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Douglas B. Moylan
Attorney General of Guam
Office of the Attorney General
General Crimes Division
134 W. Soledad Ave, Ste 301
Hagåtña, Guam 96910 • USA
671-475-3324 • 671-477-3390 (fax)
prosecution@oagguam.org
www.guamattorneygeneral.org

Prosecutors for the People of Guam

IN THE SUPERIOR COURT OF GUAM

PEOPLE OF GUAM

Plaintiff,

vs.

MICHAEL DAVID ABILA TORRES
DOB: 07/30/1987

Defendant.

CRIMINAL CASE NO. CM 0301-25
GPD Report No. 25-07142

Charges:

1. DRIVING WHILE IMPAIRED
(As a Misdemeanor)

2. RESISTING ARREST
(As a Misdemeanor)

COMPLAINT

The Attorney General of Guam hereby accuses **MICHAEL DAVID ABILA TORRES** of certain crimes committed as follows:

CHARGE ONE

On or about March 19, 2025, in Guam, **MICHAEL DAVID ABILA TORRES** did commit the offense of ***Driving While Impaired (As a Misdemeanor)***, in that he did operate or was in physical control of a motor vehicle while impaired with alcohol or a controlled substance, in violation of 9 GCA §§ 92102(a) and 92101(f).

CHARGE TWO

On or about March 19, 2025, in Guam, **MICHAEL DAVID ABILA TORRES** did commit the offense of ***Resisting Arrest (As a Misdemeanor)***, in that, with intent to prevent or delay the arrest of himself by Guam Police Department officers, whom he knew, or reasonably should have known, to be peace officers acting in an official capacity, he prevented or delayed that arrest by the use or threat of force or by physical obstruction, in violation of 9 GCA § 55.35.

Respectfully Submitted this 29th day of August, 2025.

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



GRANT OLAN
Assistant Attorney General

AFFIDAVIT OF PROBABLE CAUSE

COMES NOW, GRANT OLAN, a duly appointed Assistant Attorney General, and aver, upon information and belief, that the following is true. I have reviewed Guam Police Report No. 25-07142 submitted by Police Officers Jovits Rechulk, Fatima Domingo, Kent Espinosa, Rodgely Fernandez, and Ethan Lizama, which set forth that the following events occurred on Guam.

1. Officer Rechulk's Police Report Narrative

On or about March 19, 2025, at approximately 2:02 a.m., Officer Rechulk observed a bronze 2012 BMW (LP: CIGAR) drive by his patrol car in Sinajana. The BMW's rear hatch was open and exposing the contents of the trunk area. The operator of the BMW drove through a stop sign without coming to a complete stop. Officer Rechulk activated his patrol car lights and sirens. After the operator of the BMW pulled over near a house in Sinajana, Officer Rechulk approached the driver's side door. The operator, who was shirtless, was later identified as **MICHAEL DAVID ABILA TORRES** ("Defendant"). Officer Rechulk observed a strong odor of an intoxicating beverage coming from inside the cabin of the BMW. Officer Rechulk requested the Defendant's driver's license, proof of insurance, and registration. The Defendant smiled, laughed, and said that his trunk was open. Officer Rechulk then observed that the Defendant had bloodshot, watery eyes and slurred speech. Officer Rechulk again requested the Defendant's driver's license, proof of insurance, and registration. The Defendant fumbled through a bag and the center console. He then scrolled through his phone. When asked if he was alright, the Defendant responded, "I'm good. I'm just trying to look for my pari's house." The Defendant subsequently provided his California driver's license and asked Officer Rechulk to call his uncle. Officer Rechulk asked why he would need to call the Defendant's uncle, to which the Defendant responded, "I don't know. I don't want to answer any questions." Based on his observations of the Defendant, Officer Rechulk concluded that the Defendant had been driving impaired. Accordingly, he requested help from an additional unit. Shortly thereafter, Officers Domingo and Espinosa arrived.

Officer Rechulk subsequently observed Officer Domingo approach the driver's side door of the BMW, inform the Defendant that he had been suspected of driving impaired, and asked if the Defendant was willing to submit to a Standardized Field Sobriety Test ("SFST"). The Defendant declined. Officer Domingo then informed the Defendant that he was being arrested for Driving While Impaired ("DWI"), and asked the Defendant to step out of the BMW. The Defendant refused and demanded to know why he was being arrested. Officer Domingo again explained to the Defendant that he had been suspected of driving impaired. The Defendant continued refusing to step out of the

BMW. Officer Rechulk then proceeded to the front passenger door, which he opened and asked the Defendant to step out. The Defendant only cooperated when Officers Domingo and Espinosa opened the driver's side door and escorted him out.

After being placed in hand restraints, Officer Domingo instructed the Defendant to walk toward her patrol car. The Defendant refused to move, and again asked why he was being arrested. As Officers Domingo and Espinosa attempted to escort the Defendant to the patrol car, the Defendant attempted to pull away from them and yelled, "I can fucking walk on my own." Officers Domingo and Espinosa continued in their attempt to escort the Defendant to the patrol car, but the Defendant continued refusing to move, and attempting to pull away. Officer Rechulk assisted Officers Domingo and Espinosa, who eventually succeeded in escorting the Defendant to the patrol car. Officers Domingo and Espinosa then transported the Defendant to Central Precinct Command ("CPC").

2. Officer Domingo's Police Report Narrative

On or about March 19, 2025, at approximately 2:10 a.m., Officer Domingo responded to Officer Rechulk's request for assistance with a traffic stop near a house in Sinajana. Officer Domingo arrived at approximately 2:15 a.m., where she saw Officer Rechulk engaged with the Defendant. Officer Rechulk informed Officer Domingo that the Defendant exhibited signs of impairment. Officer Domingo then proceeded to the driver's side door. As she approached, Officer Domingo observed a strong odor of an intoxicating beverage emitting from the cabin of the BMW. The Defendant was seated in the driver's seat while on his phone and attempting to make a call. Officer Domingo introduced herself to the Defendant, who momentarily glanced at her, but did not verbally acknowledge her presence and remained fixated with his phone. Officer Domingo further observed that the Defendant had bloodshot, watery eyes, and appeared lethargic in his movements.

Officer Domingo next asked the Defendant to participate in a SFST, but he refused. Officer Domingo then asked the Defendant to step out of the BMW. The Defendant did not respond. He remained fixated on his phone. Officer Domingo again asked the Defendant to step out of the BMW, in response to which he said, "No." Officer Domingo immediately observed a strong odor of an intoxicating beverage emitting from the Defendant's breath. Officer Domingo then opened the driver's side door and again instructed the Defendant to step out of the BMW, but he remained seated, was visibly agitated, and raised his voice in protest. Officer Domingo advised the Defendant that he needed to comply with lawful orders. At that point, the Defendant exited. As he did so, however, the Defendant said to Officer Domingo, "You're dumb and don't know what

you're doing." Based on her observations of the Defendant, Officer Domingo concluded that the Defendant was impaired and placed him under arrest for DWI. Officer Domingo read the Defendant his *Miranda*[1] rights, in response to which the Defendant said, "Fuck you!"

Officer Domingo then placed the Defendant in hand restraints and attempted to escort him to her patrol car. As Officer Domingo was doing so, the Defendant repeatedly shouted profanities, including "Fuck you!" multiple times, and actively resisted arrest by: (1) pushing officers away using his height and weight to his advantage; (2) shoving backward into officers in an attempt to break free; (3) tensing his body and refusing to move forward; and (4) yelling loudly in an aggressive manner. The Defendant ignored repeated commands that he stop resisting and peacefully comply. The officers eventually secured the Defendant in Officer Domingo's patrol car.

During his transport to CPC, the Defendant continued displaying unruly and disruptive behavior. He shouted profanities at Officers Domingo and Espinosa, constantly moved around in the backseat, and banged his forehead against the window despite being asked to stop for his safety. Officer Domingo noted in her police report that she maintained a calm and professional demeanor, continually instructing the Defendant to cease his actions to prevent harm.

Officer Domingo requested additional assistance at CPC due to the Defendant's combative and uncooperative behavior, to which Officers Fernandez and Lizama responded. The officers had to use force to remove the Defendant from the patrol car. Due to his active resistance to commands, the Defendant was issued a dry stun to his mid-lower back. The Defendant was then informed that further resistance would result in another dry stun. The Defendant, nevertheless, continued resisting by pushing into the officers. Officers then attempted a controlled takedown of the Defendant to gain his compliance, during which he attempted to kick the officers. Once secured, the Defendant was placed in a holding cell. Offered water, the Defendant declined, stating, "Fuck you!" Offered the restroom, the Defendant declined. Offered medical attention, the Defendant declined, stating "Fuck, no!"

Officer Domingo subsequently presented the Defendant with the Implied Consent Form for DWI. As she began explaining the form, the Defendant interrupted, stating that he refused to sign and refused to submit to blood and breath tests. Due to his refusal, Officer Domingo confiscated the Defendant's California driver's license. She readministered the Defendant's *Miranda* rights using the Custodial Interrogation Rights Form. The Defendant refused to acknowledge or sign the form. The Defendant was

[1] *Miranda v. Arizona*, 384 U.S. 436 (1966).

again offered water and the restroom, which he declined. He was then processed and transferred to the Department of Corrections in Hagåtña.

3. Officer Espinosa's Police Report Narrative

On or about March 19, 2025, at approximately 2:10 a.m., Officer Espinosa responded with Officer Domingo to Officer Rechulk's request for assistance with a traffic stop near a house in Sinajana. Upon their arrival, Officer Espinosa observed Officer Rechulk near a car (LP: CIGAR) with the rear hatch door wide open. Officer Espinosa subsequently heard Officer Rechulk request Officer Domingo's assistance in conducting a SFST. Officer Espinosa approached the front passenger door, where he observed that the Defendant was shirtless and holding a phone to his ear. Officer Espinosa also observed the smell of an intoxicating beverage emitting from the cabin of the car. Officer Domingo instructed the Defendant to put his phone away multiple time, but the Defendant refused. Officer Domingo subsequently asked the Defendant to participate in a SFST, but the Defendant refused and showed signs of resistance by: (1) not responding; (2) ignoring lawful orders; (3) remaining fixated with his phone; and (4) using profanity. Officer Espinosa further observed that the Defendant had slurred speech and bloodshot, watery eyes.

Officer Espinosa then made his way toward the driver's side door and request the Defendant step out of the car. The Defendant refused. The Defendant eventually stepped out in an aggressive manner and said to Officer Domingo, "You're dumb, and you don't know what you're doing." Officer Domingo placed the Defendant under arrest for DWI. The Defendant was then placed in hand restraints. While escorting the Defendant to the patrol car, Officer Espinosa observed the Defendant resist and yell profanities. The Defendant lunged forward as if he were trying to flee, and shoved Officers Domingo, Espinosa, and Rechulk while refusing to proceed to the patrol car. The Defendant was eventually secured in the patrol car, where he continued yelling loudly, and transported to CPC. At CPC, officers had to use force to remove the Defendant from the patrol car. Due to his active resistance to commands, a dry stun was issued to the Defendant to gain his compliance, but he continued resisting. Officers then escorted the Defendant to the ground, after which he became compliant and was placed in a holding cell.

4. Officer Fernandez's Police Report Narrative

On or about March 19, 2025, at approximately 2:33 a.m., Officer Fernandez received a request for help from Officer Domingo, who, along with Officer Espinosa, was transporting a combative arrestee to CPC. Officer Domingo specifically wanted Officer

Fernandez's help escorting the Defendant to the holding cell. Officer Fernandez then enlisted Officer Lizama's help. Upon the arrival of Officer Domingo's and Officer Espinosa's patrol car, Officer Fernandez opened the back left door and instructed the Defendant to exit. The Defendant refused and had to be escorted out by officers. Officer Fernandez instructed the Defendant to walk toward the building, but the Defendant lunged at and pushed Officer Fernandez's left shoulder. Officer Fernandez deployed his service taser and issued a drive-stun—also known as a "dry stun"—to the Defendant's lower mid-back. The Defendant was then informed that further resistance would result in another drive-stun. The Defendant, nevertheless, continued resisting by pushing toward Officer Fernandez. Officers then restrained the Defendant by placing him on his back on the ground. While officers attempted to stand him back up on his feet, the Defendant continued resisting by turning his body and kicking his legs in different directions. In response, Officer Fernandez again deployed his service taser and issued a drive-stun to the Defendant's left rib area, after which the Defendant finally became compliant and was placed in a holding cell. During the entire incident, the Defendant was given multiple commands to stop resisting.

5. Officer Lizama's Police Report Narrative

On or about March 19, 2025, at approximately 2:33 a.m., Officer Lizama responded to Officer Fernandez's request for help with a combative arrestee who Officers Domingo and Espinosa were transporting to CPC. Upon the arrival of Officer Domingo's and Officer Espinosa's patrol car, Officer Fernandez opened the back left door. The Defendant disobeyed multiple commands to exit the car and had to be escorted out by Officers Fernandez and Lizama. The Defendant subsequently refused Officer Fernandez's commands to walk forward, used his body to shove Officer Lizama away, and lunged toward Officer Fernandez. During the melee, Officer Fernandez used his service taser to issue a drive-stun to the Defendant's mid-back area, and, together, Officers Fernandez and Lizama forced the Defendant to the ground in a supine position while commanding him to calm down. While Officers Fernandez and Lizama helped the Defendant off the ground and back up on his feet, the Defendant attempted to kick them away multiple times. Officer Fernandez then used his service taser to issue another drive-stun to the Defendant's left stomach area, after which the Defendant became compliant and Officer Lizama placed him in a holding cell.

Based on the foregoing, there is probable cause to charge **MICHAEL DAVID ABILA TORRES** with:

1. DRIVING WHILE IMPAIRED (as a Misdemeanor), in violation of 9 GCA §§ 92102(a) and 92101(f); and

2. RESISTING ARREST (as a Misdemeanor), in violation of 9 GCA § 55.35.

I declare under penalty of perjury that the foregoing is true and correct, this document being sworn and made as an affidavit pursuant to 6 GCA § 4308, at Hagåtña, Guam, this 29th day of August, 2025.

GRANT OLAN

RECEIVED FOR SERVICE:
TIME: 11:00am
DATE: 9/3/2025
INITIAL:
MARSHAL, SUPERIOR COURT OF GUAM