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SUPERIOR COURT
OF GUAM

IN THE SUPERIOR COURT OF GUAM

PEOPLE OF GUAM,

vs.

GEORGIO C. CRUZ,
aka Georgio Creig Paulino Cruz
DOB: 01/11/1992

Defendant.

CRIMINAL CASE NO. CF0377-25
GPD Report No. 25-14104

**DECISION & ORDER
RE. DEFENDANT'S MOTION TO
SUPPRESS EVIDENCE**

This matter came before the Honorable Alberto E. Tolentino on October 23, 2025, for a Motion Hearing. Defendant Georgio C. Cruz ("Defendant") was present with counsel Attorney Richelle Canto. Assistant Attorney General Samuel Alexander was present for the People of Guam ("People"). Following the hearing, the court took the matter under advisement pursuant to Supreme Court of Guam Administrative Rule 06-001, CVR 7.1(e)(6)(A) and CR1.1 of the Local Rules of the Superior Court of Guam. Having duly considered the parties' briefings, oral arguments, and the applicable law, the court now issues this Decision and Order **GRANTING IN PART AND DENYING IN PART** the Defendant's Motion to Suppress.

BACKGROUND

Based on the events above, the Defendant was charged with POSSESSION OF A SCHEDULE II CONTROLLED SUBSTANCE WITH INTENT TO DELIVER (As a 1st

1 Degree Felony) and POSSESSION OF A SCHEDULE II CONTROLLED SUBSTANCE (As a
2 3rd Degree Felony). *See* Indictment (June 12, 2025).

3 In preparation for trial, the Defendant filed a Motion to Suppress Evidence (“Motion to
4 Suppress”) moving for the suppression of evidence obtained from a warrantless search and the
5 Defendant’s statements made in violation of his *Miranda* rights.¹ *See* Def.’s Mot. Suppress
6 (Aug. 14, 2025). The People subsequently filed its Opposition to the Defendant’s Motion to
7 Suppress Evidence (“Opposition”), arguing that there was no violation of the Defendant’s
8 Fourth and Fifth Amendment rights based on his consent to a search and interview. *See* Ppl.’s
9 Opp’n (Aug. 28, 2025).
10

11 At the evidentiary hearing on the Motion to Suppress (“Suppression Hearing”), the court
12 heard testimony from three witnesses involved in the events leading up to the Defendant’s arrest
13 on June 3, 2025: Tierra Leon Guerrero, Officer Christopher D. Champion, and the Defendant
14 himself.
15

16 A. Testimony of the Initial Stop

17 At around 9:30 a.m. on June 3, 2025, the Defendant drove to the 76 Circle K Gas Station
18 to purchase gas for his bush cutter. *See* Mot. Hr’g Mins. at 11:20:27 – 39:20AM (Oct. 23,
19 2025). When signaling to turn into the gas station, a GPD patrol vehicle activated its lights and
20 sirens. *Id.* At this time, the Defendant was already on the phone with his other half, Tierra Leon
21 Guerrero, informing her that the police was pulling him over. *Id.* Based on the Defendant’s
22 phone records, the Defendant called Leon Guerrero at 9:53 a.m. *Id.* at 11:41:00 – 46:25AM.²
23 The Defendant then placed his phone on the dashboard directly in front of the driver’s seat after
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27 ¹ *Miranda v. Arizona*, 384 US 436 (1966), protects an individual’s fifth amendment right against self-
incrimination by preventing the admissibility of statements made while a defendant was in custody during an
interrogation.

28 ² During Tierra Leon Guerrero’s testimony in the Suppression Hearing, the Defendant’s call log was entered into
evidence as “Exhibit 1.”

1 ending the call. *Id.* at 11:20:27 – 39:20AM. According to Officer Champion, he initiated a
2 traffic stop on the Defendant after noticing that his registration tags were expired. *Id.* at
3 11:49:25AM – 12:08:03PM. The Defendant complied with Officer Champion's instructions to
4 place the car keys on the dashboard and produce identification. *Id.* at 11:20:27 – 39:20AM.

5 When conducting a traffic stop, Officer Champion testified that he typically asks the
6 driver for their license before conducting a check of the vehicle. *See* Mot. Hr'g Mins. at
7 12:08:05 – 20:39PM. Shortly after conducting a check of the vehicle and the Defendant, Officer
8 Champion returned to the vehicle and asked the Defendant whether he knew of an open case
9 against him involving a stolen vehicle. *See* Mot. Hr'g Mins. at 11:20:27 – 39:20AM.

10 At this point, Officer Champion thought it best to escort the Defendant to his patrol car
11 until more officers arrived on scene for a few reasons. *See* Mot. Hr'g Mins. at 11:49:25AM –
12 12:08:03PM. First, Officer Champion testified that he found what appeared to be an open case
13 against the Defendant, regarding a stolen vehicle. *Id.* Second, Officer Champion stated that the
14 Defendant displayed the following indicators of someone who could be hiding something:
15 nervousness, rapid eye movement, and shaking of hands. *Id.* Lastly, he believed that restraining
16 the Defendant would "prevent something before it started." *Id.* Although the Defendant was in
17 the back of the patrol vehicle, Officer Champion testified that he was not arrested at this point.
18

19 *Id.*

20 According to Officer Champion, the Defendant wanted to contact his girlfriend and
21 requested Champion to retrieve his cell phone from his vehicle. *See* Mot. Hr'g Mins. at
22 11:49:25AM – 12:08:03PM. Contrary to this, the Defendant testified that he never consented to
23 anyone retrieving his phone from the vehicle while sat in the back of the patrol car. *Id.* at
24 11:20:27 – 39:20AM. While at the vehicle to retrieve the Defendant's phone, Champion further
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1 testified that he noticed “clear plastic baggies consistent with the types that carry
2 methamphetamine... somewhere in the front console vent area.” *Id.* at 11:49:25AM –
3 12:08:03PM. Although he could not recall whether he read the Defendant his *Miranda* rights
4 after this discovery, Officer Champion explained to the Defendant that he was not under arrest
5 and asked him whether he would find anything else in the vehicle. *Id.*
6

7 **B. Testimony of the Search**

8 While he was in the back of the patrol car, the Defendant testified that he saw Officer
9 Champion briefly looking in and reaching through the car with his hands. *See* Mot. Hr’g Mins.
10 at 11:20:27 – 39:20AM. When Officer Champion asked if he could search the rest of the
11 vehicle, he indicated that the Defendant was apprehensive. *See* Mot. Hr’g Mins. at 11:49:25AM
12 – 12:08:03PM. Although the Defendant testified that he never consented to a search of his
13 vehicle, Officer Champion later testified that the Defendant eventually told him that he might
14 find a pipe in his shorts, which was located in the vehicle. *Id.* at 11:20:27 – 12:08:03PM.
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16 According to Officer Champion’s observations of the vehicle, he believed that that its
17 messy nature, loose or redone wiring, and missing panels looked like it had gone through
18 different owners without being registered. *See* Mot. Hr’g Mins. at 11:49:25AM – 12:08:03PM.
19 When more GPD officers arrived on scene, Officer Champion took more of a supervisory role.
20 *Id.* Because of this, Officer Champion testified that GPD Officer Fernandez found the alleged
21 pipe in the Defendant’s shorts with residue of suspected methamphetamine. *Id.*
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24 **C. Testimony of Defendant Cruz’s Arrest**

25 The Defendant testified that one of the GPD officers informed him to contact Leon
26 Guerrero to pick up the vehicle, because he was going to be arrested. *See* Mot. Hr’g Mins. at
27 11:20:27 – 39:20AM. The Defendant’s phone records indicate that he called Leon Guerrero
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1 twice at 10:21 a.m. Officer Champion subsequently informed the Defendant that was under
2 arrested for Possession of a Schedule II Controlled Substance with Intent to Deliver and
3 Possession of a Schedule II Controlled Substance. At this point, Officer Champion testified that
4 he did not advise the Defendant of his *Miranda* rights upon arrest, because no questioning took
5 place. *See* Mot. Hr'g Mins. at 12:08:05 – 20:39PM. *Id.*
6

7 **D. Defendant Cruz's Relief Sought**

8 At the end of questioning, the Defendant argued that GPD officers seized him in
9 violation of the Stop and Frisk Rule of fifteen (15) minutes; hoping to gain probable cause to
10 arrest by searching the Defendant's vehicle. *See* Mot. Hr'g Mins. at 12:21:20 – 31:17PM.
11 Additionally, he argues that Officer Champion searched his vehicle without a warrant or valid
12 consent. *Id.* Lastly, he argues that Officer Champion questioned the Defendant in the back of his
13 patrol vehicle without advising him of his *Miranda* rights at any point. On all these bases, the
14 Defendant argues that "anything that is the fruit of this search should be suppressed." *Id.* In
15 contrast, the People argued that because Officer Champion had information regarding expired
16 registration tags, a potential open case for a stolen vehicle, there was enough probable cause to
17 arrest. *Id.* at 12:31:19 – 36:40PM. Officer Champion's further investigation of the vehicle was
18 warranted based off of the other evidence seen in the car while he was retrieving the
19 Defendant's phone. *Id.* The court then took the matter under advisement. *Id.* at 12:39:58 –
20 40:56PM.
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24 **DISCUSSION**

25 As mentioned above, the Defendant moves for the suppression of any evidence obtained
26 in violation his Fourth Amendment rights and of any statements made in violation of his Fifth
27 amendment rights.
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1 The Fourth Amendment provides “the right of the people to be secure in their persons,
2 houses, papers, and effects, against unreasonable searches and seizures, [and] shall not be
3 violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation,
4 and particularly describing the place to be searched, and the persons or things to be seized.”
5 U.S. Const. Amend. IV. The Fourth Amendment’s protections against unreasonable searches
6 and seizures apply to Guam through § 1421b(c) of the Organic Act of Guam. *See People v.*
7 *Yerten*, 2021 Guam 8 ¶ 17 (citing *People v. Johnson*, 1997 Guam 9 ¶ 4). The Fifth Amendment
8 to the United States Constitution provides that “[n]o person ... shall be compelled in any
9 criminal case to be a witness against himself.” U.S. Const. Amend. V. These protections apply
10 to Guam through § 1421b(d) of the Organic Act of Guam. *See People v. Reyes*, 1998 Guam 32 ¶
11 23.³

14 The United States Supreme Court has long held that “[a] person has been ‘seized’ within
15 the meaning of the Fourth Amendment only if, in view of all of the circumstances surrounding
16 the incident, a reasonable person would have believed that he was not free to leave.” *People v.*
17 *Cundiff*, 2006 Guam 12 ¶ 21 (quoting *United States v. Mendenhall*, 446 U.S. 544, 554 (1980)).
18 For instance, a reasonable person would not believe they are free to leave through a police
19 officer’s use of physical force or show of authority to restrict a person’s ability to walk away.
20 *See People v. Chargualaf*, 2001 Guam 1 ¶ 21.

22 Here, Officer Champion pulled the Defendant over into the 76 Circle K gas station. A
23 reasonable person would not feel free to leave when an officer pulls them over for a traffic stop.
24 Therefore, the traffic stop of the Defendant constitutes a seizure.
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28 ³ Although *People v. Reyes* addresses the applicability of the Double Jeopardy Clause of the U.S. Constitution’s Fifth Amendment, the Guam Supreme Court quotes both Fifth Amendment protections – Double Jeopardy Clause and the Right Against Self-Incrimination – providing within § 1421b(d) of the Organic Act of Guam.

1 **A. The initial detention of the Defendant for a traffic violation ended when Officer**
2 **Champion inquired into illegal activities unrelated to the traffic violation.**

3 Under Guam's Stop and Frisk Act:

4 Detention pursuant to § 30.10 shall be for the purpose of ascertaining the identity
5 of the person detained and the circumstances surrounding his presence abroad
6 which lead the officer to believe that he had committed, was committing, or was
7 about to commit a criminal offense, but such person shall not be compelled to
8 answer any inquiry of the peace officer.

9 8 GCA § 30.20.⁴ When analyzing the legality of seizures, such as detentions under Guam's Stop
10 and Frisk Act, the court utilizes the same standard of reasonable suspicion articulated in the
11 United States Supreme Court case *Terry v. Ohio*. See *People v. Taman*, 2013 Guam 22 ¶ 21. In
12 *Terry*, the Court found that "reasonable suspicion" existed:

13 [W]here a police officer observes unusual conduct which leads him reasonably to
14 conclude in light of his experience that criminal activity may be afoot and that the
15 persons with whom he is dealing may be armed and presently dangerous, where
16 in the course of investigating this behavior he identifies himself as a policeman
17 and makes reasonable inquiries, and where nothing in the initial stages of the
18 encounter serves to dispel his reasonable fear for his own or others' safety....

19 *Terry v. Ohio*, 392 U.S. 1, 30 (1968). To determine whether such reasonable suspicion exists,
20 courts review the contents and reliability of the information in the police's possession, through
21 the perspective of "an objectively reasonable police officer." *Yerten*, 2021 Guam 8 ¶ 17
22 (internal citations omitted).

23 "[I]t is reasonable to stop a car where the police merely have reasonable suspicion to
24 believe the driver has committed a traffic violation." *Chargualaf*, 2001 Guam 1 ¶ 17 (citing
25 *United States v. Lopez-Soto*, 205 F.3d 1101, 1104- 05 (9th Cir. 2000) ("We [] reaffirm that the
26 Fourth Amendment requires only reasonable suspicion in the context of investigative traffic
27 stops.")). In this case, Officer Champion stopped the Defendant because his vehicle's

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⁴ A peace officer may detain any person "under circumstances which reasonably indicate that such person has
committed, is committing or is about to commit a criminal offense." 8 GCA § 30.10.

1 registration tags were expired. The Defendant also informed Officer Champion that the vehicle
2 was not registered due to insurance issues. *See* Mot. Hr'g Mins. at 11:20:27 – 39:20AM. On
3 these bases, Officer Champion had reasonable suspicion to believe that the Defendant
4 committed a traffic violation.

5 **B. Officer Champion had reasonable suspicion to continue the detention of Defendant**
6 **Cruz to investigate an alleged stolen vehicle case against him.**

7 The Defendant argues that GPD “detained him longer than necessary to search for
8 potentially *other* open cases, which are not related to the circumstances surrounding his
9 presence at that place and time.” Def.’s Mot. Suppress at 4. Based on what was addressed at the
10 Suppression Hearing, the Defendant was initially detained at or around 9:53 a.m. but was not
11 arrested until 10:21 a.m.

12 Under 8 GCA § 30.30, a person’s detention shall not be “longer than is reasonably
13 necessary to effect the purposes of that section, and *in no event* longer than fifteen (15)
14 minutes.” 8 GCA § 30.30 (emphasis added). Further, “[s]uch detention shall not extend beyond
15 the place where it was first effected or the immediate vicinity thereof.” *Id.* Because the
16 Defendant was detained for a total of twenty-eight minutes prior to arrest, the court must review
17 whether the Defendant’s detention was independently justified after Officer Champion ended
18 his investigation into the Defendant’s traffic violation. *See Chargualaf*, 2001 Guam 1 ¶ 23
19 (citing *Terry*, 392 U.S. at 16).

20 The Guam Supreme Court reviewed whether a defendant was subjected to a subsequent
21 detention after the initial detention for a traffic violation ended. *See Chargualaf*, 2001 Guam 1 ¶
22 19. Ultimately, the Court found that the officer’s inquiry into the defendant’s illegal activities
23 unrelated to the traffic violations “strongly indicates that the original investigation of the traffic
24 violation ended.” *Id.* (citing *United States v. Shabazz*, 993 F.2d 431, 436 (5th Cir. 1993))
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1 (recognizing that the mere questioning of a detainee is neither a search nor a seizure but may
2 indicate that the justification behind the initial detention has evaporated)).

3 It is clear that the Defendant was subsequently detained, because Officer Champion
4 placed him in the back of his patrol vehicle. As mentioned earlier, Officer Champion testified
5 that he escorted the Defendant to his patrol vehicle for the following reasons: (1) an open stolen
6 vehicle case against the Defendant; (2) the Defendant's nervous demeanor, rapid eye
7 movement, and shaking hands; and (3) preventative measures. *See* Mot. Hr'g Mins. at
8 11:49:25AM – 12:08:03PM. Upon reviewing the contents and reliability of the information
9 Officer Champion possessed from conducting the check of the Defendant and his vehicle, the
10 court finds that there was enough reasonable suspicion to continue the Defendant's detention to
11 investigate an alleged theft of a motor vehicle.
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14 **C. While detained for an alleged stolen vehicle investigation, Defendant Cruz gave**
15 **Officer Champion limited consent to search his vehicle for his cellphone.**

16 The People argue that the Defendant consented to a search of his vehicle when he asked
17 Officer Champion to retrieve his cellphone from his vehicle. *See* Ppl.'s Opp'n at 5. In contrast,
18 the Defendant "denies the allegations on the police report and maintains he did not ask Officer
19 Champion to retrieve his cellphone from inside the vehicle." *See* Def.'s Mot. Suppress at 7. If
20 the court were to find that the Defendant did request for his cellphone, he argues that "the
21 totality of the circumstances indicated such consent could not have been voluntary." *Id.*
22

23 Warrantless searches and seizures are per se unreasonable, subject to a few specifically
24 established and well-delineated exceptions. *People v. Cundiff*, 2006 Guam 12 ¶ 26 (citing *Katz*
25 *v. United States*, 389 U.S. 347, 357 (1967)). "Where the consent occurs during a lawful
26 encounter or detention, the validity of [this] exception turns on whether the consent was
27 voluntarily given. However, if the consent was given during an unlawful encounter, the consent
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1 is invalid and the exception does not apply absent a demonstration by the government both of a
2 sufficient break in the causal chain between the illegality and the seizure of evidence, thus
3 ensuring that the search is not an exploitation of the prior illegality, and of voluntariness.”
4 *People v. Camacho*, 2023 Guam 9 ¶ 15 (citing *Chargualaf*, 2001 Guam 1 ¶ 15). The prosecution
5 bears the burden of demonstrating the voluntary nature of the consent by a preponderance of the
6 evidence. *Id.* ¶ 18 (citing *United States v. Matlock*, 415 U.S. 164, 177 (1974)).
7

8 To determine the voluntariness of consent given in a case, the Guam Supreme Court
9 looked at two tests: a five-factor test from the Ninth Circuit and a six-factor test from the Eighth
10 Circuit. *Camacho*, 2023 Guam 9 ¶ 20. In finding it unnecessary to meet all five factors, the
11 Ninth Circuit deemed consent voluntary if it was supported by at least several of the following
12 factors:
13

- 14 1) Whether the defendant was in custody;
- 15 2) Whether the arresting officers have their weapons drawn;
- 16 3) Whether *Miranda* warnings have been given;
- 17 4) Whether the defendant was told he has a right not to consent; and
- 18 5) Whether the defendant was told a search warrant could be obtained.

19 *People v. Santos* 1999 Guam 1 ¶ 35 (citing *United States v. Castillo*, 866 F.2d 1071, 1072 (9th
20 Cir. 1988)). Under the Eighth Circuit’s six-factor test, the Guam Supreme Court considered:

- 21 1) Whether the consenting person was detained and the length of time of the
22 questioning;
- 23 2) Whether the consenting person was threatened, physically intimidated, or
24 punished by the police;
- 25 3) Whether the person relied upon promises or misrepresentations made by the
26 police;
- 27 4) Whether the person was in custody or under arrest when the consent was
28 given;
- 5) Whether the person was in a public or a secluded place; or
- 6) Whether the person objected to the search or stood by silently while the search
occurred.

Id. ¶ 36 (citing *United States v. Chaidez*, 906 F.2d 377, 381 (8th Cir. 1990)).

1 Under the Ninth Circuit's five-factor test, Officer Champion stated that the Defendant
2 was detained in the back of his patrol vehicle when he requested for his cellphone. *See* Mot.
3 Hr'g Mins. at 11:49:25AM – 12:08:03PM. As the arresting officer, Champion did not have his
4 weapon drawn at any point during this encounter. While it is not written in his report, Champion
5 also testified that he could not recall at what point he issued *Miranda* warnings.⁵ Lastly, the
6 record does not show that Champion informed the Defendant of his right not to consent to a
7 search or his ability to obtain a search warrant if the Defendant chose to refuse a search.
8

9 When reviewing the Eighth Circuit's six-factor test, the Defendant was detained for
10 twenty-eight minutes at most based on the timestamps within the Defendant's call log. Under
11 the second factor, nowhere in the police report or Suppression Hearing testimony shows that
12 Officer Champion threatened, physically intimidated, or punished the Defendant to receive his
13 consent. Additionally, Champion made no promises or misrepresentations to the Defendant. As
14 stated earlier, both the Defendant and Champion testified that the Defendant was detained in the
15 patrol vehicle, which was parked at 76 Circle Gas Station. Lastly, the court finds that the
16 Defendant did not object to the search or stand by silently, because he was the one who
17 requested for Officer Champion to retrieve his cellphone from the vehicle.
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20 After reviewing the Defendant's consent under both factor-tests above, the court finds
21 that the Defendant provided Officer Champion with consent, albeit limited, to retrieve his
22 cellphone from the vehicle's dashboard area.
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24 **D. Officer Champion found evidence of Possession within the vehicle pursuant to the**
25 **Plain View exception to warrantless searches.**

26 At the Suppression Hearing, Officer Champion testified that he found what looked like
27 clear plastic baggies tucked into a partially dismantled dashboard of the Defendant's vehicle
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⁵ During Officer Champion's testimony in the Suppression Hearing, his police report was entered into evidence as "Exhibit 2."

1 when he was retrieving the Defendant's cellphone. To apply the Plain View Doctrine as an
2 exception to a warrantless search, all three of the following elements must be satisfied: "(1) the
3 officer must 'arriv[e] at the place from which the evidence could be plainly viewed' without
4 violating the Fourth Amendment, (2) the evidence must be in 'plain view' and its incriminating
5 character must also be immediately apparent, and (3) the officer 'must also have a lawful right
6 of access to the object itself.'" *People v. Camacho*, 2004 Guam 6 ¶ 20 (quoting *Horton v.*
7 *California*, 496 U.S. 128, 136-67, 110 S.Ct. 2301, 2308).⁶

9 As to the first element, the court held above that Officer Champion had limited consent
10 to retrieve the Defendant's cellphone from the vehicle's dashboard area. When searching for the
11 Defendant's cellphone in the dashboard area, Officer Champion saw what looked like clear
12 plastic baggies tucked into a partially dismantled dashboard. Because Champion arrived at the
13 vehicle's dashboard area where the evidence was plainly viewed without violating the Fourth
14 Amendment, the first element is met.

16 As to the second element, Champion's report stated that the "clear plastic baggies [were]
17 consistent with the types that carry methamphetamine." *Id.* at 11:49:25AM – 12:08:03PM.
18 Additionally, Champion reported that PO1 R. Fernandez was the officer who confiscated the
19 evidence items stated in the report. This shows that Champion did not manipulate the tucked
20 baggies in order to ascertain its incriminating character. Therefore, the second element is met.

22 As to the last element, Champion had a lawful right to access the clear baggies based on
23 the Defendant's limited consent for Champion to search the dashboard area for his cellphone.
24 Therefore, the third element is met. Because all three elements are met, the court finds that
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28 ⁶ While not explicitly argued in the written pleadings, the court still has an obligation to analyze the merits of whether this evidence, seeking to be suppressed, was lawfully obtained under the Plain View Doctrine. *See Petition of Quitugua v. Flores*, 2004 Guam 19 ¶¶ 27–28.

1 Officer Champion found this evidence the Plain View Doctrine at the time he had the
2 Defendant's limited consent to search the vehicle's dashboard area for his cellphone.

3 **E. 8 GCA § 30.30's fifteen-minute rule no longer applied once Officer Champion**
4 **found probable cause to arrest Defendant Cruz for Possession.**

5 The People argue that Officer Champion had probable cause to arrest the Defendant for
6 Theft of a Motor Vehicle before finding evidence for Possession. *See* Ppl.'s Opp'n at 4. In
7 contrast, the Defendant argues that he was arrested without a warrant or probable cause based
8 on reasonably trustworthy information to believe that he committed a crime. *See* Def.'s Mot.
9 Suppress at 5. The Guam Supreme Court utilized the definition for probable cause provided in
10 *Beck v. Ohio*, which states that:
11

12 [W]hether at that moment the facts and circumstances within [the police officers']
13 knowledge and of which they had reasonably trustworthy information were
14 sufficient to warrant a prudent man in believing that the [defendant] had
committed or was committing an offense.

15 *People v. Taman*, 2013 Guam 22 ¶ 23 (quoting *Beck v. Ohio*, 379 U.S. 89, 91 (1964)). The
16 People argue that Officer Champion had probable cause to arrest the Defendant for Theft of a
17 Motor Vehicle based on the expired registration tags, an open case for Theft of a Motor Vehicle
18 involving this specific vehicle, a missing license plate, and no documentation. *See* Ppl.'s Opp'n
19 at 4. However, at the time Champion had this information, he explained to the Defendant that he
20 was not under arrest at the moment since he could not make a determination.
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22 However, Officer Champion found alleged clear plastic baggies pursuant to the Plain
23 View warrantless search exception. Courts have definitively established "the immediately
24 apparent requirement is 'coextensive with probable cause.'" *See Commonwealth v. Saunders*,
25 326 A.3d 888, 897 (Pa. 2024) (quoting *Commonwealth v. Zhahir*, 561 Pa. 545, 751 A.2d 1153,
26 1163 (2000); *see also Commonwealth v. Ellis*, 541 Pa. 285, 662 A.2d 1043, 1049 (1995) ("[I]t
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1 must be immediately apparent to the viewer that the object observed is incriminating evidence.
2 In other words, the observing officer must have probable cause to believe the evidence in
3 question is contraband or incriminating evidence.”)). Therefore, the evidence found pursuant to
4 the Plain View warrantless search exception in this case is sufficient probable cause to arrest for
5 Possession.

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7 “[O]nce officers confirm their suspicions and develop probable cause to arrest a suspect,
8 the nature of an investigative detention has been transformed into something more akin to an
9 evidence-gathering mission to support a later conviction at trial, a graduated situation
10 warranting greater intrusiveness than a *Terry* stop allows.” *Taman*, 2013 Guam 22 ¶ 26 (citing
11 *Florida v. Royer*, 460 U.S. 491, 500 (1983); *see also People v. Moorman*, 859 N.E.2d 1105,
12 1119 (Til. App. Ct. 2006)). “Accordingly, we hold that, as a matter of law, the development of
13 probable cause obviates the fifteen-minute limit imposed by Guam’s Stop and Frisk Act on
14 investigative detentions that are supported by reasonable suspicion, because the appearance of
15 probable cause transforms the nature of the detention and thereby removes the encounter from
16 the strict parameters of the statute.” *Id.* ¶ 27.

17
18 Pursuant to the Guam Supreme Court’s holding in *Taman*, this court finds that Officer
19 Champion’s development of probable cause to arrest the Defendant rendered the fifteen-minute
20 rule under Guam’s Stop and Frisk Act inapplicable.

21
22 **F. Defendant Cruz was under custodial interrogation to warrant advisement of**
23 ***Miranda* warnings.**

24 The Defendant argues that Officer Champion never *Mirandized* him when subjecting
25 him to custodial interrogation. At the Suppression Hearing, Champion could not recall when he
26 advised the Defendant of his *Miranda* rights. Additionally, nowhere in his report does it state
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1 when he advised the Defendant of those rights. Therefore, the court must review whether the
2 Defendant was under custodial interrogation to necessitate advisement of *Miranda* warnings.

3 “The Fifth Amendment’s right against self-incrimination and the procedures
4 surrounding those rights are known as ‘*Miranda* rights,’ which apply specifically to the
5 “admissibility of statements obtained from an individual who is subjected to custodial police
6 interrogation.” *People v. Towai*, 2024 Guam 9 ¶ 20 (citing *Miranda v. Arizona*, 384 U.S. 436,
7 439 (1966); *see also People v. Farata*, 2007 Guam 8 ¶ 20).

9 When determining whether a person is in custody, the “ultimate inquiry” is whether
10 there was “a formal arrest or restraint on freedom of movement of the degree associated with a
11 formal arrest.” *Towai*, 2024 Guam 9 ¶ 20 (quoting *People v. Santos*, 2003 Guam 1 ¶ 51). “An
12 interrogation is said to occur when the defendant, in custody, is the target of questions or
13 statements, which the police can expect will elicit incriminating responses.” *Farata*, 2007 Guam
14 8 ¶ 36 (quoting *People v. Quidachay*, Crim. No. 99997A, 1983 WL 29952 at *4 (D. Guam App.
15 Div. Nov. 8, 1983)). “[I]nterrogation’ under *Miranda* refers not only to express questioning,
16 but also to any words or actions on the part of the police (other than those normally attendant to
17 arrest and custody) that the police should know are reasonably likely to elicit an incriminating
18 response.” *Id.* (quoting *Rhode Island v. Innis*, 446 U.S. 291, 300-01 (1980)).

21 In this case, it is undisputed that the Defendant was in custody when Officer Champion
22 placed him in the backseat of his patrol car. To determine whether Officer Champion
23 interrogated the Defendant, the court must review the following questions or statements made
24 by Champion:
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- 26 (1) Due to the cluttered state of the vehicle, I asked if there was anything inside
27 the vehicle that would harm me or concern me. (“First Statement”);
28 (2) I returned and asked Cruz if there was anything of concern within the vehicle.
 (“Second Statement”);

- 1 (3) When asked if he minded if I made a check, Cruz said that the vehicle did not
2 belong to him. ("Third Statement"); and
3 (4) I again asked Cruz, telling him that if there were empty baggies of dope, I was
4 not really worried about that. ("Fourth Statement")

5 *See* Mot. Hr'g Mins. (Ex. 2). The Defendant argues that "[t]his psychologically coercive
6 environment resulted in [his] incriminating admission. *See* Def.'s Mot. Suppress at 15.
7 However, the People disagree that "sitting in the back of a police vehicle and being questioned a
8 couple times concerning whether there was anything dangerous or concerning in the car" shows
9 that the Defendant's will was overborn. Ppl.'s Opp'n at 7.

10 Upon reviewing Officer Champions testimony and report, it is most likely that the First
11 Statement was one of those questions normally attendant to custody; officer safety based on the
12 vehicle's cluttered appearance. When reviewing the context of Third and Fourth Statements, the
13 court notes that Officer Champion was asking for the Defendant's consent to search his vehicle
14 rather than trying to elicit an incriminating response. However, the court's review of the Second
15 Statement was more problematic considering that Officer Champion asked the Defendant the
16 same question as the First Statement after he found alleged clear plastic baggies in the vehicle.
17 Therefore, the court finds that the Defendant should have been advised of his *Miranda* rights
18 before Officer Champion made the Second Statement.
19

20
21 **G. Defendant Cruz's statements made after Officer Champion's Second Statement are**
22 **suppressed under the Exclusionary Rule.**

23 "Before evidence may be suppressed under [the fruit of the poisonous tree] doctrine, the
24 court must initially resolve whether the challenged evidence was come at by the initial illegality
25 or instead by means sufficiently distinguishable to be purged of the primary taint." *People v.*
26 *Cundiff*, 2006 Guam 12 ¶ 41 (quoting *Segura v. United States*, 468 U.S. 796, 804-05 (1984)).
27 "The Fifth Amendment privilege against self-incrimination prohibits the prosecution from using
28

1 statements stemming from custodial interrogation of the defendant, unless it demonstrates the
2 use of procedural safeguards to secure that privilege.” *People v. Rasauo*, 2011 Guam 1 ¶ 24
3 (citing *Miranda*, 384 U.S. at 444)).

4 The Defendant seeks the suppression of all physical evidence and all statements made.
5 Because the court found above that the Defendant should have been advised of his *Miranda*
6 rights after Officer Champion made the Second Statement, the court will review whether the
7 physical evidence and statements made after this point were come at by the initial illegality or
8 by means sufficiently distinguishable from this Second Statement to be purged of the primary
9 taint.
10

11 In this case, Officer Champion found more physical evidence that the Defendant
12 committed the crimes of Possession and Possession with Intent to Deliver after he made his
13 Fourth Statement to the Defendant. As mentioned above, Champion asked the Defendant twice
14 if he can check the rest of his vehicle. However, the Defendant’s response to the Fourth
15 Statement was not whether Champion could check the vehicle. Instead, the Defendant admitted
16 that Champion might find other evidence within the pocket of his shorts, located in the
17 passenger seat. Based on Officer Champion’s four statements reviewed above, the court is not
18 convinced that the People have met their burden in proving that the Defendant’s statements and
19 physical evidence found in the vehicle were obtained by means sufficiently distinguishable to
20 be purged of the primary taint: the absence of *Miranda* warnings prior to subjecting the
21 Defendant to custodial interrogation.
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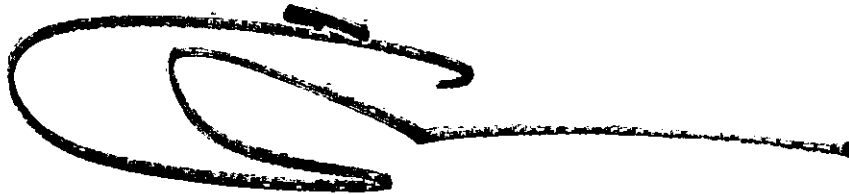
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CONCLUSION

For the reasons set forth above, the court holds hereby **GRANTS IN PART AND DENIES IN PART** the Defendant's Motion to Suppress Evidence. The court hereby **ORDERS** that the Defendant's statements and physical evidence obtained after Officer Champion's Second Statement shall be **SUPPRESSED** from trial.

A Pre-Trial Conference is scheduled before this court in February 25, 2025, at 9:00AM.

SO ORDERED this JAN 26 2026.



HONORABLE ALBERTO E. TOLENTINO
Judge, Superior Court of Guam

SERVICE VIA E-MAIL

I acknowledge that an electronic copy of the original was e-mailed to:

AGS R. Lento

JAN 26 2026 Date: 3:53 Time: pm

Evan L. Topasna *ET*

Deputy Clerk, Superior Court of Guam