

FILED
CLERK OF COURT

2025 JUN 26 PM 3: 22

SUPERIOR COURT
OF GUAM



IN THE SUPERIOR COURT OF GUAM

PEOPLE OF GUAM,

vs.

ROLANDO AFKAS JACKSON,
aka Roland A. Jackson, aka Rolando
Jackson, aka Troy Afkas, aka Troy Askas,
aka Raul Jones, aka John Doe,
DOB: 12/04/1990 or 12/03/1992 or
12/04/1992 or 12/08/1992

Defendant.

CRIMINAL CASE NO. **CF0288-22**

GPD REPORT NOS. 22-11527/22-11576

CRIMINAL CASE NO. **CF0296-18**

GPD REPORT NOS. 18-13872/73886/13887

DECISION AND ORDER
RE. PEOPLE'S MOTION TO REVOKE
DEFENDANT'S PROBATION AND
IMPOSE JAIL SENTENCE

INTRODUCTION

This matter came before the Honorable Maria T. Cenzone on April 14, 2025, for a Revocation Hearing for Defendant Roland Afkas Jackson ("Defendant" or "Defendant Jackson") in CF0296-18 and CF0288-22. Defendant is represented by Assistant Public Defender Peter J. Sablan. Assistant Attorney General Valerie A. Nuesa represents the People of Guam ("the People"). After the hearing, the Court took the Motion under advisement pursuant to CVR 7.1(e)(6)(D) of the LOCAL RULES OF THE SUPERIOR COURT OF GUAM. After reviewing the People's Motion and the Defendant's Opposition, oral arguments from the parties, and the

1 applicable statutes and case law, the Court now issues this Decision and Order **GRANTING** the
2 People's Motion.¹

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4 **PROCEDURAL AND FACTUAL BACKGROUND**

5 **A. Defendant Plead Guilty to Charges in CF0296-18 and CF0288-22**

6 **1. CF0296-18: Conviction for Aggravated Assault (As a 3rd Degree Felony) and**
7 **Criminal Mischief (As a 3rd Degree Felony)**

8 On March 22, 2022, Defendant Jackson pled guilty to the following offenses in
9 this case: Count One of the Third Charge of Aggravated Assault (As a Third Degree Felony) and
10 Count One of the Fourth Charge of Criminal Mischief (As a Third Degree Felony). *See Judg. of*
11 *Conv., CF0296-18* (Jun. 15, 2025). The Defendant was sentenced to three (3) years
12 imprisonment, with all but seven (7) days suspended, and with credit for time served. *Id.* The
13 Defendant was also sentenced to three (3) years of supervised probation. *Id.* The Court imposed
14 standard release conditions, including: stay away/no contact with the Victims, reporting to the
15 Client Services and Family Services Division ("CSFC") for intake and assessment and to follow
16 all treatment recommendations, monthly reporting to the Probation Services Division
17 ("Probation"), no consumption of drugs and alcohol, a fine of two hundred fifty dollars (\$250.00)
18 and court costs of eighty dollars (\$80.00), and three hundred (300) hours of community service.
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21 *Id.*

22 **2. CF0288-22: Conviction for Theft by Receiving (As a 3rd Degree Felony).**

23 On July 19, 2022, Defendant Jackson pled guilty via Information to the offense
24 of Theft by Receiving (As a Third Degree Felony). On September 13, 2022, the Defendant was
25 sentenced to twelve (12) months of imprisonment, all but ninety (90) days suspended, with credit
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¹ In the interest of judicial efficiency, the Court issues this Decision and Order for both captioned cases.

1 for time served. *See Judg. of Conv., CF0288-22* (Dec. 21, 2022). The Defendant was also
2 sentenced to three (3) years of supervised probation. *Id.* The Court imposed standard release
3 conditions, including: stay away/no contact orders with the Victim, reporting to the CSFC for
4 intake and assessment and to follow all treatment recommendations, monthly reporting to
5 Probation, no consumption of drugs and alcohol, a fine of one thousand dollars (\$1,000.00) and
6 court costs of eighty dollars (\$80.00), and fifty (50) hours of community service. *Id.*

8 **B. The Defendant's violations thereafter.**

9
10 In both matters, Probation lodged First Violation Reports on October 17, 2022. *See First*
11 *Vio. Rpt., CF0296-18 & CF0288-22* (Oct. 17, 2022). In the reports, Probation indicated that the
12 Defendant failed to refrain from consuming illegal drugs by yielding a presumptive positive
13 result for methamphetamines on October 13, 2022. *Id.* The Defendant admitted, via written
14 declaration to smoking methamphetamines the day prior. *Id.*

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16 On January 24, 2023, for both matters, Probation lodged Second Violation Reports
17 against the Defendant. *See Second Vio. Rpt., CF0296-18 & CF0288-22* (Jan. 24, 2023). Probation
18 reported that the Defendant violated the following conditions in both matters: (1) failed to report
19 to Probation once a month, last reporting on October 19, 2022; (2) failed to report to CSFC for
20 intake and processing; (3) failed to perform any of the ordered community service hours for both
21 cases; and, (4) failed to make progress on court-ordered fines and court costs for both cases. *Id.*
22 On January 31, 2023, the Court issued Warrants of Arrest for Defendant in both cases. *See Warr.*
23 *of Arrest, CF0296-18 & CF0288-22* (Jan. 31, 2023). The warrants were returned on January 31,
24 2023. *See Ret. of Warr., CF0296-18 & CF0288-22* (Jan. 31, 2023).

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26 The Court held a Return of Warrant hearing for Defendant Jackson on February 1, 2023.
27 As to the violations, the Defendant admitted to not reporting to Probation due to his wife's c-
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1 section at their child's birth. *Min. Entry* (Feb. 1, 2023). The Court admonished the Defendant to
2 complete his conditions and communicate with Probation regarding any emergencies and
3 changed circumstances. *Id.* The Court imposed a suspended ten (10) day sanction and ordered
4 the Defendant to report to Probation the next day upon release. *Id.*

6 In both matters, Probation lodged Third Violation Reports on February 22, 2023. *See*
7 *Third Vio. Rpt.*, CF0296-18 & CF0288-22 (Feb. 22, 2023). In the reports, Probation indicated
8 that the Defendant failed to refrain from consuming illegal drugs by yielding a presumptive
9 positive result for methamphetamines on February 2, 2023. *Id.* The Defendant admitted, via
10 written declaration, to smoking methamphetamines on January 31, 2023. *Id.*

12 On July 10, 2023, the Court held a Violation Hearing on Defendant's Third Violation, in
13 which the Defendant did not appear. *See Min. Entry* (Jul. 10, 2023). The Court issued a Bench
14 Warrant that same day for the Defendant in both cases. *See Bench Warr.*, CF0296-18 & CF0288-
15 22 (Jul. 24, 2023). The warrants were returned nearly four months later, on November 3, 2023.
16 *See Ret. of Warr.*, CF0296-18 & CF0288-22 (Nov. 3, 2023). Following the return of warrants,
17 Probation filed a Fourth Violation Report on November 7, 2023, on the basis that the Defendant
18 failed to report monthly to Probation and last reported on February 6, 2023. *See Fourth Vio. Rpt.*,
19 CF0296-18 & CF0288-22 (Nov. 7, 2023).

21 On November 8, 2023, the Court held a Return of Warrant hearing for the Defendant. On
22 the issue of Defendant's noncompliance with reporting, the Defendant submitted to the Court
23 that his baby had passed away as a reason for his noncompliance. *See Min. Entry* (Nov. 8, 2023).
24 The Court noted Probation's attempts to contact the Defendant and his outstanding conditions in
25 both cases. *Id.* The People indicated their intent to file a Motion for Revocation of Probation in
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1 both matters. *Id.* The Court continued to hold the Defendant pending the Revocation Hearing in
2 these matters. *Id.*

3 On November 30, 2023, the People filed their Motion to Revoke Defendant's Probation,
4 and the Defendant filed his Opposition on December 26, 2023. The Court held a hearing on
5 Defendant's revocation of probation on January 25, 2024. During the hearing, the Court indicated
6 that it would give credit towards community service for his time during detention. *Min. Entry*
7 (Jan. 25, 2024). The Court further held the People's Motion in abeyance to give the Defendant
8 an opportunity to complete his conditions. *Id.* The Court set an auto-release date of February 29,
9 2024, and admonished the Defendant complete his abeyance. *Id.* The Court set the next hearing
10 on November 19, 2024. *Id.*

13 On December 2, 2024, Probation lodged Fifth Violation Reports against the Defendant
14 for both matters, reporting that the Defendant had failed to complete his conditions. *See Fifth*
15 *Vio. Rpt., CF0296-18 & CF0288-22* (Dec. 2, 2024). In addition, Probation indicated that the
16 Defendant's probation in CF0150-21 and CF0064-21 were revoked on June 6, 2024, and was
17 sentenced to three (3) years' imprisonment. *Id.*

19 On April 10, 2025, in CF0296-18, Defendant filed his Opposition to the Motion to
20 Revoke Probation, wherein the Defendant indicated that he has been held in custody for nearly
21 eighteen (18) months as part of the reason for his noncompliance, although he does not excuse
22 his noncompliance altogether. *See Def't. 's Opp'n., CF0296-18* (Apr. 10, 2025). The Defendant
23 requests more time to complete probation, and, if the Court were to revoke his probation, that he
24 be sentenced concurrently with his other matters. *Id.*

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1 DISCUSSION

2 Guam law specifies the procedures that the Court must follow for revocation of probation.

3 The relevant statute, in its entirety, states as follows:

4 [T]he court, if satisfied that the offender has inexcusably failed to comply with a
5 substantial requirement imposed as a condition of the order may revoke the
6 suspension or probation and sentence or re-sentence the offender. Violation of a
7 condition shall not result in revocation, however, unless the court determines that
8 revocation under all the circumstance then existing will best satisfy the ends of
justice and the best interests of the public.

9 9 GCA § 80.66(a)(2). The process for revoking an offender's probation has been further
10 explained by the Guam Supreme Court as follows:

11 Probation revocation is a two-step process. First, the trial court must make a
12 factual determination that a violation of probation actually has occurred. If a
13 violation is proven, then the Court must determine if the violation warrants
revocation of the probation.

14 *People of Guam v. Camacho*, 2009 Guam 6 ¶ 27 (internal citations omitted).

15 To revoke a defendant's probation, evidence and facts presented to the Court must be
16 "reasonably necessary to satisfy the judge that the probationer's conduct has not been as required
17 by the conditions of probation." *Id.* At ¶ 30 (citing *People v. Angoco*, 1998 Guam 10).
18 Additionally, prior to revocation, the offender must be provided with written notice of the
19 grounds for revocation of probation. 9 GCA § 80.68(a). At the hearing, the offender shall "have
20 the right to hear and controvert the evidence against him, to offer evidence in his defense and to
21 be represented by counsel." *Id.* Should the Court revoke an offender's probation, "it may impose
22 on the offender any sentence that might have been imposed originally for the crime of which he
23 was convicted." 9 GCA § 80.66(b).
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1 **A. The Court determines that Defendant has violated probation conditions.**

2 Pursuant to the first step articulated in *Camacho*, the Court must make a factual
3 determination of whether a violation of probation has occurred. There are no factual disputes that
4 a violation of Defendant's probation has occurred.
5

6 **In CF0288-22, Defendant accrued a total of four (4) post-judgment violations:**

- 7 1. **1st Violation on October 17, 2022:** Failure to refrain from ingesting/consuming
8 an illegal controlled substance. Defendant admitted via declaration that he smoked
9 “meth” on October 12, 2022. *1st Violation Report and Decl.* (Oct. 17, 2022);
- 10 2. **2nd Violation on January 24, 2023:** (a) Probationer failed to report once a month
11 and last reported on October 19, 2022; (b) Failed to report to CSFC for intake and
12 assessment; (c) Failed to perform any community service (50 hours ordered); (d)
13 Failed to make payments toward \$1,000 fine and \$80 court costs. Defendant
14 admitted his failure to perform conditions, explained that it was due to his wife's
15 c-section; the Court imposed a ten (10) day sanction at DOC, but suspended the
16 sanction; Court admonished him to complete conditions and to report to Probation
17 no later than 1:00 pm on February 2, 2023. *Min. Entry* at 9:55 AM to 10:08 AM
18 (Feb. 2, 2023).
- 19 3. **3rd Violation on February 22, 2023:** Failure to refrain from
20 ingesting/consuming an illegal controlled substance. Defendant tested
21 presumptive positive for methamphetamines on February 2, 2023, and admitted
22 to ingesting “meth” on January 31, 2023. *3rd Violation Report and Decl.* (Feb.
23 22, 2023). On May 9, 2023 the Court issued a Summons to Defendant to answer
24 to the 3rd Violation (*Summons* (May 9, 2023)); however, an Affidavit of Non-
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1 Service was filed after marshals attempted service upon Defendant at last known
2 address. *Affid. of Non-Svc.* (July 7, 2023). The Court issued a Bench Warrant due
3 to the non-service on July 10, 2023, during the hearing on the 3rd Violation, when
4 Defendant failed to appear;²

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6 4. **4th Violation on November 7, 2023:** Probationer failed to report once a month
7 and last reported on February 6, 2023. Attempts by probation to contact Defendant
8 were unsuccessful. *4th Viol.* (Nov. 7, 2023).

9
10 In CF0296-18, Defendant accrued a total of four (4) post-judgment violations:

- 11 1. **1st Violation on October 17, 2022:** Failure to refrain from ingesting/consuming
12 an illegal controlled substance. Defendant admitted via declaration that he smoked
13 “meth” on October 12, 2022. *1st Violation Report and Decl.* (Oct. 17, 2022);
14
15 2. **2nd Violation on January 24, 2023:** (a) Probationer failed to report once a month
16 and last reported on October 19, 2022; (b) Failed to report to CSFC for intake and
17 assessment; (c) Failed to perform any community service (50 hours ordered); (d)
18 Failed to make payments toward \$1,000 fine and \$80 court costs. Defendant
19 admitted his failure to perform conditions, explained that it was due to his wife’s
20 c-section; the Court imposed a ten (10) day sanction at DOC, but suspended the
21 sanction; Court admonished him to complete conditions and to report to Probation
22 no later than 1:00 pm on February 2, 2023. *Min. Entry* at 9:55 AM to 10:08 AM
23 (Feb. 2, 2023).

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² See *Minute Entry of Viol. Hrg.* at 9:27:05 AM to 9:47:11 AM (July 10, 2023).

- 1 3. 3rd Violation on February 22, 2023: Failure to refrain from
2 ingesting/consuming an illegal controlled substance. Defendant tested
3 presumptive positive for methamphetamines on February 2, 2023, and admitted
4 to ingesting “meth” on January 31, 2023. *3rd Violation Report and Decl.* (Feb.
5 22, 2023). On May 9, 2023 the Court issued a Summons to Defendant to answer
6 to the 3rd Violation (*Summons* (May 9, 2023)); however, an Affidavit of Non-
7 Service was filed after marshals attempted service upon Defendant at last known
8 address. *Affid. of Non-Svc.* (July 7, 2023). The Court issued a Bench Warrant due
9 to the non-service on July 10, 2023, during the hearing on the 3rd Violation, when
10 Defendant failed to appear;³
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12 4. 4th Violation on July 18, 2023: Probationer failed to report once a month and last
13 reported on February 6, 2023. Attempts by probation to contact Defendant were
14 unsuccessful. *4th Viol.* (July 18, 2023).
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16 5. 5th Violation on December 2, 2024: (a) Failed to report to CSFC for intake and
17 assessment; (b) Failed to perform any community service (300 hours ordered); (c)
18 Failed to make payments toward \$250.00 fine and \$80 court costs.
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20 Defendant has admitted to all of the violations.
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22 **B. The Court determines that revocation of probation is warranted.**

23 Pursuant to the second *Camacho* prong, the Court determines whether revocation of
24 Defendant Jackson’s probation is warranted. In making this determination, the Court must
25 resolve whether “revocation under all the circumstance. . .will best satisfy the ends of justice and
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³ See *Minute Entry of Viol. Hrg.* at 9:27:05 AM to 9:47:11 AM (July 10, 2023).

1 the best interests of the public.” 9 GCA § 80.66(a)(2). Upon review of the record, the Court finds
2 a Defendant has patently failed to comply with and to complete the conditions set forth in the
3 Plea Agreements and Judgments for each of Defendant’s cases. Since entering probation in both
4 CF0296-18 and CF0288-22, the Defendant has failed to report monthly to Probation as ordered
5 and complete all of his conditions during his three (3) years of supervised probation. Of most
6 concern to this Court is Defendant’s repeat violations of testing positive for methamphetamines
7 and failing to avail himself of counseling and treatment with CSFC that may have addressed his
8 drug issues and other issues affecting the Defendant. It is in the best interest of the public for the
9 Defendant to rehabilitate himself through counseling and treatment and follow the Court’s orders,
10 thus preventing recidivism and returning the Defendant as a productive and healthy member of
11 society. The Defendant has failed to take advantage of such opportunity in this regard.

14 For the above reasons, the Court determines that the second *Camacho* prong is satisfied,
15 and revocation is warranted in this case.

17 CONCLUSION

18 For the reasons set forth above, the Court hereby **GRANTS** the People’s Motion to
19 Revoke Defendant’s Probation and Impose Jail Sentence in **CF0296-18 and CF0288-22**. The
20 People have agreed to run the **three (3) year** term of incarceration in CF0296-18 **concurrently**
21 with the **one (1) year** term of incarceration in CF0288-22. The Court shall issue a Judgment of
22 Revocation on separate cover for both matters.

24 SO ORDERED this 26th day of June, 2025.

25 **SERVICE VIA EMAIL**

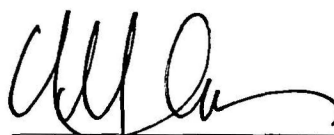
26 I acknowledge that an electronic
copy of the original was e-mailed to:

27 OAG & PDSC

28 Date: 6/26/25 Time: 3:24

Reinita M. Lindlau

Deputy Clerk, Superior Court of Guam



HONORABLE MARIA T. CENZON

Judge, Superior Court of Guam