



FILED
SUPERIOR COURT
OF GUAM

2023 JAN 26 AM 11:40

CLERK OF COURT

BY:

Office of the Attorney General
Douglas B. Moylan
Attorney General of Guam
General Crimes Division,
590 S. Marine Corps. Drive
ITC Bldg., Ste. 801
Tamuning, Guam 96913 . USA
671-475-3406 • 671-475-3390 (fax)
efile@oagguam.org • www.oagguam.org

Prosecutors for the People of Guam

IN THE SUPERIOR COURT OF GUAM

PEOPLE OF GUAM	)	CRIMINAL CASE NO. <u>CF 0060 - 23</u>
	)	GPD Report No. 23-02370
Plaintiff,)	
)	
vs.	)	Charge:
)	
DARIN JAMES QUINATA,	)	ANIMAL ABUSE
(aka Darren James Quinata)	)	(As a 3 rd Degree Felony)
DOB: 03/17/2003)	
)	
Defendant.)	

MAGISTRATE'S COMPLAINT

The Attorney General of Guam hereby accuses **DARIN JAMES QUINATA** (aka Darren James Quinata) of a certain crime committed as follows:

On or about January 25, 2023, in Guam, **DARIN JAMES QUINATA** (aka Darren James Quinata) did commit the offense of **ANIMAL ABUSE (As a 3rd Degree Felony)**, in that he did knowingly cause serious physical injury to an animal, in violation of 9 GCA § 70.25(a)(2) and (b).

Dated this 26th day of January, 2023.

OFFICE OF THE ATTORNEY GENERAL
Douglas B. Moylan, Attorney General of Guam

J. BASIL O'MALLAN III
Assistant Attorney General, General Crimes Division

QUINATA

AFFIDAVIT OF PROBABLE CAUSE

COMES NOW J. BASIL O'MALLAN III, a duly appointed Assistant Attorney General, aver upon information and belief that the following is accurate. I have reviewed Guam Police Report No. 23-02370 submitted by **Officer Carbullido**. A review of said report has revealed the following happened on Guam:

On or about Jan. 25, 2023, a viral video was circulated on social media depicting a male individual striking a dog twice with a blunt object. The first strike was directed to the dog's head and appeared to render the dog unconscious. While the dog was lying on the ground, the male individual strikes the dog again. The video then depicts the male individual turn toward the camera, flex his arms in an apparent display of strength, and laugh.

The report indicates that while viewing the video Officer Carbullido was able to determine the location where the video was taken as being in Santa Rita, Guam. Officer Carbullido went to the location and met with the male who was in the video. The male was identified as being **DARIN JAMES QUINATA (Defendant)**. The report also indicates that officers also met with A.M.Q, 13, (DOB1/6/2010) and his mother. According to the report when officers informed the defendant the purpose for their visit the defendant stated, "I don't know why you posted that video with the dog" while looking at A.M.Q. The defendant also admitted to officers that it was his fault and that he did strike the dog. The defendant also told officers that he didn't know A.M.Q. was recording the scene, but in an interview with A.M.Q. the minor told officers that he was directed to do so by the defendant. The defendant told officers that the dog later walked away, and the report indicates that officers could not locate the dog. The report indicates that A.M.Q. was also taken into custody.


A review of the defendant's criminal history indicates he has an active case in CM101-22, and in that case a Court summons was issued on Dec. 7, 2022, for the defendant testing positive for using methamphetamine (Ice) and for failing to follow court orders.

Based on the foregoing there is probable cause to charge **DARIN JAMES QUINATA (Defendant)** with **ANIMAL ABUSE** (As a Third Degree Felony), in violation of 9 GCA §70.25(a)(2 and (b).

I declare under penalty of perjury that the foregoing is true and correct, this document being sworn and made as an affidavit pursuant to Title 6 Guam Code Annotated § 4308, at Tamuning, Guam, this 26 day of January, 2023.

OFFICE OF THE ATTORNEY GENERAL
Douglas B. Moylan, Attorney General of Guam

PRIOR
CM101-22



J. BASIL O'MALLAN III
Assistant Attorney General, General Crimes Division



FILED
SUPERIOR COURT
OF GUAM

2023 JAN 26 AM 11:39

CLERK OF COURT

BY: _____

Office of the Attorney General
Douglas B. Moylan
Attorney General of Guam
General Crimes Division
590 S. Marine Corps. Drive
ITC Bldg., Ste. 801
Tamuning, Guam 96913 . USA
671-475-3406 • 671-475-3390 (fax)
efile@oagguam.org • www.oagguam.org

Prosecutors for the People of Guam

IN THE SUPERIOR COURT OF GUAM

CF 0060 - 23

PEOPLE OF GUAM,)
)
Plaintiff,)
)
vs.)
)
DARIN JAMES QUINATA,)
)
Defendant.)

Criminal Case No. CF _____
Guam Police Report NO. 23-02370

**Guam's People's Request For
Pretrial Confinement**

The People of Guam, through the Attorney General of Guam, respectfully request this criminal Defendant's pretrial confinement. Concurrently filed is a magistrate complaint charging the criminal defendant with the serious crimes of ROBBERY. We request confinement and cash bail in the amount of \$5,000 on the basis of this criminal defendant being:

1. a danger to the Public;
2. a flight risk;
3. unlikely to comply with Court orders; and
4. **Defendant is contributing to the meth problem plaguing this community.**

ORIGINAL

I.

Crime Victim's Opposition to Release.

The People of Guam are a crime victim. Guam's People independently oppose this Defendant's release. **Exh. 1.5.**

Under Guam law, there is a presumption that a defendant charged with an offense will be released pending trial. 8 GCA § 40.10. The Court shall order the person charged to be released on recognizance, unless the Court determines, in its discretion that such a release will not reasonably assure the appearance of the person as required, or will endanger the safety of any other person or the community. *People v. Song*, 2011 Guam 19 ¶ 10 (citing 8 GCA § 40.15(b)). In determining whether there is a substantial risk of nonappearance, or the defendant will endanger the safety of individuals in the community, the Court considers any "factors which bear on the risk of willful failure to appear or the danger the person would pose to the community or to any individual member thereof if released." 8 GCA § 40.15(c); *accord Song*, 2011 Guam 19 ¶¶ 10-11.

This Defendant should *not* be released.

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

1 II.

2 **"Catch, Release and Reoffend" Danger for this Criminal Defendant.**

3 Guam law requires that the Judiciary incarcerate criminal defendants who are a
4 danger to the community or pose a flight risk of not appearing at Court hearings, and
5 allows for other factors to likewise be considered. The law expressly provides that the
6 Court must consider the following factors:

- 7
- 8 (1) the nature of the offense charged, the apparent possibility of conviction
and the likely sentence;
 - 9 (2) the history and characteristics of the person charged, including:
 - 10 (i) length of his/her residence on Guam;
 - 11 (ii) his/her employment status and history, and financial condition;
 - 12 (iii) his/her family ties and relationships;
 - 13 (iv) his/her reputation, character and mental and physical condition;
 - 14 (v) his/her prior criminal record; if any, including any record of prior
release on recognizance or on bail;
 - 15 (vi) his/her history relating to drug or alcohol abuse;
 - 16 (vii) the identity of the reasonable members of the community who will
vouch for his/her reliability;
 - 17 (viii) whether, at the time of the current offense or arrest, he/she was on
probation, on parole or on other release pending trial, sentencing,
18 appeal or completion of sentence of an offense under Federal, state
or local law; and
 - 19 (ix) his/her history of compliance with other Court orders;
 - 20 (3) the nature and seriousness of the danger the person would pose to the
community or to any individual member thereof if released; and
 - 21 (4) any other factors which bear on the risk of willful failure to appear or the
danger the person would pose to the community or to any individual
22 member thereof if released.

23 8 G.C.A. §§ 40.15(c)(1)-(4).

24 **The facts support confining this criminal Defendant: This defendant was
25 previously charged with Resisting Arrest in CM 101-22. The Court in that case
recently issued a summons for him after he admitted to smoking Ice and ingesting**

1 THC, in violation of his release conditions. In the current case he viciously struck
2 a dog on the head with what appears to be a 2X4 piece of lumber, rendering the
3 dog unconscious. While the dog lay helpless on the ground the defendant struck
4 the dog again with the lumber. A video of defendant's actions were shared on
5 social media, and in that video the defendant poses for the camera and laughs.

6 These facts clearly support the People's position that this defendant is not
7 suitable for Pretrial release.

8 At a minimum, although opposed by the People of Guam, the Court should order
9 electronic monitoring or a qualified third-party guardian to protect this community plus
10 checking in three (3) times a weeks.

11 Attached is the "***Criminal History Background Report***" for this criminal
12 Defendant. **Exh. 2.** It is clear to the People of this Island that releasing this criminal
13 Defendant poses a significant danger and unacceptable risk to the community.

14 The community recently elected and directed this Office to be *tough on*
15 *criminals, not soft on crime.* There is sufficient probable cause to suggest that this
16 criminal Defendant will offend again if released, and next time may create more crime
17 victims. Even if a face and name cannot be placed on that victim, we as a community
18 will be additionally victimized by our criminal laws being once again broken, and further
19 taxpayer monies being diverted and wasted to re-incarcerating this criminal defendant.
20 The cycle needs to stop.

21 In addition, a high bail amount is justified if the Court finds that a criminal
22 defendant has "*tremendous motivation to flee the jurisdiction,*" the crimes charged are

1 serious, there is a "*distinct possibility*" that the criminal defendant will be convicted of
2 these crimes, and the record shows that the evidence against the criminal defendant is
3 strong. *People v. Bruneman*, 1996 Guam 3 ¶¶ 11-12.

4 **In this case confinement is warranted because Defendant is furthering the**
5 **use and purchase of narcotics which greatly contributed to the victimization of**
6 **Guam's citizens.**

7
8 **Meth Use in this Crime Requires Special Attention by Court to Protect**
9 **Community.**

10 **Methamphetamine has been found with this criminal Defendant. This drug**
11 **has been proven to be so addictive that releasing the criminal defendant is very**
12 **likely to result in further crimes, more victims, and additional harm to our**
13 **community. See generally Substance Abuse and Mental Health Services**
14 **Administration, The Truth About Methamphetamine (2018), community. See**
15 **generally Substance Abuse and Mental Health Services Administration, The**
16 **Truth About Methamphetamine(2018),**
17 **<https://store.samhsa.gov/sites/default/files/d7/images/pep18-03.jpg> ("THE**
18 **BOTTOM LINE: Methamphetamine (meth) is illegal, addictive, and dangerous.")**
19 **Other jurisdictions have statutory authority to deny bail to any person arrested**
20 **for the manufacturing of methamphetamine or has a pattern of illegal use of**
21 **methamphetamine. N.C.S.A. Sec. 15A-534.6 (North Carolina). The People**
22 **therefore strongly oppose the release of this criminal Defendant, and would**
23

1 respectfully ask the Court to order RSAT treatment be made available to this
2 criminal Defendant while at DOC in pretrial confinement.

3
4 **III.**

5 **This Criminal Defendant Faces Significant Jail Time.**

6 **Exhibit 3** is the *"Defendant's Potential Jail Time Report"* that lists the jail
7 time that this Defendant faces. The total number of years that this criminal defendant
8 potentially faces is **3 YEARS**.

9
10 Based upon the affidavit of probable cause that is derived from the Guam Police
11 Department's criminal investigation, there is a significant amount of jail time facing this
12 Defendant. This Attorney General was elected by our Community to **stop** the
13 increasing numbers of crime victims based upon the proven numbers of recurring
14 crimes from "catch and release" type scenarios. Defendants facing a history of crime,
15 and the potential for years of incarceration have a higher than average reason to avoid
16 prosecution and our criminal justice system. Their not showing up for hearings, or
17 simply being violated and re-violated, and then released, over-taxes an already
18 burdened criminal justice Court system. The injury to the crime victims cannot even be
19 quantified, as too is the loss of confidence in each member of our criminal justice
20 system when a high risk defendant is indiscriminately released. The soft on crime,
21 catch and release incidents have reached a point that the officers on the beat are
22 demoralized by defendants who are "gaming" our criminal justice system.
23

1 The Court should not release this defendant pretrial. Alternatively, the Court
2 should require either electronic monitoring or the use of qualified third-party custodians
3 plus checking in three (3) times a week.
4

5 **Conclusion.**

6 Based upon the foregoing reasons, the Defendant should justly be confined
7 pretrial. Although the People and Attorney General of Guam oppose this Defendant's
8 pretrial release, if the Court does release the Defendant, the Defendant should not be
9 released unless the Defendant is either under electronic monitoring with an ankle
10 bracelet, or first provides sufficient third-party custodians that will protect this
11 community against the higher than likely chance that this Defendant will further break
12 Guam's laws if released. The People believe that this Defendant has a high likelihood
13 of being a "**catch, release and reoffend**" type situation.
14

15 Respectfully submitted this 26 day of January, 2023.

16 **OFFICE OF THE ATTORNEY GENERAL**
17 Douglas B. Moylan, Attorney General of Guam

18 
19 _____
20 **J. BASIL O'MALLAN III**
21 Assistant Attorney General of Guam
22
23
24



EXHIBIT 1.5

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Office of the Attorney General
Douglas B. Moylan
Attorney General of Guam
General Crimes Division
590 S. Marine Corps. Drive
ITC Bldg., Ste. 801
Tamuning, Guam 96913 . USA
671-475-3406 • 671-475-3390 (fax)
efile@oagguam.org • www.oagguam.org

Prosecutors for the People of Guam

IN THE SUPERIOR COURT OF GUAM

PEOPLE OF GUAM,	)	Criminal Case No. CF _____
	)	Guam Police Report No. 23-02370
)	
Plaintiff,)	
)	
vs.	)	Declaration of
	)	People of Guam vis-à-vis
DARIN JAMES QUINATA,	)	Attorney General of Guam
)	
Defendant.)	

I, Assistant Attorney General J. Basil O'Mallan III, declare:

1. I make this Declaration based upon my personal knowledge and would so testify if asked.

2. The Attorney General of Guam is the Chief Legal Officer for the People of Guam, authorized to speak on their behalf. As an Assistant Attorney General, duly appointed by the Attorney General of Guam, I am authorized to speak on behalf of the Attorney General and the People of this Community.

3. Guam's People are a crime victim in the above case.

1 4. The People of Guam ask that this Defendant be confined based upon the
2 concurrently filed complaint and affidavit of probable cause.

3 5. Guam's People believe that if released this Defendant poses a danger to
4 the community based on the crime(s) charged in the accompanying magistrate's
5 complaint.

6 6. Guam's People believe that if this Defendant is not confined that there is a
7 significant likelihood that this Defendant will not appear for Court hearings.

8 7. Guam's People further believe that this Defendant should be confined .

9
10 I declare, under penalty of perjury, this 26 day of January, 2023 that the
11 foregoing is true and correct to the best of my knowledge.


12
13 
14 _____
15 **J. Basil O'Mallan III**
16 Assistant Attorney General of Guam, on behalf
17 of the People of Guam



EXHIBIT 2

Criminal History Background Report

Defendant QUINATA, Darin James
(As of January 26, 2023)

Defendant's prior convictions:

	Jurisdiction (Federal, Guam, Other)	Case No.	Offenses
1	NONE		

Defendant's pending pretrial cases:

	Case No.	Offenses
1	CM0101-22	Resisting Arrest

Defendant's outstanding bench warrants:

	Jurisdiction (Federal, Guam, Other)	Case No.	No. of Bench Warrants
1	NONE		at least X

Defendant's prior arrests:

	Police Report No.	Date
1	22-24896	09/26/2022

Defendant's prior warrants for failing to appear at a Court hearing:

	Jurisdiction (Federal, Guam, Other)	Case No.	No. of Bench Warrants
1	NONE		at least X



EXHIBIT 3

Criminal Defendant's Potential Jail Time Report

Criminal Defendant DARIN JAMES QUINATA

No.	Criminal Charge	Yrs. Potential Punishment / Jail Sentence
1.	Animal Abuse	0-3 Years

TOTAL YEARS IN PRISON (consecutively facing): 3 Years

Generally:

Offense Type	Up to...
Misdemeanors	1 year imprisonment
Third-Degree Felonies	5 years' imprisonment
Second-Degree Felonies	10 years' imprisonment
First-Degree Felonies	20 years' imprisonment
Criminal Sexual Conduct	Life imprisonment
Murder	Life imprisonment