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SUPERIOR COURT
OF GUAM

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Attorneys for the People of Guam

IN THE SUPERIOR COURT OF GUAM

HAGÁTÑA, GUAM

CF 0022-20

PEOPLE OF GUAM,

vs.

BENJAMIN WEGER FERRER, JR.,
aka Benajmin Ferrer, Jr.,
DOB: 04/16/1995

Defendant.

) Criminal Case No. CF _____
) GPD Report No. 20-00984/00982/00985 & 20-00995

) Charges:

-) 1. **CHILD ABUSE**
(As a Third Degree Felony) *3 Counts*
-) 2. **CRIMINAL TRESPASS**
(As a Misdemeanor)
-) 3. **UNAUTHORIZED USE OF A MOTOR VEHICLE**
(As a Misdemeanor)
-) 4. **ELUDING A POLICE OFFICER**
(As a Misdemeanor)

MAGISTRATE'S COMPLAINT

The Attorney General of Guam hereby accuses **BENJAMIN WEGER FERRER, JR., aka Benajmin Ferrer, Jr.** of certain crimes committed as follows:

1 **FIRST CHARGE**

2 First Count

3 On or about the 10th day of January 2020, in Guam, **BENJAMIN WEGER FERRER, JR.,**
4 **aka Benajmin Ferrer, Jr.** did commit the offense of *Child Abuse (As a 3rd Degree Felony)*, in that,
5 while having a child, namely K.K. (11yrs old), in his care and custody, **BENJAMIN WEGER**
6 **FERRER, JR., aka Benajmin Ferrer,** intentionally or knowingly subjected said child to cruel
7 mistreatment or unreasonably caused and permitted the physical and emotional health of said child
8 to be endangered, under circumstances likely to result in serious bodily injury, in violation of 9 GCA
9 § 31.30(a) (2) (C) and (b).
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11
12 Second Count

13 On or about the 10th day of January 2020, in Guam, **BENJAMIN WEGER FERRER, JR.,**
14 **aka Benajmin Ferrer, Jr.Jr.** did commit the offense of *Child Abuse (As a 3rd Degree Felony)*, in
15 that, while having a child, namely S.S.. (2yrs old), in his care and custody, **BENJAMIN WEGER**
16 **FERRER, JR., aka Benajmin Ferrer,** intentionally or knowingly subjected said child to cruel
17 mistreatment or unreasonably caused and permitted the physical and emotional health of said child
18 to be endangered, under circumstances likely to result in serious bodily injury, in violation of 9 GCA
19 § 31.30(a) (2) (C) and (b).
20

21 Third Count

22 On or about the 10th day of January 2020, in Guam, **BENJAMIN WEGER FERRER, JR.,**
23 **aka Benajmin Ferrer, Jr.Jr.** did commit the offense of *Child Abuse (As a 3rd Degree Felony)*, in
24 that, while having a child, namely C.F. (2 months old), in his care and custody, **BENJAMIN**
25 **WEGER FERRER, JR., aka Benajmin Ferrer,** intentionally or knowingly subjected said child
26 to cruel mistreatment or unreasonably caused and permitted the physical and emotional health of said
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1 child to be endangered, under circumstances likely to result in serious bodily injury, in violation of
2 9 GCA § 31.30(a) (2) (C) and (b).

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4 **SECOND CHARGE**

5 On or about the 10th day of January 2020, in Guam, **BENJAMIN WEGER FERRER, JR.,**
6 **aka Benajmin Ferrer, Jr.** did commit the offense of *Criminal Trespass (As a Misdemeanor)*, when,
7 knowing that he was not licensed or privileged to do so, enter or surreptitiously remain in the
8 habitable property of Peter Borja, in violation of 9 GCA § 37.30(a), as amended.

9
10 **THIRD CHARGE**

11 On or about the 10th day of January 2020, in Guam, **BENJAMIN WEGER FERRER, JR.,**
12 **aka Benajmin Ferrer, Jr.** did commit the offense of *Unauthorized Use of a Motor Vehicle (As a*
13 *Misdemeanor)*, in that he knowingly operate an automobile, without consent of the owner or the
14 person authorized to give consent, that is Joey Crisostomo, in violation of 9 GCA § 43.65(a), as
15 amended.

16
17 **FOURTH CHARGE**

18 On or about the 10th day of January 2020, in Guam, **BENJAMIN WEGER FERRER, JR.,**
19 **aka Benajmin Ferrer, Jr.** did commit the offense of *Eluding a Police Officer (As a Misdemeanor)*,
20 in that he eluded Police Officer by failing or refusing to stop when signaled to do so, by siren and
21 lights mounted on Police Officer's marked police car when being pursued, in violation of 16 GCA
22 § 3301.1.

23 Dated this day, Saturday, January 11, 2020.

24 **OFFICE OF THE ATTORNEY GENERAL**

25 Leevin Taitano Camacho, Attorney General of Guam

26 **SEAN E. BROWN**

27 Assistant Attorney General, Prosecution Division

IN THE SUPERIOR COURT OF GUAM

DECLARATION

COMES NOW, SEAN BROWN, a duly appointed Assistant Attorney General, and aver, upon information and belief, that the following is true.

I have reviewed Guam Police Report Nos. 20-0984, 20-0982, 20-0985 and 20-0995 submitted by Guam Police Officer B. C. Carbullido which sets forth that the following events occurred on Guam.

On or about January 10, 2019, police located a gray Toyota Highlander which was reported taken in an unauthorized use of a vehicle report where Joey Crisostomo allowed a male known to him as BENJAMIN FERRER JR (DEFENDANT) to borrow the vehicle. Crisostomo told police that on January 10, 2019 he allowed Defendant to borrow his girlfriend's Highlander to go get drinks. Crisostomo told police that Defendant did not return with the vehicle. When police located the Highlander it was motoring in Sinajana. Police attempted a traffic stop but the vehicle fled. Police learned that Defendant was operating the vehicle.

The vehicle fled at speeds exceeding 50 miles per hour according to police. Police noted that a pedestrian was almost struck by the Highlander as well as several collisions which were narrowly avoided. Police observed the vehicle go into oncoming traffic and go through red lights. Eventually the vehicle stopped and a foot pursuit took place where Defendant hid in a residence belonging to Peter Borja who told police that he did not know Defendant and that Borja told the person to leave his house.

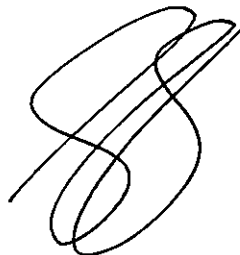
Police learned that Defendant had several occupants in his vehicle, including three minor children, during the high-speed chase. Police learned that K. K. (11 years old), S.S. (2 years old) and C.F. (2 months old) were unsecured within the vehicle during the ordeal.

Defendant was later apprehended by police.

Based on the forgoing, there is probable cause to charge BENJAMIN FERRER JR with three counts of CHILD ABUSE (as a Third Degree Felony) in violation of 9 G.C.A. §§ 31.30(a)(2)(C) and (b); with one count of CRIMINAL TRESPASS (as a Misdemeanor) in violation of Title 9 G.C.A. § 37.30(a); with one count of UNAUTHORIZED USE OF A MOTOR VEHICLE (as a Misdemeanor) in violation of Title 9 G.C.A. § 43.65(a); and with one count of ELUDING A POLICE OFFICER (as a Misdemeanor) in violation of 16 G.C.A. § 3301.1(a).

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

Executed this 11th of January, 2020.

A handwritten signature in black ink, appearing to be the initials 'SB' or similar, written in a cursive style.