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SUPERIOR COURT
OF GUAM



IN THE SUPERIOR COURT OF GUAM

PEOPLE OF GUAM,

vs.

**DONNA LYNN VILLANUEVA aka
Donnalynn Salas Villanueva,**

Defendant.

CRIMINAL CASE NO. CF0475-25

DECISION AND ORDER

INTRODUCTION

This matter is before the Honorable Vernon P. Perez on October 21, 2025, for hearing on **DONNA LYNN VILLANUEVA aka Donnalynn Salas Villanueva's** ("Defendant") Motion to Suppress Evidence. Present were Assistant Attorney General Dante CH Harootunian on behalf of the People of Guam ("the Government") and Defendant with counsel, Assistant Alternate Public Defender Tyler Scott. Having reviewed the pleadings, the arguments presented, and the record, the Court now issues the following Decision and Order.

BACKGROUND

Defendant is charged with one count of Possession of a Schedule II Controlled Substance (As a Third Degree Felony). (Indictment, Jul. 28, 2025). This charge stems from the discovery of methamphetamine on Defendant's person after the effectuation of a traffic stop on or about July 8, 2025. (Decl. of Aaron M. Boyce, Magistrate's Compl., Jul. 10, 2025). On September 10, 2025, Defendant filed the instant Motion, moving the Court to suppress evidence in this matter because GPD lacked reasonable suspicion to conduct a frisk of Defendant. *See generally*, Mot.

1 Suppress, Sept. 10, 2025. On September 24, 2025, the Government filed its Opposition, arguing
2 that the search was constitutional because Defendant voluntarily consented to the limited pat
3 down search. (Opp'n at 2, Sept. 24, 2025). Alternatively, the Government argues that the
4 evidence would be admissible because it was not discovered through the pat down, as Defendant
5 verbally informed the officer that she had something in her bra prior to the conclusion of the pat
6 down and handed the baggie to the officer. *Id.*

7 On October 21, 2025, the Court heard sworn testimony from Guam Police Department
8 (“GPD”) Officer Ricalynn Lizama¹ and ascertained the following facts:

- 9 1. Officer Lizama effectuated a traffic stop near Route 28 after observing a grey Toyota
10 driving with an expired registration tag at approximately 11:10 p.m.
- 11 2. Before Officer Lizama got out of her vehicle, she observed the right rear passenger
12 door open and a male flee from the vehicle.
- 13 3. Officer Lizama approached the vehicle and observed three occupants in the vehicle,
14 two females and one male. Officer Lizama approached the driver and informed her of
15 the reason for the pull over. Officer Lizama requested her driver’s license,
16 registration, and proof of insurance. The driver was unable to provide any
17 documentation for the vehicle or her driver’s license. The driver verbally identified
18 herself as Donna Lynn Villanueva (Defendant).
- 19 4. Officer Lizama testified that while Defendant was looking for her documents in the
20 center console of the vehicle, she observed the male to be wanted in a shooting
21 investigation and called for special units on duty at the time. While waiting for the
22 special units to arrive, Officer Lizama obtained identifying information (DOB; SS;
23 First and Last Name) for the occupants of the vehicle verbally.
- 24 5. The other passengers in the vehicle were identified as Helen Babauta and Rodney
25 Sapp.

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28 ¹ Officer Lorenzo was also called as a witness, however, he did not interact with Defendant and could not see whether or not any item was pulled out of Defendant’s clothing during the pat down.

- 1 6. Officer Lizama gave Defendant a verbal warning regarding the traffic violations.
- 2 Officer Lizama told Defendant to call a tow truck because she could not drive the
- 3 vehicle without insurance.
- 4 7. After SOD (SWAT) and CID (Criminal Investigation Division) units arrived on scene,
- 5 they took Rodney Sapp.
- 6 8. Officer Lizama briefly informed Defendant the reason Rodney Sapp was a person of
- 7 interest to GPD. Defendant suggested that she did not want any role in whatever
- 8 incident Rodney had and suggested that Officer Lizama search the vehicle.
- 9 9. The vehicle was searched and nothing of note was discovered.
- 10 10. Detective Castro requested that Defendant and Helen be transported to Tiyan
- 11 Headquarters for an interview regarding their association with Rodney Sapp.
- 12 11. Defendant and Helen were not under arrest at that point and were free to leave.
- 13 12. Officer Lizama testified that Defendant and Helen agreed to be interviewed.
- 14 13. Defendant did not have available transportation as the vehicle could not be driven, so
- 15 she agreed to be transported by GPD to Tiyan.
- 16 14. Officer Lizama told Defendant that a cursory pat down would be conducted to ensure
- 17 that she did not have any weapons on her as she was going to be entering a patrol
- 18 vehicle.
- 19 15. Officer Lizama testified it is common practice for pat downs to occur prior to entering
- 20 police vehicles for safety reasons.
- 21 16. Officer Lizama started the pat down at Defendant's ankles, patting down Defendant's
- 22 outer clothing. When Officer Lizama reached Defendant's belly button line,
- 23 Defendant informed her that she had a baggie.
- 24 17. Defendant pulled the baggie from the right side of her bra.
- 25 18. Officer Lizama did not believe that she would have discovered the methamphetamine
- 26 through the frisk. Officer Lizama testified she was just patting down Defendant's
- 27 outer clothing and not doing an in-depth search of her person. Officer Lizama testified
- 28 that her pat down would not have manipulated the bra area.

1 19. Officer Lizama placed Defendant in Officer Nucum's vehicle to be transported to
2 Tiyan.

3 DISCUSSION

4 The Fourth Amendment to the U.S. Constitution "protects against unreasonable searches
5 and seizures and is made applicable to Guam via section 1421(b)(c) of the Organic Act of Guam."
6 *People v. Chargualaf*, 2001 Guam 1 ¶ 14 (internal citations omitted). "The fundamental
7 command of the Fourth Amendment is that governmental intrusions on persons be reasonable,
8 and, as *Terry* explained, the limitations on protective searches and seizures will have to be
9 developed in the concrete factual circumstances of individual cases." *United States v. McCargo*,
10 464 F.3d 192, 199 (2d Cir. 2006) (quoting *Terry v. Ohio*, 392 U.S. 1, 29 (1968)) (quotation marks
11 and alterations omitted from original). "It has been long settled that a pat down, or a 'frisk,' is a
12 search." *People v. Berdahl*, 440 P.3d 437, 442 (Colo. 2019) (citing *Terry*, 392 U.S. at 16).

13 At issue before the Court is whether the pat down of Defendant violated the Fourth
14 Amendment. Because Defendant could not drive the vehicle she was stopped in, GPD was going
15 to transport her to the precinct for an interview regarding Rodney Sapp. Officer Lizama
16 conducted a cursory pat down of Defendant's person pursuant to GPD procedure requiring a pat
17 down before transporting any person in a police car to ensure officer safety. Officer Lizama
18 testified that she only patted down Defendant's outer clothing and that she was not doing an in-
19 depth search of her person or going under her clothes. The Court finds that the need to ensure
20 officer safety justified Officer Lizama's minimally intrusive pat down of Defendant's outer
21 clothing. *See, e.g., United States v. McCargo*, 464 F.3d 192, 201 (2d Cir. 2006) ("The justification
22 for the pat-down is not that the suspect is reasonably suspected of being armed; it is rather a matter
23 of sound police administration: police officers should be certain before transporting members of
24 the public, whom they do not know, that none of them is armed. The administrative nature of the
25 search is evidenced by the existence of the Buffalo Police's department-wide policy that requires
26 the pat-down whenever a person is transported in a police car. The fact that the policy is
27 administrative and universally applied to all who are transported eliminates any selective-use
28 concern."). Officer Lizama had a valid basis for Defendant to be placed in the vehicle as she was

1 going to transport her for an interview. *See, e.g. People v. Gow*, 442 P.3d 916, 922 (Colo. 2016)
2 (“we hold that when an officer has a valid, reasonable basis for placing an individual into a police
3 vehicle that will be occupied by the officer or other persons, the significantly heightened risk of
4 danger to those in the vehicle in the event the individual is armed justifies a pat-down search of
5 the individual for weapons, irrespective of whether the officer has a reasonable, articulable belief
6 that the individual is armed and dangerous.”).

7 The Court also finds that Defendant voluntarily consented to the pat down. “In the
8 absence of a warrant, the police may lawfully conduct a search or seizure only if an exception to
9 the warrant requirement applies. Voluntary consent is a recognized exception to the warrant
10 requirement.” *Chargualaf*, 2001 Guam 1 ¶ 14 (internal citations omitted). The Court examines,
11 based on the totality of the circumstances, whether Defendant’s consent was voluntary by
12 evaluating the following factors:

- 13 1) whether the defendant was detained and the length of time of the questioning; 2)
14 whether the defendant was threatened or intimidated by the police; 3) whether the
15 defendant relied on misrepresentations or promises made by the police; 4) whether
16 the defendant was in custody or under arrest when the consent was given; 5)
17 whether the defendant was in a public or secluded place; and 6) whether the
18 defendant objected to the search.

19 *Id.* at ¶ 25 (citation omitted). The Government has the burden to prove by a preponderance of
20 evidence whether Defendant’s consent was voluntary. *Id.* Here, the traffic stop was effectuated
21 in public, on the side of the road. Defendant was not detained; she was not under arrest and was
22 free to leave. Defendant agreed to be interviewed by GPD regarding Rodney Sapp but as the
23 vehicle she was stopped in could not be driven, she agreed to be transported by GPD. There was
24 no testimony that any misrepresentations or promises were made by GPD, that Defendant was
25 threatened or intimidated by police, or that Defendant objected to being pat down prior to entering
26 the police vehicle. Defendant voluntarily announced that she had the baggie of methamphetamine
27 on her prior to the pat down being completed. Accordingly, the Court denies Defendant’s Motion
28 to Suppress.

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1 **CONCLUSION**

2 For the foregoing reasons, the Court hereby DENIES Defendant's Motion to Suppress
3 Evidence.

4 **IT IS SO ORDERED** this 12th day of January, 2026.
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8 **HONORABLE VERNON P. PEREZ**
9 Judge, Superior Court of Guam
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23 **SERVICE VIA EMAIL**

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

24 CAG & APD

25 Date: 1/12/26 Time: 3:41

26 **Rejmita M. Lindlau**

27 Deputy Clerk, Superior Court of Guam
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