



FILED  
SUPERIOR COURT  
OF GUAM

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CLERK OF COURT

By: \_\_\_\_\_

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Attorneys for the People of Guam

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

CF 0515-21

PEOPLE OF GUAM,

S.C. Criminal Case No.: CF  
GPD Police Report No.: 21-25530

vs.

Charges:

**JOAQUIN SAN NICOLAS GUILÉ, JR.,** ) 1)  
*aka JR.,* )  
DOB: 10/04/1994, )

**ATTEMPTED MURDER**

(As a 1<sup>st</sup> Degree Felony)

**SPECIAL ALLEGATION:**

*Deadly Weapon Used*

*in Commission of a Felony*

**SPECIAL ALLEGATION:**

*Vulnerable Victim*

**NOTICE: Felony on Felony Release**

) 2)

**AGGRAVATED ASSAULT**

(As a 2<sup>nd</sup> Degree Felony)

**SPECIAL ALLEGATION:**

*Deadly Weapon Used*

*in Commission of a Felony*

**NOTICE: Felony on Felony Release**

) 3)

**AGGRAVATED ASSAULT**

(As a 3<sup>rd</sup> Degree Felony)

**SPECIAL ALLEGATION:**

*Deadly Weapon Used*

*in Commission of a Felony*

**NOTICE: Felony on Felony Release**

Defendant.

**MAGISTRATE'S COMPLAINT**

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ORIGINAL

1 The Attorney General of Guam hereby accuses **JOAQUIN SAN NICOLAS GUILÉ, JR.,**  
2 *aka JR.* of certain crimes committed as follows:

3 **FIRST CHARGE**

4  
5 On or about the 17<sup>th</sup> day of October, 2021, in Guam, **JOAQUIN SAN NICOLAS GUILÉ,**  
6 **JR., aka JR.** did commit the offense of *Attempted Murder (As a 1<sup>st</sup> Degree Felony)*, in that he  
7 intentionally or knowingly, attempted to cause the death of another human being, that is, *Mariano*  
8 *Scharff (age: 61 yrs old)*, in violation of 9 GCA §§ 16.40(a)(1), (b), 13.10 and 13.60(b).

9 ***SPECIAL ALLEGATION:***

10 ***Deadly Weapon Used in Commission of a Felony***

11 On or about the 17<sup>th</sup> day of October, 2021, in Guam, **JOAQUIN SAN**  
12 **NICOLAS GUILÉ, JR., aka JR.** did knowingly and unlawfully possess or use a  
13 deadly weapon, that is, *a bow and arrow*, in the commission of a felony, that is,  
14 *Attempted Murder (As a First Degree Felony)*, in violation of 9 GCA § 80.37.

15 ***SPECIAL ALLEGATION:***

16 ***Vulnerable Victim***

17  
18 On or about the 17<sup>th</sup> day of October, 2021, in Guam, **JOAQUIN SAN**  
19 **NICOLAS GUILÉ, JR., aka JR.** did knowingly commit a crime of *Attempted*  
20 *Murder (As a 1<sup>st</sup> Degree Felony)* to a vulnerable victim, that is, *Mariano Scharff*  
21 *(age: 61 yrs old)*, an elderly person or senior citizen who is fifty-five (55) years old  
22 or older at the time of the crime committed upon him, under the language of 9 GCA  
23 §§ 80.37.3(a), (c)(1).  
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1 **NOTICE:**  
2 **Felony on Felony Release**

3 In the commission of the above offense, the Defendant, **JOAQUIN SAN**  
4 **NICOLAS GUILÉ, JR., aka JR.**, committed the above offense while he was on  
5 release pursuant to Chapter 40, Title 8, Guam Code Annotated, on pending felony  
6 charges, to wit: **Terrorizing (As a 3<sup>rd</sup> Degree Felony)**, in violation of 9 GCA  
7 §19.60(a) and (b), with **Special Allegation: Possession or Use of a Deadly Weapon**  
8 **in the Commission of a Felony**, in violation of 9 GCA § 80.37 and **Harassment (As**  
9 **a Petty Misdemeanor)**, in violation of 9 GCA §61.20 (a), as amended, filed under  
10 Superior Court Criminal Case No. CF0603-19, within the meaning of 9 GCA §  
11 80.37.1.  
12

13 **SECOND CHARGE**

14 On or about the 17<sup>th</sup> day of October, 2021, in Guam, **JOAQUIN SAN NICOLAS GUILÉ,**  
15 **JR., aka JR.** did commit the offense of **Aggravated Assault (As a 2<sup>nd</sup> Degree Felony)**, in that he did  
16 recklessly cause or attempt to cause serious bodily injury to another, that is, **Mariano Scharff (age:**  
17 **61 yrs old)**, in circumstances manifesting extreme indifference to the value of human life, in  
18 violation of 9 GCA § 19.20(a)(1) and (b).  
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21 **SPECIAL ALLEGATION:**  
22 **Deadly Weapon Used in Commission of a Felony**

23 On or about the 17<sup>th</sup> day of October, 2021, in Guam, **JOAQUIN SAN**  
24 **NICOLAS GUILÉ, JR., aka JR.** did knowingly and unlawfully possess or use a  
25 deadly weapon, that is, **a bow and arrow**, in the commission of a felony, that is,  
26 **Aggravated Assault (As a 2<sup>nd</sup> Degree Felony)**, in violation of 9 GCA § 80.37.  
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**NOTICE:**  
*Felony on Felony Release*

In the commission of the above offense, the Defendant, **JOAQUIN SAN NICOLAS GUILLE, JR., aka JR.** committed the above offense while he was on release pursuant to Chapter 40, Title 8, Guam Code Annotated, on pending felony charges, to wit: *Terrorizing (As a 3<sup>rd</sup> Degree Felony)*, in violation of 9 GCA §19.60(a) and (b), with *Special Allegation: Possession or Use of a Deadly Weapon in the Commission of a Felony*, in violation of 9 GCA § 80.37 and *Harassment (As a Petty Misdemeanor)*, in violation of 9 GCA §61.20 (a), as amended, filed under Superior Court Criminal Case No. **CF0603-19**, within the meaning of 9 GCA § 80.37.1.

**THIRD CHARGE**

On or about the 17<sup>th</sup> day of October, 2021, in Guam, **JOAQUIN SAN NICOLAS GUILLE, JR., aka JR.** did commit the offense of *Aggravated Assault (As a 3<sup>rd</sup> Degree Felony)*, in that he did recklessly cause or attempt to cause serious bodily injury to another, that is: *Mariano Scharff (age: 61 yrs old)*, with a deadly weapon, that is, *a bow and arrow*, in violation of 9 GCA § 19.20(a)(3) and (b).

**SPECIAL ALLEGATION:**

*Deadly Weapon Used in Commission of a Felony*

On or about the 17<sup>th</sup> day of October, 2021, in Guam, **JOAQUIN SAN NICOLAS GUILLE, JR., aka JR.** did knowingly and unlawfully possess or use a deadly weapon, that is, *a bow and arrow*, in the commission of a felony, that is, *Aggravated Assault (As a 3<sup>rd</sup> Degree Felony)*, in violation of 9 GCA § 80.37.

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**NOTICE:**  
*Felony on Felony Release*

In the commission of the above offense, the Defendant, **JOAQUIN SAN NICOLAS GUILE, JR., aka JR.** committed the above offense while he was on release pursuant to Chapter 40, Title 8, Guam Code Annotated, on pending felony charges, to wit: *Terrorizing (As a 3<sup>rd</sup> Degree Felony)*, in violation of 9 GCA §19.60(a) and (b), with *Special Allegation: Possession or Use of a Deadly Weapon in the Commission of a Felony*, in violation of 9 GCA § 80.37 and *Harassment (As a Petty Misdemeanor)*, in violation of 9 GCA §61.20 (a), as amended, filed under Superior Court Criminal Case No. CF0603-19, within the meaning of 9 GCA § 80.37.1.

Dated this day, Monday, October 18, 2021.

**OFFICE OF THE ATTORNEY GENERAL**

**LEEVIN TAITANO CAMACHO, Attorney General**



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**JEREMIAH B. LUTHER**

Assistant Attorney General, Prosecution Division

PRIOR

**IN THE SUPERIOR COURT OF GUAM**  
**DECLARATION**

COMES NOW, Jeremiah B. Luther, a duly appointed Assistant Attorney General, and aver upon information and belief, that the following is true and correct to the best of my knowledge:

I have reviewed Guam Police Report No. 21-25530, submitted by officers of the Guam Police Department ("GPD"), which sets forth the following events occurred on Guam:

On or about October 17, 2021, GPD officers responded to an assault report at a residence in Mangilao. Once on scene, officers found *Mariano Scharff* (age: 61 yrs old) (victim). Mariano was seriously injured and officers observed two injuries to Mariano's back: an open puncture wound and second, separate, wound with an arrow lodged in Mariano's lower back. Mariano identified "JR" as the person who shot him. He told the officer that he (Mariano) pulled one of the arrows out of his back. Mariano was evacuated to U.S. Naval Hospital, Guam by Emergency Medical Technicians. This author has confirmed that Mariano is currently in the Intensive Care Unit at Naval Hospital.

*Gary Guile* (Witness) was interviewed and identified **JOAQUIN SAN NICOLAS JR GUILÉ** (dob: 10/4/1994) (*aka*: JR) (Defendant) as the person who shot Scharff in the back, two times, with a bow and arrow. Gary told officers that JOAQUIN was residing inside a container home on Gary's property and with Gary's permission that morning. Mariano was cutting the grass on Gary's property around 10:00 am. Gary observed JOAQUIN come walk out of his container home and shoot Mariano in the back, twice, with a bow and arrow. Each arrow struck Mariano in the back area. JOAQUIN was approximately 15 to 20 feet away when he shot Mariano. Gary told police that he believed that JOAQUIN had multiple arrows inside his container home.

Guam Police Department spent an hour attempting to contact JOAQUIN, while he remained inside his container home. Eventually, JOAQUIN walked out and he was taken into custody. A search of JOAQUIN's container home revealed: 1 Brown Wooden Bow, 1 Sentinel Black Bow, 13 Easton Game Getter Black Arrows, 5 XX75 Camo Hunter Arrows, 4 Camo Arrows, and 6 Training Clack Arrows. A total of 2 bows and 28 arrows.

JOAQUIN was interviewed and provided a written statement wherein he admitted that he shot an "intruder" who was trespassing on his property. He further claims that after the second shot he realized that the intruder was a relative who: 1) was in disguise, 2) had been stalking him, and 3) had tried to kill him [JOAQUIN] on previous occasions.

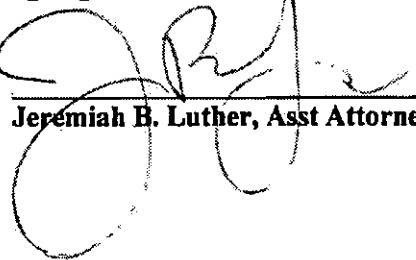
JOAQUIN is currently on pretrial release in CF0603-19 wherein he is charged with 3rd Deg Felony Terrorizing and use of a deadly weapon. He was placed on conditional release by Judge Arthur Barcinas on November 14, 2019. He was placed on House Arrest and ordered to reside in Maina. The location where he was residing is located in the village of Mangilao. He was ordered to not possess or own any firearm or other deadly weapon.

\* \* \*

Based on the foregoing, there is probable cause to charge **JOAQUIN SAN NICOLAS JR GUILÉ**  
(dob: 10/4/1994) (Defendant) with:

- \***Attempted Murder** (1st Deg Felony), in violation of 9 GCA §§ 16.40(a)(1), (b), 13.10, 13.60(b);
  - Special Allegation: Deadly Weapon Used in Commission of a Felony*, pursuant to 9 GCA § 80.37;
  - Special Allegation: Vulnerable Victim*, pursuant to 9 GCA § 80.37.3(a), (c)(1);
  - Notice: Felony on Felony Release*, pursuant to 9 GCA § 80.37.1;
- \***Aggravated Assault** (2nd Deg Felony), in violation of 9 GCA § 19.20(a)(1), (b);
  - Special Allegation: Deadly Weapon Used in Commission of a Felony*, pursuant to 9 GCA § 80.37;
  - Notice: Felony on Felony Release*, pursuant to 9 GCA § 80.37.1;
- \***Aggravated Assault** (3rd Deg Felony), in violation of 9 GCA 19.20(a)(3), (b);
  - Special Allegation: Deadly Weapon Used in Commission of a Felony*, pursuant to 9 GCA § 80.37;
  - Notice: Felony on Felony Release*, pursuant to 9 GCA § 80.37.1;

**I declare under penalty of perjury that the foregoing is true and correct.**  
**Executed this 18th day of October, 2021.**

  
\_\_\_\_\_  
**Jeremiah B. Luther, Asst Attorney General**