



FILED
SUPERIOR COURT
OF GUAM

2019 NOV 21 PM 1:42

CLERK OF COURT

By: _____

Office of the Attorney General
Leevin Taitano Camacho
Attorney General
Prosecution Division
590 S. Marine Corps Drive, Suite 901 (mailing)
Suite 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**

CF 0626-19

13	PEOPLE OF GUAM,	)	S.C. Criminal Case No.: CF _____
		)	GPD Report No.: 19-33895
14)	
15	vs.	)	Charges:
)	
16	NORIANN TOMMY,	) 1.)	CHILD ABUSE
17	DOB: 09/28/2000	)	(As a 3 rd Degree Felony)
)	
18	Defendant.	) 2.)	FAMILY VIOLENCE
		)	(As a Misdemeanor)
19)	
20		) 3.)	RECKLESS CONDUCT
		)	(As a Misdemeanor)
21)	
22)	

MAGISTRATE'S COMPLAINT

The Attorney General of Guam hereby accuses **NORIANN TOMMY** of certain crimes committed as follows:

ORIGINAL

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

FIRST CHARGE

On or about the 20th day of November, 2019, in Guam, **NORIANN TOMMY**, did commit the offense of *Child Abuse (As a 3rd Degree Felony)*, in that while having a child, namely, *O.T. (DOB: 11/01/2017)*, in her care or custody or under her control, she unreasonably caused or permitted the physical health of said child to be endangered, in violation of 9 GCA § 31.30(a)(2)(C), and (b).

SECOND CHARGE


On or about the 20th day of November, 2019, in Guam, **NORIANN TOMMY**, did commit the offense of *Family Violence (As a Misdemeanor)*, in that she did recklessly place a family member or household member, to wit, *O.T. (DOB: 11/01/2017)*, in reasonable fear of imminent bodily injury, in violation of 9 GCA §§ 30.10(a)(2) and 30.20(a).

THIRD CHARGE

On or about the 20th day of November, 2019, in Guam, **NORIANN TOMMY**, did commit the offense of *Reckless Conduct (As a Misdemeanor)*, in that she recklessly engaged in conduct which unjustifiably placed another, namely, *O.T. (DOB: 11/01/2017)*, in danger of serious bodily injury, in violation of 9 GCA § 19.40(a)(1), as amended.

Dated this 21st day of November, 2019.

OFFICE OF THE ATTORNEY GENERAL
LEEVIN TAITANO CAMACHO, Attorney General


BENJAMIN BERNARD PAHOLKE
Assistant Attorney General, Prosecution Division

NO PRIORS

IN THE SUPERIOR COURT OF GUAM
AMENDED DECLARATION

I, BENJAMIN BERNARD PAHOLKE, a duly appointed Assistant Attorney General, assert upon information and belief that the following declaration is true. I have reviewed Guam Police Report No. 19-33895 submitted by Officer Santos, which revealed the following occurred in Guam:

On November 20, 2019, at approximately 5:50 p.m., Officer Santos was sent a video on the social media platform Instagram. The video shows **NORIANN TOMMY** (“**DEFENDANT**”) holding her two-year-old child, O.T. (D.O.B. 11/01/17) (“**Victim**”) over the outer edge of a second story balcony by the arms. The **DEFENDANT** then lifted the **Victim** back over the railing to the inside of the railing. Several seconds later, the **DEFENDANT** again dangled the **Victim** over the outside of the railing by the arms for approximately thirteen (13) seconds.

Officer Santos showed the video to other officers, who recognized the building in Hagatna. Police traveled to the building, where they met the **DEFENDANT**, who agreed to travel to the Hagatna Precinct Command for questioning. After waiving her Miranda and Custodial Interrogation rights, the **DEFENDANT** confessed to police that she was the woman from the video. She said the **Victim** was trying to climb the balcony several times, and every time the **DEFENDANT** pulled the **Victim** away from the balcony, she would cry. The **DEFENDANT** said she held the **Victim** over the balcony to stop her from crying. The **DEFENDANT** further stated each time she did this, the **Victim** would, in fact, stop crying.

Based on the foregoing, there is probable cause to charge **NORIANN TOMMY** with:

1. **CHILD ABUSE** (as a 3rd Degree Felony), in violation of 9 G.C.A. § 31.30(a)(2)(C), (b);
2. **FAMILY VIOLENCE** (as a Misdemeanor), in violation of 9 G.C.A. § 30.20(a), as defined by § 30.10(a)(2);
3. **RECKLESS CONDUCT** (as a Misdemeanor), in violation of 9 G.C.A. § 19.40(a)(1).

I declare under penalty of perjury that the foregoing is true and correct.
Executed on this 21st day of November, 2019.


BENJAMIN BERNARD PAHOLKE