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SUPERIOR COURT  
OF GUAM

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CLERK OF COURT

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Attorneys for the People of Guam

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

CF 0309-20

10	PEOPLE OF GUAM,	)	S.C. Criminal Case No. CF
		)	GPD Report No. 20-14601
11		)	
	vs.	)	Charges:
12		)	
13	<b>RAFAEL FEJERANG MARTINEZ,</b>	) 1)	<b>SECOND DEGREE ROBBERY</b>
		)	(As a 2 <sup>nd</sup> Degree Felony)
14	DOB: 02/16/1994	) 2)	<b>TERRORIZING</b>
		)	(As a 3 <sup>rd</sup> Degree Felony)
15	Defendant.	) 3)	<b>ASSAULT ON A PEACE OFFICER</b>
		)	(As a 3 <sup>rd</sup> Degree Felony)
16		) 4)	<b>RESISTING ARREST</b>
17		)	(As a Misdemeanor)

**MAGISTRATE'S COMPLAINT**

The Attorney General of Guam hereby accuses **RAFAEL FEJERANG MARTINEZ** of certain crimes committed as follows:

**FIRST CHARGE**

On or about the 6<sup>th</sup> day of June, 2020, in Guam, **RAFAEL FEJERANG MARTINEZ**, did commit the offense of *Second Degree Robbery (As a 2<sup>nd</sup> Degree Felony)*, in that he did intentionally was armed with what appeared to be a deadly weapon, while in the course of committing theft, in violation of 9 GCA §§ 40.20(a)(3) and (b).

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**SECOND CHARGE**

On or about the 6<sup>th</sup> day of June, 2020, in Guam, **RAFAEL FEJERANG MARTINEZ**, did commit the offense of *Terrorizing (As a 3<sup>rd</sup> Degree Felony)*, in that he did knowingly communicate a threat to another person, *Jamal Wortham*, to commit a crime of violence dangerous to human life against *Jamal Wortham*, the natural and probable consequence of such threat being to place *Jamal Wortham* in reasonable fear that the crime would be committed, in violation of 9 GCA §§ 19.60(a) and (b).

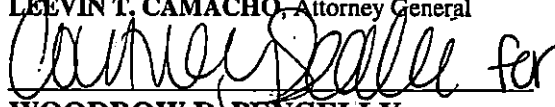
**THIRD CHARGE**

On or about the 6<sup>th</sup> day of June, 2020, in Guam, **RAFAEL FEJERANG MARTINEZ**, did commit the offense of *Assault on a Peace Officer*, in that he did recklessly cause or attempt to cause bodily injury to another, that is, *Guam Police Department Officer Aren Fabila*, a peace officer who was performing his official duties as a peace officer, when **RAFAEL FEJERANG MARTINEZ** knew and should have known he was a peace officer, a violation of 9 GCA §§ 19.30(a)(1) and (b).

**FOURTH CHARGE**

On or about the 6<sup>th</sup> day of June, 2020, in Guam, **RAFAEL FEJERANG MARTINEZ**, did commit the offense of *Resisting Arrest (As a Misdemeanor)*, in that, with the intent to prevent or delay the arrest of himself, by *Guam Police Department Officers*, whom he knew or reasonably should have known to be a peace officer(s) acting in an official capacity, he prevented or delayed that arrest by the use of force, in violation of 9 GCA § 55.35, as amended.

Dated this day, Saturday, June 6, 2020.

**OFFICE OF THE ATTORNEY GENERAL**  
LEEVIN T. CAMACHO, Attorney General  
  
**WOODROW D. PENGELLY**  
Assistant Attorney General, Prosecution Division

PRIORS

**IN THE SUPERIOR COURT OF GUAM**  
**DECLARATION**

I, WOODROW D. PENGELLY, a duly appointed Assistant Attorney General, aver upon information and belief that the following declaration is true. I have reviewed Guam Police Reports #20-14601 submitted by Officers Sammy Sumagaysay, Aren Fabila and others, which revealed the following occurred in Guam:

On or about June 6, 2020 shortly after 4:47 am, Guam police officers responded to a disturbance complaint possibly involving a firearm at New Home Plus Mart in Tamuning. When officers arrived they observed a shirtless male, later identified as **RAFAEL FEJERANG MARTINEZ (DEFENDANT)** struggling with a security guard, later identified as Jamal Wortham. The security guard shouted "that's him" about the Defendant.

Police told the **DEFENDANT** to get on the ground but he refused. He was instructed multiple times to place his hands behind his back but he refused, and after a brief struggle police were successful in placing his hands behind his back. While Officer Aren Fabila was patting him down for weapons at his patrol vehicle, **DEFENDANT** attempted to kick Fabila's groin with his left leg, but complied after Fabila responded with an open palm to the abdomen. **DEFENDANT** then apologized. At one point in custody **DEFENDANT** said he could not breathe so he was transported to Guam Memorial Hospital before being returned to the Tamuning precinct.

Security guard Jamal Wortham was also interviewed. He said that around 3:00 AM he heard the sounds of clicking coming from the side of a building. He went to see and observed the **DEFENDANT**, shirtless. He asked if **DEFENDANT** was okay and **DEFENDANT** replied "Why are you going to call the cops?" **DEFENDANT** then approached Wortham and pointed what appeared to be a black and silver pistol at him. Wortham asked him to calm down, and **DEFENDANT** asked to see his phone so he could identify him. He also asked for Wortham's black backpack, and Wortham complied and gave him the backpack as he was scared for his life. Wortham tried to deescalate the situation by giving him a vape pod. At 4:00 AM Wortham asked if he could go to his hourly checks, but did not run away as he was not sure if he was being followed or watched. When he returned to his station, he noted **DEFENDANT** had both hands on his phone and the pistol was on a table. Upon arrival of Wortham's supervisor, Vandruck Cruz, Wortham told Cruz to call the police then grabbed **DEFENDANT**, kicking the pistol on the ground towards the parking area entrance.

Police conducted a scene check and found the pistol in the place where Wortham said he kicked it, but it was a plastic imitation pistol, black and silver in color.

Based on the foregoing, there is probable cause to charge **RAFAEL FEJERANG MARTINEZ** with:

1. **SECOND DEGREE ROBBERY** (as a Second Degree Felony), in violation of 9 GCA §40.20(a)(3);

2. **TERRORIZING** (as a Third Degree Felony) in violation of 9 GCA §19.60;
3. **ASSAULT ON A PEACE OFFICER** (as a Third Degree Felony), in violation of 9 GCA §19.30(b)(1); AND
4. **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.  
Executed on this 6<sup>th</sup> of June, 2020.



**WOODROW D. PENGELLY**  
**ASSISTANT ATTORNEY GENERAL**