



FILED
SUPERIOR COURT
OF GUAM

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By: _____

Office of the Attorney General
Leevin Taitano Camacho
Attorney General
Prosecution Division
590 S. Marine Corps Drive, Ste. 901 (mailing)
Ste. 801 (physical)
Tamuning, Guam 96913 • USA
(671) 475-3324 • (671) 477-3390 (Fax)
www.oagguam.org

Attorneys for the People of Guam

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

PEOPLE OF GUAM,)
)
)
vs.)
)
BERNIE PAUL,)
DOB: 05/25/1985)
)
Defendant.)
)
)

S.C. Criminal Case No.: **CF 0533-21**
GPD Police Report No.: 21-25830

Charges:

- 1) **ASSAULT ON A PEACE OFFICER**
(As a Third Degree Felony)
- 2) **ASSAULT ON A PEACE OFFICER**
(As a Third Degree Felony)
- 3) **DISORDERLY CONDUCT**
(As a Violation)

MAGISTRATE'S COMPLAINT

The Attorney General of Guam hereby accuses **BERNIE PAUL** of certain crimes committed as follows:

FIRST CHARGE

On or about the 20th day of October, 2021, in Guam, **BERNIE PAUL**, did commit the offense of *Assault on a Peace Officer (As a Third Degree Felony)*, in that he did recklessly cause or attempt to cause bodily injury to another, that is, Officer John T. Flores, #717, a peace officer who

1 was performing his official duties as a peace officer, when **BERNIE PAUL** knew or should have
2 known he was a peace officer, a violation of 9 GCA §§ 19.30(a)(1) and (b)(1).

3
4 **SECOND CHARGE**

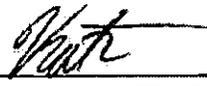
5 On or about the 20th day of October, 2021, in Guam, **BERNIE PAUL**, did commit the
6 offense of *Assault on a Peace Officer (As a Third Degree Felony)*, in that he did recklessly cause
7 or attempt to cause bodily injury to another, that is, Officer Kevin N. Marquez, #4096, a peace
8 officer who was performing his official duties as a peace officer, when **BERNIE PAUL** knew or
9 should have known he was a peace officer, a violation of 9 GCA §§ 19.30(a)(1) and (b)(1).

10
11 **THIRD CHARGE**

12 On or about the 20th day of October, 2021, in Guam, **BERNIE PAUL**, did commit the
13 offense of *Disorderly Conduct (As a Violation)*, when he recklessly created a risk of public
14 inconvenience, annoyance or alarm by making unreasonable noise, an offensively course utterance,
15 gesture or display or addressing abusive language to employees of Guam Auto Spot, Hagatna, a
16 person or persons then present and the defendant intended to cause substantial harm or serious
17 inconvenience or he persisted in the conduct after a reasonable warning and request to desist, in
18 violation of 9 GCA §§ 61.15(a)(2), (b) and (c), as amended.

19
20
21 Dated this day, Thursday, October 21, 2021.

22
23 **OFFICE OF THE ATTORNEY GENERAL**
LEEVIN TAITANO CAMACHO, Attorney General

24 
25 _____
KATHERINE M. NEPTON
26 Assistant Attorney General, Prosecution Division
27
28

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. 21-25830 submitted by GPD Officer Sumagaysay, and others, which sets forth that the following events occurred on Guam.

On or about October 20, 2021, at about 2:45pm, officers received information of a disturbance at Autospot, in East Agana, Guam. Two Autospot employees reported that a man, wearing blue shorts with no shirt, was yelling profanities at workers and seemed to be under the influence of drugs or intoxicating beverages. An Employee further described that the man, later identified to be **BERNIE PAUL** (Defendant), left the property and was met by two officers. The employee described that he could not see clearly but it appeared that the man was fighting the two officers.

On or about October 20, 2021, at about 2:54pm, Officer Gabutin was at an unrelated traffic stop and observed two GPD officers who appeared to be giving verbal commands to a male individual, Defendant, and attempting to put Defendant in handcuffs. Officer Gabutin observed Defendant to turn, pull away from the officers, and go into a fighting stance with closed fists. Officer Gabutin observed Defendant to throw several punches at the officers attempting to hold them. Officer Gabutin rendered assistance as Defendant continued to struggle with GPD officers while yelling and attempting to grab the officer's hands. Defendant was eventually secured in hand restraints.

Officer Sumagaysay reports that Officer Flores was kicked in the leg by Defendant and punched repeatedly on the left side of his head. Officer Sumagaysay reports that Officer Marquez's head hit a cement pillar during the struggle with Defendant. Officer Sumagaysay observed swelling and redness to the left side of Officer Flores's face. Officer Sumagaysay further observed swelling and scratches to the top side of Officer Marquez's head.

Based on the forgoing, there is probable cause to charge **BERNIE PAUL** with:

- One count of Assault Against a Peace Officer (as a Third-Degree Felony) in violation of Title 9 G.C.A. §19.30(a)(1) & (b)(1), against Officer Flores; AND
- One count of Assault Against a Peace Officer (as a Third-Degree Felony) in violation of Title 9 G.C.A. §19.30(a)(1) & (b)(1), against Officer Marquez; AND
- Disorderly Conduct (as a Violation) in violation of Title 9 G.C.A. §61.15(a)(2)

I declare under penalty of perjury that the foregoing is true and correct.
Executed this 21st day of October, 2021.



KATHERINE NEPTON