

IN THE SUPERIOR COURT OF GUAM
DECLARATION

COMES NOW, Jeremiah 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. 18-21259 submitted by Guam Police Department ("GPD") Officers which sets forth the following events occurred on Guam:

On or about July 23, 2018, at approximately 10:30 a.m., GPD officers responded to a report of a robbery that occurred in the parking lot of the Crown Bakery business in Barrigada, Guam. *Felix Santiago* (Victim) was interviewed. Felix is an employee of Crown Bakery and had traveled between the Crown Bakery in Barrigada and Yigo collecting deposit slips and money for deposits from the two locations. Before police were called, Felix had collected the money to deposit from the Barrigada store and exited Crown Bakery carrying a bag containing over \$1,500 in US currency belonging to Crown Bakery. As he was approaching his car, he noticed a blue sedan drive up to him. A male, later identified as **WILLIAM PIERRE PELKEY** (dob:7/20/1980) (Defendant), exited the vehicle and brandished a bladed weapon that Felix described as an axe. PELKEY threatened Felix demanding that he hand over the bag or PELKEY would kill him. A struggle ensued between the two of them and PELKEY struck Felix in the head before wrenching the bag away from him, jumping into the blue sedan, and driving away. PELKEY reported that another male, later identified as **MANUEL CAMACHO BABAUTA** (dob:11/5/1991) (Defendant), was inside the sedan during the entire event. Police reviewed security camera footage which partially corroborated Felix's account.

Through the course of the investigation, Police were able to identify the vehicle that was used in the robbery as well as an additional co-actor: **ARNOLD ZOSA MORATO, JR.** (dob:5/19/1971) (Defendant). When questioned, MORATO, Jr. admitted that he worked at Crown Bakery, but was short paying back PELKEY for drugs that MORATO, Jr. had purchased from PELKEY. MORATO, Jr. and PELKEY came up with the plan to rob Felix because, according to MORATO, Jr., he was the "bank guy" for Crown Bakery. The initial plan was hatched on July 22, 2018. PELKEY and MORATO, Jr. spoke with each other about the plan later that same day and then before the robbery on July 23. They discussed and agreed upon the details. MORATO, Jr.'s job was to alert PELKEY to Felix leaving the Bakery so that PELKEY could then drive up and attack him. PELKEY was interviewed and corroborated MORATO, Jr.'s admissions. BABAUTA was also questioned and admitted that he was informed of the plan before he agreed to be PELKEY's getaway driver. BABAUTA admitted that he had, in fact, helped facilitate the robbery by driving the car that PELKEY used to escape.

It is important to note that BABAUTA was placed on pretrial release by Judge Anita Sukola in CF0218-18 on May 23, 2018.

/ / /

Based on the foregoing, there is probable cause to charge **WILLIAM PIERRE PELKEY** (dob:7/20/1980) (Defendant) with

Robbery (2nd Deg Felony), in violation of 9 GCA § 40.20(a)(3), (b);

*Special Allegation: Deadly Weapon used in Commission of a Felony, pursuant to 9 GCA § 80.37;

Conspiracy (2nd Deg Felony), in violation of 9 GCA §§ 13.30, 13.60,

Theft (2nd Deg Felony), in violation of 9 GCA §§ 43.15, 43.20(a), 43.30(a);

*Special Allegation: Deadly Weapon used in Commission of a Felony, pursuant to 9 GCA § 80.37;

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;

Based on the foregoing, there is probable cause to charge **MANUEL CAMACHO BABAUTA** (dob:11/5/1991) (Defendant) with

Robbery (2nd Deg Felony), in violation of 9 GCA § 40.20(a)(3), (b);

*Guilt Established by Complicity, pursuant to 9 GCA § 4.60

*Special Allegation: Felony on Felony release, pursuant to 9 GCA § 80.37.1;

Conspiracy (2nd Deg Felony), in violation of 9 GCA §§ 13.30, 13.60,

*Special Allegation: Felony on Felony release, pursuant to 9 GCA § 80.37.1

Theft (2nd Deg Felony), in violation of 9 GCA §§ 43.15, 43.20(a), 43.30(a);

*Guilt Established by Complicity, pursuant to 9 GCA § 4.60

*Special Allegation: 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)

*Guilt Established by Complicity, pursuant to 9 GCA § 4.60

*Special Allegation: Felony on Felony release, pursuant to 9 GCA § 80.37.1

Based on the foregoing, there is probable cause to charge **ARNOLD ZOSA MORATO, JR.** (dob:5/191971) (Defendant) with

Robbery (2nd Deg Felony), in violation of 9 GCA § 40.20(a)(3), (b);

*Guilt Established by Complicity, pursuant to 9 GCA § 4.60

Conspiracy (2nd Deg Felony), in violation of 9 GCA §§ 13.30, 13.60,

Theft (2nd Deg Felony), in violation of 9 GCA §§ 43.15, 43.20(a), 43.30(a);

*Guilt Established by Complicity, pursuant to 9 GCA § 4.60

Aggravated Assault (3rd Deg Felony), in violation of 9 GCA § 19.20(a)(3), (b)

*Guilt Established by Complicity, pursuant to 9 GCA § 4.60

I declare under penalty of perjury that the foregoing is true and correct.

Executed this the 27TH day of July, 2018.



JEREMIAH B. LUTHER