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Attorney for the People of Guam

IN THE SUPERIOR COURT OF GUAM

THE PEOPLE OF GUAM,

Plaintiff,

vs.

ANTHONY GREGORY MENDIOLA,

Defendant.

CRIMINAL CASE NO.: CF0343-20

**PEOPLE'S MOTION TO DISMISS
 WITHOUT PREJUDICE
 CHARGE 1: MURDER**

The People of Guam, by and through Assistant Attorney General Sean E. Brown, respectfully submit this Motion to Dismiss.

I. ARGUMENT

The People of Guam respectfully requests leave of Court to dismiss Charge 1 pursuant to Title 8 GCA § 80.70 and 8 GCA § 10.50. Charges 2 and 3 will not be affected by the motion. The Magistrate Judge found probable cause for all three charges at the Magistrate's Hearing. Yet, there has been a significant change in the understanding of the existing evidence since the day the case was charged and brought before the Magistrate Judge. Defense Counsel asked the Magistrate Court to dismiss the matter based on Castle Doctrine and in part the Government objected to a Castle Doctrine based dismissal because it was then believed that the Defendant followed the Victim into the home and that

ORIGINAL

1 the Victim was shot in the back. New information came recently to the People of Guam in the form of
2 police reports and a Medical Examiner's opinion. That new information indicates three crucial facts
3 that were not known previously: 1) The Defendant was actually inside his home when the Victim
4 entered the house, 2) Witnesses overheard the Victim appearing angry and yelling profanities outside of
5 the Defendant's residence as he made attempts to enter the residence and then entered the residence and
6 3) the Victim was shot from the front. Previously, the People of Guam objected to Defendant's oral
7 Motion to Dismiss because Castle Doctrine did not apply under the then existing set of facts.
8 Currently, the facts as applied to Charge 1 do engage the Castle Doctrine. The People of Guam note
9 that the Castle Doctrine is a bar to prosecution and as a result Charge 1 is barred. See 9 GCA §§ 7.112
10 and 7.113.


11 Defendant is also being held on \$50,000.00 cash bail. The issue of continued incarceration or
12 release conditions should be addressed as soon as possible so that all conditions may reflect the case as
13 it will stand after dismissal of Charge 1.

14 **II. CONCLUSION**

15 Based on the foregoing, the Court should grant the People's Motion to dismiss without prejudice
16 Charge 1 of the Magistrates Complaint.

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19 Dated: 7/7/2020

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LEEVIN TAITANO CAMACHO, Attorney General of Guam

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SEAN E. BROWN
Assistant Attorney General, Prosecution Division