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SUPERIOR COURT
OF GUAM

IN THE SUPERIOR COURT OF GUAM

PEOPLE OF GUAM,

CRIMINAL CASE NO. CF0623-24

VS.

DECISION AND ORDER

KN KASELEN aka Kn Kaselel,

Defendant.

INTRODUCTION

This matter came before the Honorable Vernon P. Perez on January 16, 2026, for hearing on Defendant **KN KASELEN aka Kn Kaselel's** ("Defendant") Motion to Suppress. Present were Assistant Attorney General Christine S. Tenorio on behalf of the People of Guam ("the Government") and Defendant with counsel, Assistant Public Defender Mary Hill, and Interpreter Mason Fritz. 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 Second Degree Criminal Sexual Conduct (As a First Degree Felony) and one count of Attempted Second Degree Criminal Sexual Conduct (As a First Degree Felony). (Indictment, Sept. 20, 2024). These charges stem from allegations that Defendant placed his hands on the victim's inner thighs (a minor under fourteen (14) years of age) and attempted to place his face on her vagina on or about August 31, 2024. (Decl. of Christine S. Tenorio, Magistrate's Compl., Sept. 4, 2024).

1 On December 1, 2025, Defendant filed the instant Motion. On December 15, 2025, the
2 Government filed its Opposition along with Supplemental Exhibits in support of its Opposition
3 under seal. On December 16, 2025, the Government also filed Supplemental Exhibits in support
4 of its Opposition.

5 On January 16, 2026, the Court heard sworn testimony from Guam Police Department
6 (“GPD”) Officer Glenn Ogo and Office of the Attorney General Investigator Henry James. The
7 Court ascertained the following facts:

- 8 1. On or about September 3, 2024, Officer Ogo went to a Mangilao residence to follow
9 up on a suspect check.
- 10 2. Officer Ogo spoke with Defendant briefly at the residence, advising him of the nature
11 of his presence and requesting he come to Central Precinct for an interview.
- 12 3. Defendant did not have a vehicle so he agreed to be transported by Officer Ogo to
13 Central Precinct.
- 14 4. Officer Ogo did not have any conversations with Defendant on the way to the precinct.
- 15 5. Officer Ogo spoke with Defendant in English.
- 16 6. At the precinct, Officer Ogo advised Defendant of his *Miranda* rights, both orally and
17 through the Custodial Interrogation Form. (Exh. 1).
- 18 7. Defendant wrote “yes” and initialed next to every right listed on the form.
- 19 8. Defendant did not request for a translator at any time.
- 20 9. Officer Ogo testified that Defendant was able to converse with him in English and did
21 not appear to require a translator during their conversations.
- 22 10. Officer Ogo later ran Defendant’s name through GPD’s system and found that
23 Defendant was a witness to a 2018 assault case. Defendant was also utilized as a
24 translator for GPD for the Chuukese language for another witness in that matter. (Exh.
25 8).
- 26 11. Officer Ogo was unaware of the content of the conversations that were translated by
27 Defendant.

1 12. Officer Ogo testified that the custodial interrogation form used in the instant matter is
2 a standardized form used in every case.

3 13. Defendant previously entered a guilty plea to Assault (As a Misdemeanor) on June 13,
4 1996 in CM0135-96. (Exh. 6). The Plea Agreement signed by Defendant does not
5 reflect that an interpreter was used. *Id.*

6 14. Defendant was also previously advised of his *Miranda* rights by GPD in September of
7 2003. At that time, Defendant was provided the Custodial Interrogation Form,
8 acknowledged his rights by writing “yes” and his initials next to each right, and
9 ultimately did not waive his *Miranda* rights. (Exh. 4).

10 15. According to Defendant’s sister Nipita Moses, Defendant understands English like her
11 and works at a store on Guam.

12 **DISCUSSION**

13 The issue before the Court is whether Defendant voluntarily, knowingly, and intelligently
14 waived his *Miranda* rights because he was not provided an interpreter. “For inculpatory
15 statements made by a defendant during custodial interrogation to be admissible in evidence, the
16 defendant’s waiver of *Miranda* rights must be voluntary, knowing, and intelligent.” *United States*
17 *v. Garibay*, 143 F.3d 534, 536 (9th Cir. 1998) (citation omitted). “*Miranda* warnings need not be
18 a ‘virtual incantation of the precise language contained in the *Miranda* opinion.’ *Rasaao*, 2011
19 Guam 1 ¶ 18. “*Miranda* is satisfied where, prior to the initiation of questioning, the police fully
20 apprise the suspect of the State’s intention to use his statements to secure a conviction.” *Id.* at ¶
21 19 (citing *Moran v. Burbine*, 475 U.S. 412, 420 (1986)). “[L]anguage difficulties may impair the
22 ability of a person in custody to waive [his *Miranda*] rights in a free and aware manner.” *United*
23 *States v. Heredia-Fernandez*, 756 F.2d 1412, 1415 (9th Cir. 1985) (citations omitted).

24 “There is a presumption against waiver” and the “prosecution bears the burden of proving
25 by a preponderance of the evidence that a defendant knowingly and intelligently waived his
26 *Miranda* rights.” *Garibay*, 143 F.3d at 536 (citations omitted). “To satisfy this burden, the
27 prosecution must introduce sufficient evidence to establish that under the ‘totality of the
28 circumstances,’ the defendant was aware of ‘the nature of the right being abandoned and the

1 consequences of the decision to abandon it.” *Id.* at 537 (quoting *Moran*, 475 U.S. at 421). “The
2 government’s burden to make such a showing ‘is great,’ and the court will ‘indulge every
3 reasonable presumption against waiver of fundamental constitutional rights.’” *Id.* at 537 (quoting
4 *United States v. Heldt*, 745 F.2d 1275, 1277 (9th Cir. 1984)). The Court examines the following
5 factors to determine whether Defendant’s constitutional rights were knowingly and intelligently
6 waived:

7 (1) whether the defendant signed a waiver; (2) whether the defendant was advised
8 of his rights in his native tongue; (3) whether the defendant appeared to understand
9 his rights; (4) whether a defendant had the assistance of a translator; (5) whether
10 the defendant’s rights were individually and repeatedly explained to him; and (6)
whether the defendant had prior experience with the criminal justice system.

11 *Id.* at 538 (internal citations omitted).

12 Here, the evidence demonstrates that Defendant was advised of his *Miranda* rights both
13 orally and in writing through the standardized Custodial Interrogation Form. Defendant
14 acknowledged each right by writing “yes” and initialing next to each provision. Officer Ogo
15 testified that Defendant conversed in English without difficulty and did not request a translator at
16 any point. Further, Defendant’s prior interactions with law enforcement—including a 2003
17 custodial interrogation where he similarly acknowledged his rights and refused to waive them,
18 and a 1996 guilty plea without an interpreter—support that Defendant has prior experience with
19 the criminal justice system and understands English sufficiently. Additionally, Defendant served
20 as a Chuukese translator for GPD in 2018, further indicating his bilingual proficiency. While
21 language difficulties can impair a defendant’s ability to waive rights knowingly and intelligently,
22 *see Heredia-Fernandez*, 756 F.2d at 1415, the record does not support such impairment here.
23 Defendant’s sister confirmed that Defendant understands English and works at a store on Guam,
24 which requires basic English communication. There is no evidence of confusion or
25 misunderstanding by Defendant during the advisement of rights. The Court concludes, based on
26 the totality of the circumstances, that Defendant’s waiver was voluntary, knowing, and intelligent.

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CONCLUSION

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

3 IT IS SO ORDERED this 22nd day of January, 2026.

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HONORABLE VERNON P. PEREZ
Judge, Superior Court of Guam

SERVICE VIA E-MAIL

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

AG, posc

Date: 1/20/26 Time: 1:30 pm

Antonia M. Cruz

Deputy Clerk, Superior Court of Guam