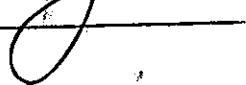




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OF GUAM

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Attorneys for the People of Guam

IN THE SUPERIOR COURT OF GUAM
HAGÁTÑA, GUAM

PEOPLE OF GUAM,	)	Criminal Case No. CF CF 04-90-21
	)	GPD Report No. 21-08268
)	
vs.	)	Charges:
)	
FRANKLIN MARIANO SAN NICOLAS,	) 1)	AGGRAVATED ASSAULT
DOB: 11/05/1989	)	(As a Third Degree Felony)
	) 2)	FAMILY VIOLENCE
Defendant.	)	(As a Third Degree Felony)
	) 3)	FAMILY VIOLENCE
	)	(As a Misdemeanor)
	) 4)	CRIMINAL MISCHIEF
	)	(As a Petty Misdemeanor)
)	

MAGISTRATE'S COMPLAINT

The Attorney General of Guam hereby accuses **FRANKLIN MARIANO SAN NICOLAS** of certain crimes committed as follows:

FIRST CHARGE

On or about the 5th day of April, 2021, in Guam, **FRANKLIN MARIANO SAN NICOLAS** did commit the offense of *Aggravated Assault (As a Third Degree Felony)*, in that he did recklessly

ORIGINAL

1 cause or attempt to cause bodily injury to [REDACTED], with a deadly weapon, *that is: a rock*, in
2 violation of 9 GCA § 19.20(a)(3).

3
4 **SECOND CHARGE**

5 On or about the 5th day of April, 2021, in Guam, FRANKLIN MARIANO SAN NICOLAS
6 did commit the offense of *Family Violence (As a Third Degree Felony)*, in that he did recklessly
7 cause or attempt to cause bodily injury to another family member or household member, *that is:*
8 [REDACTED] in violation of 9 GCA §§ 30.10(a)(1) and 30.20(a).

9
10 **THIRD CHARGE**

11 On or about the 5th day of April, 2021, in Guam, FRANKLIN MARIANO SAN NICOLAS
12 did commit the offense of *Family Violence (As a Misdemeanor)*, in that he did recklessly place a
13 family member or household member, *to wit:* [REDACTED] in reasonable fear of imminent
14 bodily injury, in violation of 9 GCA §§ 30.10(a)(2) and 30.20(a).

15
16 **FOURTH CHARGE**

17 On or about the 5th day of April, 2021, in Guam, FRANKLIN MARIANO SAN NICOLAS
18 did commit the offense of *Criminal Mischief (As a Petty Misdemeanor)*, in that he did intentionally
19 damage the property of another, *to wit:* [REDACTED] in violation of 9 GCA §§ 34.50(c) and
20 34.60(b), as amended.

21
22 Dated this day, Tuesday, October 5, 2021.

23
24 **OFFICE OF THE ATTORNEY GENERAL**
LEEVIN TAITANO CAMACHO, Attorney General of Guam

25
26 

27 **RENAIDA Z. SAN NICOLAS**
Assistant Attorney General, Prosecution Division

IN THE SUPERIOR COURT OF GUAM

DECLARATION

I, RENAIDA Z. SAN NICOLAS, a duly appointed Assistant Attorney General, aver upon information and belief that the following declaration is true. I have reviewed Guam Police Report 21-08268 submitted by Guam Police Officers which revealed the following occurred in Guam:

On or about April 5, 2021, at approximately 1:55p.m., Guam Police Officers responded to a removal complaint at a residence in Barrigada. [REDACTED] ("Victim 1") reported that he wanted his son **FRANKLIN MARIANO SAN NICOLAS** ("Defendant") had threatened him and wanted the Defendant removed from his residence.

Earlier that day, Victim 1 and the Defendant had an argument. The Defendant then became aggressive towards Victim 1 and yelled at him. Victim 1 tried to calm the Defendant down, but the Defendant exited the residence, grabbed a rock, came back into the residence and shouted at Victim 1 that he was going to "Kill Him". Victim 1 stated that he was in fear of his life, ran towards another part of the residence and telling the Defendant to drop the rock and that Victim 1 did not want to fight with him.

[REDACTED] ("Victim 2"), Victim 1's son and the Defendant's brother, then intervened and placed himself between Victim 1 and the Defendant. The Defendant, still holding a rock, then took a downward swing at Victim 2, but that the swing missed Victim 2. Victim 2 was able to push the Defendant outside of the residence. The Defendant then threw a rock into the residence, which struck a chair. This rock was about the size of a baseball. The Defendant was then escorted outside of the residence. The doors were then locked and the Defendant was denied entry. The Defendant yelled and bang at the doors. The Defendant then damaged an old metal screen for the kitchen window, reached inside and "flicked" a lit cigarette towards Victim 1 and yelled "Fuck You, I'm going to Fucken Kill You". The lit cigarette missed Victim 1, but had hit Victim 2's shoulder. The Defendant continued to yell and bang on the door as his parents Victim 1 and Giovana S.N. Cruz told him to leave. The Defendant then left the area.

Victim 1 stated that the Defendant's attitude has worsened over time and added that this was not the first time that the police had to remove the Defendant from Victim 1's residence. Both Victim 1 and Victim 2 stated that he is in fear that the Defendant would return to Victim 1's residence and carry out the threat of killing him.

The officers conducted a scene check and observed what appeared to be debris and smaller pieces from a rock in the living room. Also observed was a damaged frame for the kitchen window.

Victim 1, Victim 2, and the Defendant all reside at the same residence.

The Defendant was located on October 4, 2021. The Defendant admitted to arguing with Victim 1 and admitted to hitting Victim 1 and making threats against Victim 1. The Defendant also admitted to breaking the screen door and throwing a "stick in the house".

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Based on the foregoing, there is probable cause to charge **FRANKLIN MARIANO SAN NICOLAS** with:

1. **AGGRAVATED ASSAULT** (as a Third Degree Felony), in violation of 9 GCA § 19.20(a)(3);
2. **FAMILY VIOLENCE** (as a Third Degree Felony), in violation of 9 G.C.A. § 30.10(a)(1) and 9 G.C.A. § 30.20(a);
3. **FAMILY VIOLENCE** (as a Misdemeanor), in violation of 9 G.C.A. § 30.10(a)(2) and 9 G.C.A. § 30.20(a); and *Petty ass*
4. **CRIMINAL MISCHIEF** (As a Misdemeanor) in violation of 9 GCA §§ 34.50(c) and 34.60(b).
^

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 5th day of October, 2021.



RENAIDA Z. SAN NICOLAS