

Full Name, to include Alias (30.200(c)(1))	Full Name: Gilbert Thomas Atoigue Burgos Alias, if any: Unknown
Date of Birth (30.200(c)(1))	12/08/1973
Person's last known address (30.200(c)(2))	Turner Road, Piti, Guam
Physical description (30.200(c)(3))	Hair color: Black Eye Color: Brown Height: 6'1" Weight: 220 Ethnicity: Chamorro Tattoos: Unknown Scars/Marks: Unknown
Classification of Offender: Level 1: Any person who on two occasions or more have been convicted of a family, domestic, or dating violence, and/or stalking offense Level 2: any person who is convicted of one offense of family, domestic, or dating violence, and the conviction is with the special allegation of the use of a deadly weapon, or an additional charge of criminal sexual conduct against a minor, or an additional charge of any sex offenses against a family member	Level 1
List of offenses for which person is convicted of two (2) or more cases of domestic violence, family or dating violence and/or stalking (30.200(c)(4))	Case Number: CF520-10 Offenses: (1) Criminal Mischief (As a 3 rd Degree Felony); and (2) Family Violence (As a Misdemeanor) Case Number: CF194-12 Offenses: (1) Family Violence, 3 counts (As a 3 rd Degree Felony)
The date of conviction for each offense (30.200(c)(4))	Case Number: CF520-10 December 20 th , 2010 (Plea agreement) Case Number: CF194-12 October 12 th , 2012 (Plea agreement)
Punishment prescribed for each offense (30.200(c)(4))	For CF520-10: For the offense of CRIMINAL MISCHIEF (As a 3rd Degree Felony) , the Defendant shall be sentenced to serve one (1) year imprisonment, with all but one hundred and twenty (120) days suspended. Defendant shall serve direct-time of one hundred and twenty (120) days at the Department of Corrections, with credit for time

served; and

For the offense of **FAMILY VIOLENCE (As a Misdemeanor)**, the Defendant shall be sentenced to serve one (1) year imprisonment with all but one hundred and twenty (120) days suspended. Defendant shall serve direct-time of one hundred and twenty (120) days at the Department of Corrections, with credit for time served.

As to both these offenses, Defendant shall serve both sentences for these convictions concurrently with each other.

Additional terms of probation:

1. Defendant shall pay a fine of Five Hundred Dollars (\$500.00), plus court costs. A payment plan may be arranged. All or part of the fine imposed may be converted to community service work at the current prevailing minimum wage rate, except for the Court costs;
2. Defendant shall be held severally liable for restitution, if any, pursuant to 9 G.C.A. 80.50(e) to the victims, (*victims' name omitted*), in an amount to be determined at a restitution hearing. Defendant shall pay said restitution in monthly installments to be arranged by the Adult Probation Office and shall pay it in full prior to the termination of his probationary period. However, in the event restitution is not paid by the expiration of probation, the obligation for restitution shall survive;
3. That upon release, Defendant shall be placed on supervised probation for a period of two (2) years, during which time the following conditions of probation shall be imposed:
 - i. Defendant shall perform one hundred and eighty (180) hours of community service work;
 - ii. Defendant shall stay away, directly or indirectly, from the victims, (*victims' name omitted*). Defendant shall **not contact** the victims either in person, through a third-party, by telephone, text message, electronic device, e-mail, letter, or any other form of communication, including a family member or friend;
 - iii. Defendant shall stay away from the residence, dwelling, school, day care center, or place of employment of the victims, (*victims' name omitted*), or any other specified place, and shall not come within five hundred (500) feet of the above specified places;
 - iv. Defendant shall not attend any function and/or establishment, including family and/or social functions, if he knows or becomes aware that the victims, (*victims' names omitted*), will be present.

	<p>Upon becoming aware of victim's presence, or planned presence, the Defendant shall immediately leave the function and/or establishment;</p> <ul style="list-style-type: none">v. Defendant shall not threaten, physically strike, or injure the victims, (<i>victims' names omitted</i>);vi. Defendant shall report to the Client Services and Family Counseling Division of the Court for intake and assessment. The Defendant shall follow all treatment recommendations including psychological evaluation, psychiatric evaluation, drug and alcohol evaluation, individual counseling, group counseling and family counseling. Client Services and Family Counseling Division may also, if determined to be appropriate, refer the Defendant to the Domestic Abuse Project Workshop administered through the Adult Probation Office of the Superior Court of Guam, and the Department of Mental Health and Substance Abuse for an intake and assessment, and any other agencies or organizations as deemed appropriate;vii. Defendant shall comply with and pay fees to the Superior Court of Guam for Group Treatment through Client Services and Family Counseling Division, Individual Counseling or Psychological Evaluation through Client Services and Family Counseling Division, and the Domestic Abuse Project Workshop at the Alternative Sentencing Office, in compliance with the court's order;viii. Defendant shall report to the Department of Mental Health and Substance Abuse for an assessment by a qualified substance abuse counselor of the Defendant's alcohol dependence and need for treatment, the Probation Office shall contact the counselor for their recommendations to the Court, which may require Defendant to obtain appropriate treatment, that all costs for such assessment and treatment, or both, shall be borne by Defendant at the discretion of the Court;ix. Defendant shall attend and successfully complete the Anger Management Program administered by the Adult Probation Office;x. Defendant shall report to the Adult Probation Office once a month in person, or as ordered by the Adult Probation Office;xi. Defendant shall seek and attempt to maintain full-time legitimate employment, effective immediately, and that the Adult Probation Office shall monitor Defendant's progress on a monthly basis;
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	<ul style="list-style-type: none">xii. Defendant shall not possess or consume any alcoholic beverages, and shall not enter any establishments whose primary business is selling alcoholic beverages;xiii. Defendant shall not possess or consume any illegal controlled substances;xiv. Defendant shall forfeit his firearm identification card to the court and shall not reapply for another one. 18 U.S.C. §922 makes it unlawful for any person subject to an order for protection or convicted of a misdemeanor crime of domestic violence to ship, transport, possess, or receive firearms or ammunition;xv. Defendant shall forfeit the firearm, the ammunition clip, and the rounds of ammunition confiscated in this case to the Guam Police Department for its use, or destruction, if any;xvi. Defendant shall not live in any residence where firearms are present and shall stay away from all firearms and other deadly weapons, and under no circumstances is he to possess, carry, transfer, or use any firearms;xvii. Defendant shall submit to random alcohol and drug testing under the supervision of the Adult Probation Office;xviii. Defendant shall permit the probation officers and law enforcement officers to search his person, residence, and vehicles for any firearms, alcoholic beverages, and illegal controlled substances, at any time such a search is requested. Failure to allow such a search will be considered a violation of probation;xix. Defendant shall not associate with any felons known to him as felons;xx. Defendant shall turn in his passport and/or other travel documents to the Clerk of Court;xxi. Defendant shall comply with any court orders entered against the Defendant, including orders of family court or any other local or federal court of competent jurisdiction;xxii. Defendant shall not leave Guam without the approval of the court or Adult Probation Office, with prior notice being given to the Office of the Attorney General, Prosecution Division;xxiii. Defendant shall obey all local and federal laws; andxxiv. Defendant shall comply with any other conditions imposed by the court or the Adult Probation Office;
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4. Failure of Defendant to follow all of his conditions of probation will result in a hearing to revoke probation at which time the Court may impose the maximum sentence allowable under the statute charged as specified in the plea agreement.
5. Should the Defendant complete the conditions in the plea agreement before the expiration of the two (2) years supervised probationary period, the Defendant will be placed on unsupervised probation for the remaining portion of the Defendant's probationary period; and
6. Defendant shall report to the Adult Probation Services Office within forty-eight (48) hours of sentencing for intake and processing.

For CF194-12: Defendant shall be sentenced to serve three (3) years imprisonment, with all but six (6) months suspended. Defendant shall serve direct-time of the six (6) months imprisonment at the Department of Corrections, with credit for time served.

Additional terms of probation:

1. Defendant shall pay a fine of Three Hundred Dollars (\$300.00), plus court costs. A payment plan may be arranged. All or part of the fine imposed may be converted to community service work at the current prevailing minimum wage rate, except for the Court costs;
2. Defendant shall be held liable for full restitution, if any, pursuant to 9 G.C.A. 80.50(e) to the victims, (*victims' name omitted*), of his actions in an amount to be determined by a Court at a restitution hearing. Defendant may pay said restitution in monthly installments and shall pay it in full prior to the termination of his parole. However, in the event restitution is not paid by the expiration of parole, the obligation for restitution shall survive;
3. That upon Defendant's release from the Department of Corrections, Mangilao, Defendant shall be placed on parole for a term of three (3) years, pursuant to 9 G.C.A. 80.70(b);
4. During Defendant's parole, Defendant shall comply with the conditions of parole specified in 9 G.C.A. 80.80, and the following conditions are recommended to the Parole Board:
 - i. Defendant shall not harass, threaten, physically strike, or injure the victims (*victims' names omitted*);
 - ii. Defendant shall refrain from threatening to commit or committing acts of family violence against, or from harassing, or annoying victims (*victims' names omitted*), a family or household member, or any person named in the court;
 - iii. Defendant shall perform one hundred (100) hours of community service work during the Defendant's parole term. All or part of the community service may be converted to a

	<p>fine at the current prevailing wage rate;</p> <ul style="list-style-type: none">iv. Defendant shall report to the Department of Mental Health and Substance Abuse for an assessment by a qualified substance abuse counselor of the Defendant's alcohol dependence and need for treatment, the Parole Services shall contact the counselor for their recommendations to the Court or the Parole Board, which may require Defendant to obtain appropriate treatment, that all costs for such assessment and treatment, or both, shall be borne by Defendant at the discretion of the Court;v. Defendant shall report to the Parole Office once a month in person, or as ordered by the Parole Board;vi. Defendant shall not possess or consume any alcoholic beverages, and shall not enter any establishments whose primary business is selling alcoholic beverages;vii. Defendant shall not possess or consume any illegal controlled substances;viii. Defendant shall forfeit his firearm identification card to the court and shall not reapply for another one. 18 U.S.C. §922 makes it unlawful for any person subject to an order for protection or convicted of a misdemeanor crime of domestic violence to ship, transport, possess, or receive firearms or ammunition;ix. Defendant shall not live in any residence where firearms are present and shall stay away from all firearms and other deadly weapons, and under no circumstances is he to possess, carry, transfer, or use any firearms;x. Defendant shall submit to random alcohol and drug testing under the supervision of the Parole Office;xi. Defendant shall permit the parole officers and peace officers to search his person, residence, and vehicles for any firearms, alcoholic beverages, and illegal controlled substances, at any time such a search is requested. Failure to allow such a search will be considered a violation of parole;xii. Defendant shall not associate with any felons known to him as felons;xiii. Defendant shall turn in his passport and/or other travel documents to the Clerk of Court or Parole Services;xiv. Defendant shall comply with any court orders entered against the Defendant, including orders of family court or any other local or federal court of competent jurisdiction;xv. Defendant shall not leave Guam without the approval of the court or Parole Board, with prior notice being given to the Office of the Attorney General, Prosecution Division;xvi. Defendant shall obey all local and federal laws; andxvii. Defendant shall comply with any other conditions imposed by the court or the Adult Probation Office;
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	<p>5. The People agree not to move to violate or revoke Defendant in CF520-10; and</p> <p>6. Defendant shall report to the Parole Services Division within forty-eight (48) hours of his release from incarceration for intake and processing.</p>
<p>Indication as to whether the person was discharged, placed on probation, or community supervision, or release on parole or to mandatory supervision following the conviction for each offense (30.200(c)(5))</p>	<p>For CF520-10: Supervised Probation for a period of two (2) years upon release from the Department of Corrections.</p> <p>For the offense of CRIMINAL MISCHIEF (As a 3rd Degree Felony), the Defendant shall be sentenced to serve one (1) year imprisonment, with all but one hundred and twenty (120) days suspended. Defendant shall serve direct-time of one hundred and twenty (120) days at the Department of Corrections, with credit for time served; and</p> <p>For the offense of FAMILY VIOLENCE (As a Misdemeanor), the Defendant shall be sentenced to serve one (1) year imprisonment with all but one hundred and twenty (120) days suspended. Defendant shall serve direct-time of one hundred and twenty (120) days at the Department of Corrections, with credit for time served.</p> <p>As to both these offenses, Defendant shall serve both sentences for these convictions concurrently with each other.</p> <p>For CF194-12: Defendant shall be placed on parole for a term of three (3) years upon Defendant’s release from incarceration at the Department of Corrections, Mangilao.</p> <p>Defendant shall be sentenced to serve three (3) years imprisonment, with all but six (6) months suspended. Defendant shall serve direct-time of the six (6) months imprisonment at the Department of Corrections, with credit for time served.</p>
<p>Cross Reference of crimes: Shall be listed as “Additional Information on FV Registry” CSC and/or Aggravated Assault (30.200(a)(1</p>	