

FILED
SUPERIOR COURT
OF GUAM

2016 JUL 28 PM 12:27

CLERK OF COURT

By: _____

Office of the Attorney General

Elizabeth Barrett-Anderson

Attorney General of Guam

Prosecution Division

590 S. Marine Corps Drive, Ste. 901 (mailing)

Ste. 801 (physical)

Tamuning, Guam 96913 • USA

(671) 475-3406 • (671) 477-3390 (Fax)

www.guamag.org

Attorneys for the People of Guam

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

PEOPLE OF GUAM,

vs.

WILLIAM PIERRE PELKEY,

DOB: 07/20/1980

Defendant.

Criminal Case No. CF

GPD Report No. 18-21259

Charges:

1) **SECOND DEGREE ROBBERY**

(As a Second Degree Felony)

SPECIAL ALLEGATION:

*Deadly Weapon Used in Commission
of a Felony*

2) **CONSPIRACY TO COMMIT SECOND
DEGREE ROBBERY**

(As a Second Degree Felony)

3) **THEFT**

(As a Second Degree Felony)

SPECIAL ALLEGATION:

*Deadly Weapon Used in Commission
of a Felony*

4) **AGGRAVATED ASSAULT**

(As a Third Degree Felony)

SPECIAL ALLEGATION:

*Deadly Weapon Used in Commission
of a Felony*

1 MANUEL CAMACHO BABAUTA,
2 aka "Manny",
3 DOB: 11/05/1991

4 Defendant.

) 5) SECOND DEGREE ROBBERY
) (As a Second Degree Felony)
) NOTICE:
) Felony on Felony Release
) 6) CONSPIRACY TO COMMIT SECOND
) DEGREE ROBBERY
) (As a Second Degree Felony)
) NOTICE:
) Felony on Felony Release
) 7) THEFT
) (As a Second Degree Felony)
) NOTICE:
) Felony on Felony Release
) 8) AGGRAVATED ASSAULT
) (As a Third Degree Felony)
) NOTICE:
) Felony on Felony Release

12 ARNOLD ZOSA MORATO, JR.,
13 aka "Arn",
14 DOB: 05/19/1971

15 Defendant.

) 9) SECOND DEGREE ROBBERY
) (As a Second Degree Felony)
) 10) CONSPIRACY TO COMMIT SECOND
) DEGREE ROBBERY
) (As a Second Degree Felony)
) 11) THEFT
) (As a Second Degree Felony)
) 12) AGGRAVATED ASSAULT
) (As a Third Degree Felony)

19 MAGISTRATE'S COMPLAINT

20 The Attorney General of Guam hereby accuses WILLIAM PIERRE PELKEY, MANUEL
21 CAMACHO BABAUTA, aka "Manny", and ARNOLD ZOSA MORATO, JR., aka "Arn", of
22 certain crimes committed as follows:

24 FIRST CHARGE

25 On or about the 23rd day of July, 2018, in Guam, WILLIAM PIERRE PELKEY, did
26 commit the offense of *Second Degree Robbery (As a Second Degree Felony)*, in that he was
27

1 intentionally, knowingly or recklessly armed with or displayed what appeared to be a deadly weapon,
2 to wit: *an axe or other bladed weapon*, while in the course of committing a theft, in violation of
3 9 GCA §§ 40.20(a)(3) and (b).
4

5 ***SPECIAL ALLEGATION:***

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

7 On or about the 23rd day of July, 2018, in Guam, **WILLIAM PIERRE**
8 **PELKEY**, did knowingly and unlawfully possess or use a deadly weapon, that is, *an*
9 *axe or other bladed weapon*, in the commission of a felony, that is, ***Second Degree***
10 ***Robbery (As a Second Degree Felony)***, in violation of 9 GCA § 80.37.
11

12 **SECOND CHARGE**

13 On or about the 23rd day of July, 2018, in Guam, **WILLIAM PIERRE PELKEY**, did
14 commit the offense of ***Conspiracy to Commit Second Degree Robbery (As a Second Degree***
15 ***Felony)***, in that **WILLIAM PIERRE PELKEY** did agree with one or more persons, *to wit:*
16 **ARNOLD ZOSA MORATO, JR., aka "Arn"** and/or **MANUEL CAMACHO BABAUTA, aka**
17 **"Manny"**, that one of them would engage in conduct which constitutes the crime of *Second Degree*
18 *Robbery* as set forth in 9 GCA § 40.20(a)(3), that **WILLIAM PIERRE PELKEY** did enter into the
19 aforementioned agreement with the intention of engaging in, promoting, or assisting in conduct
20 which constitutes the crime of *Second Degree Robbery*, and that **WILLIAM PIERRE PELKEY**
21 did perform an overt act in pursuance of the agreement, *to wit:* that **WILLIAM PIERRE PELKEY**
22 did commit the crime of theft against Crown Bakery and Felix Santiago, an employee of Crown
23 Bakery, and did so while displaying a deadly weapon, in violation of 9 GCA §§ 13.30, 13.60(a) and
24 40.20(a)(3).
25
26

27 //

1 **THIRD CHARGE**

2 On or about the 23rd day of July, 2018, in Guam, **WILLIAM PIERRE PELKEY**, did
3 commit the offense of *Theft (As a Second Degree Felony)*, in that he did unlawfully take, obtain
4 or exercise unlawful control over the movable property of *Crown Bakery, Barrigada* from *Felix*
5 *Santiago*, with intent to deprive *Crown Bakery, Barrigada*, thereof, the amount involved exceeding
6 \$1,500.00 in US currency, in violation of 9 GCA §§ 43.15, 43.20(a), and 43.30(a), as amended.
7

8 ***SPECIAL ALLEGATION:***

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

10 On or about the 23rd day of July, 2018, in Guam, **WILLIAM PIERRE**
11 **PELKEY**, did knowingly and unlawfully possess or use a deadly weapon, that is, *an*
12 *axe or other bladed weapon*, in the commission of a felony, that is, *Theft (As a*
13 *Second Degree Felony)*, in violation of 9 GCA § 80.37.
14

15 **FOURTH CHARGE**

16 On or about the 23rd day of July, 2018, in Guam, **WILLIAM PIERRE PELKEY**, did
17 commit the offense of *Aggravated Assault (As a Third Degree Felony)*, in that he did recklessly
18 cause or attempt to cause bodily injury to another, that is, *Felix Santiago*, with a deadly weapon, that
19 is, *an axe or other bladed weapon*, in violation of 9 GCA §§ 19.20(a)(3) and (b).
20

21 ***SPECIAL ALLEGATION:***

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

23 On or about the 23rd day of July, 2018, in Guam, **WILLIAM PIERRE**
24 **PELKEY**, did knowingly and unlawfully possess or use a deadly weapon, that is, *an*
25 *axe or other bladed weapon*, in the commission of a felony, that is, *Aggravated*
26 *Assault (As a Third Degree Felony)*, in violation of 9 GCA § 80.37.
27

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
26
27
28

FIFTH CHARGE

On or about the 23rd day of July, 2018, in Guam, **MANUEL CAMACHO BABAUTA, aka "Manny"**, did commit the offense of *Second Degree Robbery (As a Second Degree Felony)*, his guilt established by complicity, in that he, with the intention of promoting or assisting in the commission of *Second Degree Robbery (As a Second Degree Felony)*, did induce or aid another person, to wit: **WILLIAM PIERRE PELKEY** to commit the offense of *Second Degree Robbery (As a Second Degree Felony)*, to wit: that **WILLIAM PIERRE PELKEY** was intentionally, knowingly or recklessly armed with or displayed what appeared to be a deadly weapon, to wit: *an axe or other bladed weapon*, while in the course of committing a theft, in violation of 9 GCA §§ 40.20(a)(3) and (b), and 4.60.

***SPECIAL ALLEGATION:
Felony on Felony Release***

In the commission of the above offense, the Defendant, **MANUEL CAMACHO BABAUTA, aka "Manny"**, committed the above felony offense while he was on release pursuant to Chapter 40, Title 8, Guam Code Annotated, on a pending felony charge, to wit: **Theft by Receiving (As a 2nd Degree Felony)**, in violation of 9 GCA §§ 43.50(a), 43.15, 43.30, and 43.20(a), filed under Superior Court of Guam Criminal Case No. CF0218-18, within the meaning of 9 GCA § 80.37.1.

SIXTH CHARGE

On or about the 23rd day of July, 2018, in Guam, **MANUEL CAMACHO BABAUTA, aka "Manny"**, did commit the offense of *Conspiracy to Commit Second Degree Robbery (As a Second Degree Felony)*, in that **MANUEL CAMACHO BABAUTA, aka "Manny"** did agree with one or

1 more persons, *to wit*: **WILLIAM PIERRE PELKEY** and/or **ARNOLD ZOSA MORATO, JR.**,
2 *aka* "**Arn**" that one of them would engage in conduct which constitutes the crime of *Second Degree*
3 *Robbery* as set forth in 9 GCA § 40.20(a)(3), that **MANUEL CAMACHO BABAUTA**, *aka*
4 "**Manny**" did enter into the aforementioned agreement with the intention of engaging in, promoting,
5 or assisting in conduct which constitutes the crime of *Second Degree Robbery*, and that **WILLIAM**
6 **PIERRE PELKEY** did perform an overt act in pursuance of the agreement, *to wit*: that **WILLIAM**
7 **PIERRE PELKEY** did commit the crime of theft against Crown Bakery and Felix Santiago, an
8 employee of Crown Bakery, and did so while displaying a deadly weapon, in violation of 9 GCA §§
9 13.30, 13.60(a) and 40.20(a)(3).
10
11

12 ***SPECIAL ALLEGATION:***
13 ***Felony on Felony Release***

14 In the commission of the above offense, the Defendant, **MANUEL**
15 **CAMACHO BABAUTA**, *aka* "**Manny**", committed the above felony offense while
16 he was on release pursuant to Chapter 40, Title 8, Guam Code Annotated, on a
17 pending felony charge, *to wit*: **Theft by Receiving (As a 2nd Degree Felony)**, in
18 violation of 9 GCA §§ 43.50(a), 43.15, 43.30, and 43.20(a), filed under Superior
19 Court of Guam Criminal Case No. CF0218-18, within the meaning of 9 GCA §
20 80.37.1.
21

22 **SEVENTH CHARGE**

23 On or about the 23rd day of July, 2018, in Guam, **MANUEL CAMACHO BABAUTA**, *aka*
24 "**Manny**", did commit the offense of ***Theft (As a Second Degree Felony)***, his guilt established by
25 complicity, in that he, with the intention of promoting or assisting in the commission of ***Theft (As***
26 ***a Second Degree Felony)***, did induce or aid another person, *to wit*: **WILLIAM PIERRE PELKEY**
27
28

1 to commit the offense of *Theft (As a Second Degree Felony)*, to wit: that **WILLIAM PIERRE**
2 **PELKEY** did unlawfully take, obtain or exercise unlawful control over the movable property of
3 **Crown Bakery, Barrigada** from **Felix Santiago**, with intent to deprive **Crown Bakery, Barrigada**,
4 thereof, the amount involved exceeding \$1,500.00 in US currency, in violation of 9 GCA §§ 43.15,
5 43.20(a), and 43.30(a), as amended, and 4.60.

7 ***SPECIAL ALLEGATION:***
8 ***Felony on Felony Release***

9 In the commission of the above offense, the Defendant, **MANUEL**
10 **CAMACHO BABAUTA**, aka "**Manny**", committed the above felony offense while
11 he was on release pursuant to Chapter 40, Title 8, Guam Code Annotated, on a
12 pending felony charge, to wit: **Theft by Receiving (As a 2nd Degree Felony)**, in
13 violation of 9 GCA §§ 43.50(a), 43.15, 43.30, and 43.20(a), filed under Superior
14 Court of Guam Criminal Case No. CF0218-18, within the meaning of 9 GCA §
15 80.37.1.

17 **EIGHTH CHARGE**

18 On or about the 23rd day of July, 2018, in Guam, **MANUEL CAMACHO BABAUTA**, aka
19 "**Manny**", did commit the offense of **Aggravated Assault (As a Third Degree Felony)**, his guilt
20 established by complicity, in that he, with the intention of promoting or assisting in the commission
21 of **Aggravated Assault (As a Third Degree Felony)**, did induce or aid another person, to wit:
22 **WILLIAM PIERRE PELKEY** to commit the offense of **Aggravated Assault (As a Third Degree**
23 **Felony)**, to wit: that **WILLIAM PIERRE PELKEY** did recklessly cause or attempt to cause bodily
24 injury to another, that is, **Felix Santiago**, with a deadly weapon, that is, *an axe or other bladed*
25 *weapon*, in violation of 9 GCA §§ 19.20(a)(3) and (b), and 4.60.

1 ***SPECIAL ALLEGATION:***
2 ***Felony on Felony Release***

3 In the commission of the above offense, the Defendant, **MANUEL**
4 **CAMACHO BABAUTA**, *aka* "**Manny**", committed the above felony offense while
5 he was on release pursuant to Chapter 40, Title 8, Guam Code Annotated, on a
6 pending felony charge, to wit: **Theft by Receiving (As a 2nd Degree Felony)**, in
7 violation of 9 GCA §§ 43.50(a), 43.15, 43.30, and 43.20(a), filed under Superior
8 Court of Guam Criminal Case No. CF0218-18, within the meaning of 9 GCA §
9 80.37.1.
10

11 **NINTH CHARGE**

12 On or about the 23rd day of July, 2018, in Guam, **ARNOLD ZOSA MORATO, JR.**, *aka*
13 "**Arn**", did commit the offense of ***Second Degree Robbery (As a Second Degree Felony)***, his guilt
14 established by complicity, in that he, with the intention of promoting or assisting in the commission
15 of ***Second Degree Robbery (As a Second Degree Felony)***, did induce or aid another person, *to wit*,
16 **WILLIAM PIERRE PELKEY** to commit the offense of ***Second Degree Robbery (As a Second***
17 ***Degree Felony)***, *to wit*: that **WILLIAM PIERRE PELKEY** was intentionally, knowingly or
18 recklessly armed with or displayed what appeared to be a deadly weapon, to wit: *an axe or other*
19 *bladed weapon*, while in the course of committing a theft, in violation of 9 GCA §§ 40.20(a)(3) and
20 (b), and 4.60.
21
22

23 **TENTH CHARGE**

24 On or about the 23rd day of July, 2018, in Guam, **ARNOLD ZOSA MORATO, JR.**, *aka*
25 "**Arn**", did commit the offense of ***Conspiracy to Commit Second Degree Robbery (As a Second***
26 ***Degree Felony)***, in that **ARNOLD ZOSA MORATO, JR.**, *aka* "**Arn**" did agree with one or more
27
28

1 persons, *to wit*: **WILLIAM PIERRE PELKEY** and/or **MANUEL CAMACHO BABAUTA**, *aka*
2 "**Manny**" that one of them would engage in conduct which constitutes the crime of *Second Degree*
3 *Robbery* as set forth in 9 GCA § 40.20(a)(3), that **ARNOLD ZOSA MORATO, JR.**, *aka* "**Arn**"
4 did enter into the aforementioned agreement with the intention of engaging in, promoting, or
5 assisting in conduct which constitutes the crime of *Second Degree Robbery*, and that **WILLIAM**
6 **PIERRE PELKEY** did perform an overt act in pursuance of the agreement, *to wit*: that **WILLIAM**
7 **PIERRE PELKEY** did commit the crime of theft against Crown Bakery and Felix Santiago, an
8 employee of Crown Bakery, and did so while displaying a deadly weapon, in violation of 9 GCA §§
9 13.30, 13.60(a) and 40.20(a)(3).
10
11

12 ELEVENTH CHARGE

13 On or about the 23rd day of July, 2018, in Guam, **ARNOLD ZOSA MORATO, JR.**, *aka*
14 "**Arn**", did commit the offense of *Theft (As a Second Degree Felony)*, his guilt established by
15 complicity, in that he, with the intention of promoting or assisting in the commission of *Theft (As*
16 *a Second Degree Felony)*, did induce or aid another person, *to wit*: **WILLIAM PIERRE PELKEY**
17 to commit the offense of *Theft (As a Second Degree Felony)*, *to wit*: that **WILLIAM PIERRE**
18 **PELKEY** did unlawfully take, obtain or exercise unlawful control over the movable property of
19 *Crown Bakery, Barrigada* from *Felix Santiago*, with intent to deprive *Crown Bakery, Barrigada*,
20 thereof, the amount involved exceeding \$1,500.00 in US currency, in violation of 9 GCA §§ 43.15,
21 43.20(a), and 43.30(a), as amended, and 4.60.
22
23

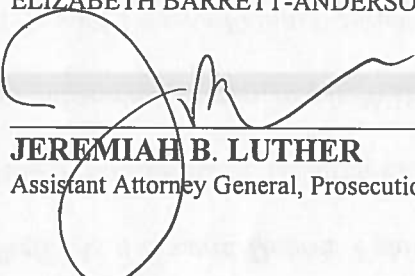
24 TWELFTH CHARGE

25 On or about the 23rd day of July, 2018, in Guam, **ARNOLD ZOSA MORATO, JR.**, *aka*
26 "**Arn**", did commit the offense of *Aggravated Assault (As a Third Degree Felony)*, his guilt
27
28

1 established by complicity, in that he, with the intention of promoting or assisting in the commission
2 of *Aggravated Assault (As a Third Degree Felony)*, did induce or aid another person, to wit:
3 **WILLIAM PIERRE PELKEY** to commit the offense of *Aggravated Assault (As a Third Degree*
4 *Felony)*, to wit: that **WILLIAM PIERRE PELKEY** did recklessly cause or attempt to cause bodily
5 injury to another, that is, *Felix Santiago*, with a deadly weapon, that is, *an axe or other bladed*
6 *weapon*, in violation of 9 GCA §§ 19.20(a)(3) and (b), and 4.60.
7

8
9 Dated this day, Friday, July 27, 2018.

10
11 **OFFICE OF THE ATTORNEY GENERAL**
12 ELIZABETH BARRETT-ANDERSON, Attorney General of Guam

13
14 
15 **JEREMIAH B. LUTHER**
16 Assistant Attorney General, Prosecution Division
17
18
19
20
21
22
23
24
25
26
27