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Attorney for the People of Guam

IN THE SUPERIOR COURT OF GUAM

PEOPLE OF GUAM,

Plaintiff,

vs.

JESUS CALMA,
DOB: 05/19/1963

Defendant.

S.C. Criminal Case No.: CF-0055-17
GPD Case No. 17-01926 / 17-01868 / 17-02188 / 17-03261 / 17-03270 & 16-24730

PLEA AGREEMENT

Pursuant to Title 8 Guam Code Annotated § 60.80, the defendant, **JESUS CALMA**, represented by **HOWARD G. TRAPP, ESQ.**, and the People of Guam represented by the Attorney General through **JAMES C. COLLINS, ESQ.**, enter into the following plea agreement:

1. The defendant, having been advised, understands the following:
 - a. the nature of the charge and its elements to which the plea is offered, the mandatory minimum penalty provided by law, if any, and the maximum possible penalty provided by law; the right to consult with and be represented by an attorney at every stage of these proceedings;
 - b. The right to consult with and be represented by an attorney at every stage of these proceedings;

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OF GUAM

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- 1 c. the right to plead not guilty, the right to confront and cross-examine witnesses, and
2 the right against self-incrimination;
3 d. that by pleading guilty to the charge the right to a jury trial is waived; and upon
4 acceptance of the guilty plea by the Court, defendant stands convicted just as though
5 convicted by a jury;
6 e. that if defendant pleads guilty, the Court may ask questions about the offense charged,
7 and if defendant answers these questions on the record, and in the presence of
8 Defendant's attorney, the answers later may be used against Defendant;
9 f. That Defendant has a right to prosecution by indictment or preliminary hearing and,
10 if this right is waived, Defendant may be prosecuted by an information filed by the
11 prosecutor; and.
12 g. that if the Defendant is an alien, Defendant's guilty plea may have immigration
13 consequences, including deportation, and that the defendant has been counseled as to
14 any impact upon Defendant's immigration status.

15 2. Defendant voluntarily, and without coercion or promises apart from this Plea
16 Agreement, agrees to enter *pleas* to the charges of **FAILING TO REGISTER ITEM BY**
17 **PAWNBROKER (As a Misdemeanor)**, a violation of 22 G.C.A. § 49102, and **OBSTRUCTION**
18 **OF PAWNSHOP INSPECTION (As a Misdemeanor)**, a violation of 22 G.C.A. § 49106.
19 Pursuant to 9 GCA §§ 80.34 (a) & 80.50 (c), these Misdemeanor offenses carries a sentence of no
20 more than one (1) year incarceration and a fine of one thousand dollars (\$1,000).

21 The charge arises out of the incident described in Guam Police Department Report No. 17-
22 01926 and the facts as follows
23

24 On or about the period between the day of 20th day of January, 2017, and the 3rd day of
25 February, 2017, inclusive, in Guam, the defendant, JESUS CALMA, while acting in the
26 business of a pawnbroker, failed at the time of the transaction to enter in a register kept by
27 him for that purpose, in the English language, an accurate depiction of the property pledged,
28 or estimated value of the property purchased, or the name and residence of the pledger or
seller, or to keep an account in writing of all sales made by him.

1 On or about the 3rd day of February, 2017, in Guam, the defendant, JESUS CALMA, while
2 working in the business of a pawnbroker, failed, refused, or neglected to produce for
3 inspection his register, or to exhibit all articles received by him in pledge, or account of sales,
4 to any officer holding a warrant authorizing him to search for personal property.

5
6 3. The Defendant understands that to establish a violation of **FAILING TO REGISTER**
7 **ITEM BY PAWNBROKER (As a Misdemeanor)**, as charged pursuant to 22 G.C.A. § 49102, the
8 People must prove each of the following elements beyond a reasonable doubt:

9 **First:** the incident occurred on or about the period between the day of 20th day of
10 January, 2017, and the 3rd day of February, 2017, inclusive, in Guam;

11 **Second:** the defendant was acting in the business of a pawnbroker;

12 **Third:** the defendant did fail at the time of the transaction to enter in a register kept
13 by him for that purpose, in the English language, an accurate depiction of the
14 property pledged, or estimated value of the property purchased, or the name
15 and residence of the pledger or seller, or to keep an account in writing of all
16 sales made by him; and,

17 **Third:** the defendant did so intentionally and knowingly.
18

19 The Defendant understands that to establish a violation of **OBSTRUCTION OF**
20 **PAWNSHOP INSPECTION (As a Misdemeanor)**, as charged pursuant to 22 G.C.A. § 49106, the
21 People must prove each of the following elements beyond a reasonable doubt:
22

23 **First:** the incident occurred on or about the 3rd day of February, 2017, in Guam;

24 **Second:** the defendant was working in the business of a pawnbroker;

25 **Third:** the defendant did fail, refuse, or neglect to produce for inspection his
26 register, or to exhibit all articles received by him in pledge, or account of
27 sales, to any officer holding a warrant authorizing him to search for personal
28 property; and,

1 **Third:** the defendant did so intentionally and knowingly.

2
3 4. Defendant understands and agrees Defendant may be called upon to testify under oath
4 about the factual details of these transactions at the taking of this guilty plea.

5 5. Defendant understands that Defendant has a right to move for a reduction of sentence
6 within one hundred twenty (120) days of sentencing pursuant to 8 GCA § 120.46 and 9 GCA §
7 80.22, and agrees to waive that right for the purpose of this plea.

8
9 6. Defendant understands that Defendant has a right to appeal Defendant's convictions
10 in this case pursuant to 8 GCA §§ 130.10 and 130.15, and agrees to waive that right for the purpose
11 of this plea.

12 7. Defendant understands and agrees that this agreement shall not be binding on the
13 People should the Defendant be charged with or commit a crime between the time of Defendant's
14 agreement and the time for sentencing in this case.

15
16 8. The Attorney General and Defendant agree to the following:

- 17 a. Defendant agrees to fully and truthfully cooperate with the Government of Guam
18 Attorney General's Office and any other government entity lawfully authorized to
19 conduct any inquiry, investigation or proceeding related to the offenses to which
20 Defendant is pleading guilty and CF-0055-17;
- 21 b. Defendant agrees to testify truthfully at any court proceeding, including grand jury,
22 trial or any other hearing to which he is called to testify, specifically concerning his
23 own case or those involving CF-0055-17;
- 24 c. Defendant agrees that this cooperation with the Attorney General will begin
25 immediately following his plea of guilty;
- 26 d. Defendant understands and agrees that if he does not cooperate fully with the Attorney
27 General as detailed herein, that the Attorney General may later charge and prosecute
28 her for any crimes she may have committed, or seek to have this plea agreement
revoked on the basis of such non-cooperation.

1 9. Defendant understands that the Court may enter a judgment for a lesser included
2 offense, if one exists, pursuant to 9 GCA § 80.22, and agrees to waive the right to such a reduction
3 for purposes of this plea.

4
5 10. The Attorney General and Defendant agree, in consideration for Defendant's plea(s)
6 to the following:

7 That as to the charges of **FAILING TO REGISTER ITEM BY PAWNBROKER**
8 **(As a Misdemeanor)**, and **OBSTRUCTION OF PAWNSHOP INSPECTION**
9 **(As a Misdemeanor)**, the Court will sentence the Defendant to a period of ONE (1)
10 YEAR incarceration, all suspended, with credit for time served. Defendant shall be
11 placed on a probation term of TWO (2) years. In addition, the following conditions
12 and penalties shall be imposed:

- 13 a. Defendant shall perform forty (40) hours of community service work under the
14 direction of the Alternative Sentencing Office;
- 15 b. Defendant shall pay a fine in the amount of one thousand dollars (\$1000), plus court
16 costs, all or part of which may be converted to community service hours at the
17 prevailing minimum wage rate;
- 18 c. That during the course of Defendant's supervision, sanctions up to and including days
19 of incarceration at the Department of Corrections may be imposed as sanctions. Days
20 of incarceration imposed as sanctions for violation of supervision requirements will
21 **not be credited** as time served pursuant to **9 GCA § 80.46**;
- 22 d. That during defendant's probation period, the following conditions of probation shall
23 be imposed:
- 24 i. Defendant shall report monthly, or as ordered, to the Probation Office;
- 25 ii. Defendant is to surrender Defendant's Passport, if any, to the Probation Office;
- 26 iii. Defendant shall not leave Guam without the approval of the Court or Probation
27 Office, with prior notice being given to the Office of the Attorney General,
28 Prosecution Division;
- iv. Defendant shall not possess or consume any illegal controlled substances;

- 1 v. Defendant shall make good faith efforts to obtain and maintain legal
2 employment or continue in school;
3 vi. Defendant shall obey all the laws of Guam; and,
4 vii. Defendant shall abide by any other reasonable conditions imposed by the
5 Court or the Probation Office.

- 6 e. Upon acceptance of the Plea Agreement the People will agree to move to dismiss the
7 **Sixteenth Charge of Theft by Receiving Stolen Property (As a Second Degree**
8 **Felony)** as charged in the Indictment today.

9 11. Defendant understands that if Defendants violates any conditions of release or of
10 probation, that the Court may find Defendant in violation and sentence Defendant to serve the
11 maximum sentence in this case.

12 12. Defendant states Defendant has told Defendant's lawyer all the facts and
13 circumstances known about the charges. Defendant's lawyer has counseled and advised Defendant
14 on the nature of each charge as well as on any and all lesser included charges.

15 13. Defendant and the People each intend this Plea Agreement and the sentence imposed
16 be a final sentence and a total and conclusive resolution of the charges described within this Plea
17 Agreement.
18

19 14. The parties hereto fully and completely understand and agree that it is in court's duty
20 to impose sentence upon the Defendant, and that any sentence either stipulated to or recommended
21 herein is not binding on the court. If after accepting this plea the court concludes that any of the plea
22 agreement's provisions regarding sentence or the term and conditions of probation are inappropriate,
23 it can reject the plea. If the court decides to reject the plea agreement provisions regarding
24 sentencing, it must give both the People and the Defendant an opportunity to withdraw from the plea
25
26
27
28

1 agreement. In case this plea agreement is withdrawn, all original charges will automatically be
2 reinstated.

3 15. If the Court decides to reject the plea agreement provisions regarding sentencing and
4 neither the People nor the Defendant elects to withdraw the plea agreement, then any sentence either
5 stipulated to or recommended herein is not binding upon the court, and the court is bound only by
6 the sentencing limits set forth in the applicable statutes.
7

8 16. By signature, Defendant attests Defendant has read this agreement and its provisions
9 have been fully explained by Defendant's attorney. Defendant believes Defendant's lawyer has
10 done all that anyone could do to counsel and assist Defendant and is satisfied with the advice and
11 help received.
12

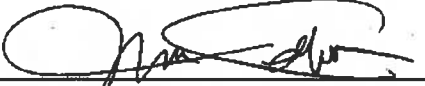
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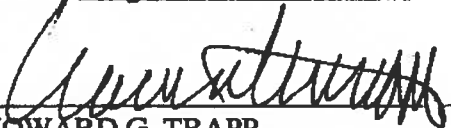
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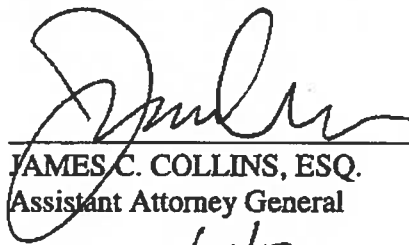
JESUS CALMA
Defendant

Dated: 02 NOV 2017



HOWARD G. TRAPP
Counsel for Defendant

Dated: 02 NOV 2017

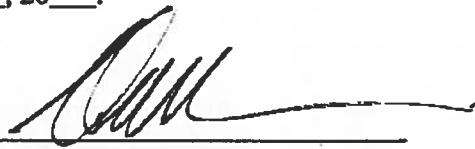


JAMES C. COLLINS, ESQ.
Assistant Attorney General

Dated: 11/06/17

After a hearing held on DEC 04 2017, 20__, and a finding the Defendant's pleas of guilty to **FAILING TO REGISTER ITEM BY PAWNBROKER (As a Misdemeanor)**, and **OBSTRUCTION OF PAWNSHOP INSPECTION (As a Misdemeanor)** are knowingly and voluntarily made, this Court now accepts the guilty plea and adjudges the Defendant guilty of these offenses. The Court will also accept the Plea Agreement and will sentence the Defendant as provided therein.

A Progress Hearing is set for March 12, 2018.



HONORABLE VERNON P. PEREZ
Judge, Superior Court of Guam

SERVICE VIA COURT BOX

I acknowledge that a copy of the original hereto was placed in the court box of:

AG, H. Trapp

Date: 12/7/17 Time: 10:35


Deputy Clerk, Superior Court of Guam

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