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SUPERIOR COURT
OF GUAM

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By:

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**IN THE SUPERIOR COURT OF GUAM
HAGÁTÑA, GUAM**

CF 0-4-91-21

PEOPLE OF GUAM,)	S.C. Criminal Case No. CF
)	GPD Report No. 21-18006/17965/17964
)	
vs.)	Charges:
)	
TIMOTHY KENIT SUTA,) 1)	THEFT BY RECEIVING
aka Teemy Kend,)	(As a 2 nd Degree Felony)
DOB: 03/23/2000 or 05/21/1997) 2)	CRIMINAL TRESPASS
)	(As a Misdemeanor)
Defendant.)	

MAGISTRATE'S COMPLAINT

The Attorney General of Guam hereby accuses **TIMOTHY KENIT SUTA** aka Teemy **Kend** of certain crimes committed as follows:

FIRST CHARGE

On or about the 27th day of July, 2021, in Guam, **TIMOTHY KENIT SUTA** aka Teemy **Kend**, did commit the offense of *Theft by Receiving (As a Second Degree Felony)*, in that he did intentionally receive, retain or dispose of the moveable property of *Beauleen or Scott Losongco*, knowing that it was stolen or believing that it had probably been stolen, the amount involved exceeding \$1,500.00, in violation of 9 GCA §§ 43.50(a) and 43.20(a).

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1 **SECOND CHARGE**

2 On or about the 27th day of July, 2021, in Guam, **TIMOTHY KENIT SUTA aka Teemy**
3 **Kend**, did commit the offense of *Criminal Trespass (As a Misdemeanor)*, when, knowing that he
4 was not licensed or privileged to do so, he did enter or surreptitiously remain in the habitable
5 property of *James Gi Foundation*, in violation of 9 GCA § 37.30(a), as amended.
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7
8 Dated this day, Tuesday, October 5, 2021.

9 **OFFICE OF THE ATTORNEY GENERAL**
10 **LEEVIN T. CAMACHO**, Attorney General

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12 **DAVID RIVERA**

Assistant Deputy Attorney General, Prosecution Division

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IN THE SUPERIOR COURT OF GUAM
DECLARATION

I, DAVID RIVERA, a duly appointed Assistant Attorney General, aver upon information and belief that the following declaration is true. I have reviewed Guam Police Department (GPD) Reports # 21-18006, 21-17965, and 21-17964 submitted by Officers K.C. Pangelinan (#729), R.C.S. Nucum (#4130), and C.P. Calvo (#4016), which revealed the following occurred in Guam:

On or about July 27, 2021, at approximately 6:03 a.m., GPD officers investigated a reported burglary at a home in Mongmong, Guam. Officers met with **Beauleen Joseph Losongco** (victim) and her husband **Scott Cruz Losongco** (victim) who reported that upon waking up earlier that morning, they found items within their home and their vehicle, a Toyota Sienna, were missing. They also found that their front and back doors had been unlocked, and suspected entry was made through a kitchen window, which is usually kept unlocked. The Losongcos also had their four (4) minor children within the residence during the burglary. Officers interviewed **L.H.M.L.** (DOB: 02/03/2005, 16 years old) and **E.A.M.L.** (DOB: 01/21/2006, 15 years old) (victims), who both stated they heard noises coming from the living room area in the early morning hours of July 27, but they both were not alarmed because they believed it was their mother Beauleen.

On the same day, at approximately 2:51 p.m., GPD responded to a request for removal of several male individuals from an apartment unit at Maite, Guam, which was owned by the James Gi Foundation Corporation. **Linda Buena** (victim), representative of the James Gi Corporation, met with officers and informed them she had visited the apartment unit the previous day, on July 26, and found three male individuals within the apartment who were not authorized to be on the property. Buena stated she recognized one of these individuals as Peter Risaou Alifios (a separately charged co-defendant in CF0446-21), who had previously applied for employment with the company but was never hired. Buena told officers she instructed Alifios and the other two males to leave as they were not allowed to be on the premises. The following day, Buena returned and found the three still occupying the premises. Buena filed a report and requested removal.

Upon police arrival, Alifios was no longer present. However, his two male companions, identified as **TIMOTHY KENIT SUTA aka TEEMY KEND** (defendant) and **Dave Machuo** (suspect), were within the apartment. Machuo immediately stood up and apologized, indicating he was injured. Officers noted Machuo appeared to have difficulty walking and had an injury on his calf with blood and a white substance leaking from the wound. The defendant was observed rummaging. Defendant ignored officers and placed items into a black pouch.

At this point, officers noticed the various items within the apartment all matched the description of the items stolen from the Losongcos. When officers attempted to arrest Defendant, he ran into the jungle area and escaped. Defendant evaded arrest. Machuo was interviewed and told officers that he had been lying on the bed on July 27, when Alifios and Defendant entered with at least five (5) bags of miscellaneous items. Machuo stated Alifios and Defendant told him they "stole" the items from "around the village." Alifios was not located on that day.

Alifios was located on September 10, 2021. He told officers he used to rent the apartment unit from the James Gi Foundation but was evicted in July 2021 for inability to pay rent. Since then, Alifios admitted he had been staying at the apartment without authorization and allowed

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Defendant and Machuo to stay with him as well. Alifios also insisted he had stolen nothing and if anything in the apartment was stolen, it was defendant who had brought it in.

The following personal items stolen from the Losongcos' home were recovered at the apartment unit where defendant were found: 1 iPhone XR (\$1,100), 1 pink Apple watch with charger (\$600), 1 Ion Bluetooth speaker (\$100), 2 remote control sports truck with controllers (\$100), 1 RED remote control sports car (\$30), 1 vehicle keys metal chain (\$50), 1 house keys with "I love Jesus" metal keychain (\$50), 1 black Volcom school bag containing school supplies (\$45), 1 Think Pad laptop (\$100), 1 ring light on tripod (\$75), 1 iPad mini 4th generation, 32GB with red case (\$250), 1 tote bag with green leaf design (\$5), 1 iPhone 8 (\$180), 2 old iPhone 6, (\$200).

The following stolen items belonging to the Losongcos were also found, but no value has been assigned to them at this time: 1 black NIKE backpack, 1 car lighter plug USB charger, 1 Quantum brand magnetic light, 1 Sharp brand remote control, 1 wireless headphones Crossfade brand, 1 "Drop N'Charge" model #RJQILAMP04, 1 Awel brand power bank, 1 gray Apple watch, 1 Alcatel brand link zone mobile wifi, 1 gold plated earrings, 1 silver Guam pendant on short silver chain, 1 gold plated jewelry box.

The Losongcos also reported approximately \$10 worth of quarters were stolen from their vehicle.

Based on the foregoing, there is probable cause to charge **TIMOTHY KENIT SUTA aka TEEMY KEND** with:

- (1) One (1) count of **THEFT BY RECEIVING** (as a Second Degree Felony), in violation of Title 9 G.C.A. § 43.20(a) and 43.50(a);
- (2) One (1) count of **CRIMINAL TRESPASS** (as a Misdemeanor), in violation of Title 9 G.C.A. § 37.30(a) and (b)(1).

I declare under penalty of perjury that the foregoing is true and correct.
Executed this 5th day of October, 2021.



DAVID RIVERA
Assistant Attorney General

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