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Supreme Court of Guam, Clerk of Court

IN THE SUPREME COURT OF GUAM

PEOPLE OF GUAM,
Plaintiff-Appellee,

v.

RAYMOND SIGUENZA MANSAPIT,
Defendant-Appellant.

Supreme Court Case No.: CRA15-037
Superior Court Case No.: CM1264-11

OPINION

Cite as: 2016 Guam 30

Appeal from the Superior Court of Guam
Argued and submitted on May 18, 2016
Hagåtña, Guam

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BEFORE: ROBERT J. TORRES, Chief Justice; F. PHILIP CARBULLIDO, Associate Justice; KATHERINE A. MARAMAN, Associate Justice.

MARAMAN, J.:

[1] Defendant-Appellant Raymond Siguenza Mansapit appeals the denial of his motion to suppress evidence obtained as the result of a traffic stop. Police received a tip regarding a man with weapons, and after continued contact with the tipster who remained in pursuit, the officers pulled over Mansapit’s vehicle. Following the stop, police subjected Mansapit to sobriety tests, finding him intoxicated. Mansapit maintains that neither the tip nor the observation of one vehicle following another on the roads of Guam provided reasonable suspicion of criminal activity, and therefore the stop was unjustified. Mansapit moved to suppress evidence obtained as a result of the stop, which the trial court denied. Plaintiff-Appellee People of Guam (“the People”) argue that the trial court’s denial should be affirmed because the tipster and Mansapit were engaged in a chase-like situation sufficient to justify a stop.

[2] We hold that there was no reasonable suspicion justifying the traffic stop, and all evidence obtained therefrom should have been excluded. Accordingly, we reverse the trial court’s denial of Mansapit’s motion to suppress, vacate Mansapit’s guilty plea and sentence, and remand this matter to the trial court.

I. FACTUAL AND PROCEDURAL BACKGROUND

[3] In the early morning hours of December 18, 2011, a tipster called 911, telling the dispatcher, “Yeah, it’s Shell Gas Station. There’s a guy with weapons out there on the [inaudible] at the Shell. It’s an old Toyota Tercel.” Transcript (“Tr.”) at 2 (911 Emergency Transmissions, Apr. 6, 2012); Record on Appeal (“RA”), tab 62 (DWI Misdemeanor

Advisement of Rights, Waiver, and Plea, June 30, 2015). The dispatcher informed Guam Police Department (“GPD”) officers that the caller was following a vehicle along Route 8, and officers made visual contact with the two vehicles on Route 1. GPD officers caught up with the two vehicles near the War in the Pacific Park in Asan and initiated a traffic stop on the car being driven by Mansapit. Police found no weapons, but after apparently observing indicia of alcohol intoxication, they submitted Mansapit to field sobriety and breathalyzer tests. Consequently, Mansapit was arrested and charged with Driving While Under the Influence of Alcohol, Driving While Under the Influence of Alcohol (BAC), and Reckless Driving.

[4] Mansapit moved to suppress all evidence, including police observations, statements to police, and test results, obtained from what he argued was an unlawful detention and seizure. Because there were disputed facts, the trial court held an evidentiary hearing, where no testimony was presented, and Mansapit submitted an audio recording of the 911 call. The trial court denied the motion to suppress, primarily holding that “the moment the Police became aware that two civilians were in a vehicle pursuit and that the pursuit was ongoing, reasonable suspicion and the duty to keep peace warranted the traffic stop of [Mansapit’s] vehicle.” RA, tab 35 at 4 (Dec. & Order, Jan. 16, 2013).

[5] Mansapit subsequently pleaded guilty via plea agreement to Driving While Under the Influence of Alcohol, but retained the right to appeal pursuant to 8 GCA § 130.15(e),¹ following

¹ Title 8 GCA § 130.15(e) provides in pertinent part that an appeal by a defendant may be taken from a judgment of conviction upon a plea of guilty, where the defendant has filed with the trial court a written statement, executed under oath of penalty of perjury, showing reasonable constitutional, jurisdictional, or other grounds going to the legality of any proceedings involving a motion to suppress, and the trial court has executed and filed a certificate of probable cause for such appeal. Mansapit filed a verified petition showing reasonable constitutional grounds regarding the trial court’s denial of the suppression motion, and the trial court issued the certificate of probable cause for the appeal.

the trial court's certificate of probable cause on constitutional grounds. He thereafter filed this appeal.

II. JURISDICTION

[6] This court has jurisdiction over this matter pursuant to 48 U.S.C.A. §§ 1424-1(a)(2), 1424-3(d) (Westlaw through Pub. L. 114-229 (2016)); 7 GCA §§ 3107 and 3108(a) (2005); and 8 GCA § 130.15(e) (2005).

III. STANDARD OF REVIEW

[7] “Where a motion to suppress is grounded on a Fourth Amendment violation, the issue of the lawfulness of a search or seizure is reviewed *de novo*.” *People v. Chargualaf*, 2001 Guam 1 ¶ 12 (citing *United States v. Botero-Ospina*, 71 F.3d 783, 785 (10th Cir. 1995); *People v. Manibusan*, No. 89-000136A, 1990 WL 320756, at *3 (D. Guam App. Div. Feb. 16, 1990)).

[8] The trial court's factual findings are reviewed for clear error. *People v. Taman*, 2013 Guam 22 ¶ 9 (citing *People v. Farata*, 2007 Guam 8 ¶ 15). “A finding is clearly erroneous when, even though some evidence supports it, the entire record produces the definite and firm conviction that the court below committed a mistake.” *People v. Camacho*, 2004 Guam 6 ¶ 13 (quoting *Yang v. Hong*, 1998 Guam 9 ¶ 7). Thus, we “accept the lower court's findings of fact unless upon review the entire record produces the definite and firm conviction that a mistake has been committed.” *Id.*

IV. ANALYSIS

[9] Mansapit claims the trial court erred in allowing evidence acquired from an unreasonable traffic stop. Appellant's Br. at 8-13 (Jan. 4, 2016). Under the protections of the Fourth Amendment, an officer conducting a routine traffic stop must have a “reasonable suspicion that

an individual was engaged in or is about to be engaged in illegal conduct.” *Taman*, 2013 Guam 22 ¶ 22 (quoting *People v. Cundiff*, 2006 Guam 12 ¶ 40); see also *Terry v. Ohio*, 392 U.S. 1, 21 (1968) (setting forth the famed *Terry* stop doctrine). “The principal components of a determination of reasonable suspicion . . . will be the events which occurred leading up to the stop . . . , and then the decision whether these historical facts, viewed from the standpoint of an objectively reasonable police officer, amount to reasonable suspicion” *Ornelas v. United States*, 517 U.S. 690, 696 (1996); see also *id.* at 700-01 (Scalia, J., dissenting) (“First, a court must identify all of the relevant historical facts known to the officer at the time of the stop . . . and second, it must decide whether, under a standard of objective reasonableness, those facts would give rise to a reasonable suspicion justifying a stop”). On appeal, we therefore examine the trial court’s findings of fact and legal conclusion of reasonable suspicion.

A. The Trial Court’s Findings of Fact

[10] The meaningful factual findings for this appeal are the contents of the 911 call and the existence of a vehicle pursuit wherein the tipster was following Mansapit. The trial court found the Police pulled over Mansapit after a tip was received identifying him, which contained a “vague” mention of weapons. RA, tab 35 at 3 (Dec. & Order). The court further found that “Police became aware that two civilians were in a vehicle pursuit and that pursuit was ongoing.” *Id.* at 4.

[11] According to the emergency call transcript,² the tipster stated to the dispatcher, “There’s a guy with weapons out there on the [inaudible] at the Shell.” Tr. at 2 (911 Emergency Transmissions). There were no further details of these alleged weapons or any further mention

² The transcript frequently states “Indiscernible” and “Break in Transmission,” indicating many unknown portions. See Tr. at 2-12 (911 Emergency Transmissions).

of weapons at all. *See id.* Nor did the tipster elaborate on whether an altercation had occurred.³ *See id.* The subsequent radio dispatches indicate that the tipster followed Mansapit's vehicle south from Barrigada and that the police were able to catch up with the two vehicles near Asan Beach Park, where they conducted a traffic stop of Mansapit's vehicle. *See id.* at 3-4, 7. The transcript does not indicate that high speeds or dangerous driving occurred – only that the tipster was following Mansapit. *See id.*

[12] Upon review, the trial court's limited findings of fact were accurate, and certainly not clearly erroneous. *See generally Camacho*, 2004 Guam 6 ¶ 13 ("A finding is clearly erroneous when, even though some evidence supports it, the entire record produces the definite and firm conviction that the court below committed a mistake." (quoting *Yang v. Hong*, 1998 Guam 9 ¶ 7)). Here, the tip contained a vague mention of unidentified weapons, and police intercepted Mansapit after learning that the tipster was following Mansapit's vehicle. We therefore proceed to the trial court's legal conclusions.

B. Reasonable Suspicion of Criminal Activity

[13] Mansapit's traffic stop would be valid if officers had a reasonable suspicion of criminal conduct. *See Terry*, 392 U.S. at 21. The court reviews this determination *de novo*. *Chargualaf*, 2001 Guam 1 ¶ 12. Reasonable suspicion entails "some minimal level of objective justification" for making a stop, but considerably less than the level of suspicion required for probable cause. *United States v. Sokolow*, 490 U.S. 1, 7 (1989) (quoting *INS v. Delgado*, 466 U.S. 210, 217 (1984)). This determination "is dependent upon both the content of information possessed by

³ The People's Opposition to the Motion to Suppress alleged that the tipster described a fight at the gas station. RA, tab 30 at 2 (Opp'n to Mot., Nov. 9, 2012). However, the information actually presented to the trial court contained no such facts or testimony, only the call mentioning a person with "weapons," and a request for a police report number for a "disturbance." Tr. at 2, 7 (911 Emergency Transmissions).

police and its degree of reliability.” *People v. Johnson*, 1997 Guam 9 ¶ 5 (quoting *Alabama v. White*, 496 U.S. 325, 330 (1990)). “An officer is entitled to rely on his training and experience in drawing inferences from the facts he observes, but those inferences must also ‘be grounded in objective facts and be capable of rational explanation.’” *United States v. Lopez-Soto*, 205 F.3d 1101, 1105 (9th Cir. 2000) (quoting *United States v. Michael R.*, 90 F.3d 340, 346 (9th Cir. 1996)). Because this case did not involve a warrant, the People had the burden of proof at the suppression hearing. *See People v. Calhoun*, 2014 Guam 26 ¶ 9.

[14] Mansapit claims the trial court erred in finding reasonable suspicion to detain him. Appellant’s Br. at 6, 11. He reasons that there can be no justification for detention where there was no evidence of traffic violations, high speeds, excessive tailgating, or even that Mansapit knew he was being followed. *Id.* Even assuming that knowing two vehicles are in a chase is a valid basis for a stop, Mansapit argues that it would be improper to detain the driver being followed, who would presumably be the “victim” in this scenario. *Id.* at 12. The People argue in return that the chase-like situation the police were informed about was sufficient to support the trial court’s determination that the officers had reasonable suspicion that a traffic offense was occurring or was imminent. Appellee’s Br. at 8 (Feb. 17, 2016).

[15] The tipster reported firsthand observations of an ongoing event, adding weight to a finding of reasonable suspicion. *See Navarette v. California*, 134 S. Ct. 1683, 1688-89 (2014); *see also United States v. Edwards*, 761 F.3d 977, 984-85 (9th Cir. 2014) (finding reasonable suspicion for caller’s ongoing account of suspect shooting at cars). However, a tip must reliably assert an *illegal act*, and not just reliably identify a certain individual without details on criminal conduct. *See Florida v. J.L.*, 529 U.S. 256, 272 (2000); *see also United States v. Freeman*, 735

F.3d 92, 98-100 (2d Cir. 2013) (finding no reasonable suspicion where caller provided physical description and location, but no predictive knowledge of concealed criminal activity); *United States v. Lewis*, 672 F.3d 232, 240 (3d Cir. 2012) (finding no reasonable suspicion where tip about firearms did not include any information about *legality* of firearms). Here, the caller merely claimed, “There’s a guy with weapons out there,” with no details as to what type of weapons or the illegality of such weapons or how those particular weapons were used or brandished. Tr. at 2 (911 Emergency Transmissions). Furthermore, there was no evidence presented describing an altercation leading up to the 911 call or vehicle pursuit. Consequently, further investigation and observation would be required to justify a stop under *Terry*, as the evidence from the call alone failed to be “reliable in its assertion of illegality.” See *J.L.*, 529 U.S. at 272; see also *Johnson*, 1997 Guam 9 ¶ 5 (“Some tips, completely lacking in indicia of reliability, would either warrant no police response or require further investigation before a forcible stop of a suspect would be authorized.” (quoting *White*, 496 U.S. at 329)).

[16] Moreover, there is no indication from the transcript that the police officers that caught up with the two vehicles observed any traffic offense, dangerous driving, or the likelihood of either. Reasonable suspicion would certainly be present if officers observed a traffic violation. See *United States v. Callarman*, 273 F.3d 1284, 1286 (10th Cir. 2001) (“[A] traffic stop is valid under the Fourth Amendment if the stop is based on an observed traffic violation” (quoting *United States v. Botero-Ospina*, 71 F.3d 783, 787 (10th Cir. 1995) (en banc))); see also *United States v. Miranda-Guerena*, 445 F.3d 1233, 1236 (9th Cir. 2006) (holding that one officer’s personal observation of traffic violations is sufficient to support reasonable suspicion for traffic stop effectuated by a second officer). The investigating officers may have made such

observations and thus been justified in deciding to conduct a traffic stop. However, the only evidence presented at the hearing on the suppression motion was the audio of the 911 call and radio communication; there was no testimony or statements by police officers. See RA, tab 34 (Min. Entry, Dec. 20, 2012). Consequently, we are left solely with evidence of a vague tip and one vehicle following another with no indication of an altercation, dangerous driving, or traffic violations to establish that Mansapit was engaged in current or imminent criminal activity.⁴ Although it is in the public interest to allow police to act upon oft-incomplete information that is likely to resolve unknown disturbances, the facts *presented at the suppression hearing* did not supply the requisite reasonable suspicion that criminal activity was afoot.

[17] The trial court erred in holding that the People presented sufficient evidence to find reasonable suspicion based on the vehicle pursuit. Therefore, all evidence obtained as a result of the traffic stop should have been suppressed as fruit of the poisonous tree. See *People v. Cundiff*, 2006 Guam 12 ¶ 41 (citing *Wong Sun v. United States*, 371 U.S. 471 (1963)). Mansapit raises various alternative arguments. None of the issues addressed by these alternative arguments, however, were advanced by the People, and we decline to address them, as they are unnecessary for disposition.

V. CONCLUSION

[18] There was no reasonable suspicion justifying the traffic stop, and all evidence obtained therefrom should have been excluded. Accordingly, we **REVERSE** the trial court's denial of

⁴ During oral argument, the People asserted that the transcript of police communications indicate that one of the drivers threw a cigarette out of their window, constituting littering - an illegal act. See Digital Recording at 10:24:43–10:25:10 (Oral Argument, May 18, 2016). It is unclear which driver threw the cigarette, and this was the first mention of this argument. See *id.* We therefore decline to address this issue.

Mansapit's motion to suppress, **VACATE** Mansapit's guilty plea and sentence, and **REMAND** this matter to the trial court for further proceedings not inconsistent with this opinion.

/s/

F. PHILIP CARBULLIDO
Associate Justice

/s/

KATHERINE A. MARAMAN
Associate Justice

/s/

ROBERT J. TORRES
Chief Justice