury that the foregoing is true and correct.
Executed this 13th day of October, 2021.



KATHERINE NEPTON