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SUPERIOR COURT
OF GUAM

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IN THE SUPERIOR COURT OF GUAM

THE PEOPLE OF GUAM,

Plaintiff,

v.

PATRICK STEVEN DUENAS,
(aka Patrick Steven Crisostomo Duenas),

Defendant.

CRIMINAL CASE NO. CF0209-26

DECISION AND ORDER

INTRODUCTION

This matter came before the Court on October 22, 2026, for a hearing on Defendant's Motion to Suppress Evidence filed on September 18, 2026. Defendant appeared by Zoom and was represented by Attorney Alisha L. Molyneaux. No attorney appeared on behalf of the People of Guam.

Defendant seeks suppression of evidence allegedly obtained through an unconstitutional search or seizure. Defendant further requests that the Court conduct an evidentiary hearing concerning the credibility of the investigating officers and dismiss the case.

The People did not file a written opposition to Defendant's Motion, appear at the hearing, request a continuance, provide an explanation for their absence, or present any witnesses or other evidence. At the conclusion of the hearing, the Court took the matter under advisement.

1 Having reviewed Defendant's Motion, the Magistrate's Complaint and attached Affidavit
2 of Probable Cause, the arguments presented at the hearing, the record in this matter, and the
3 applicable law, the Court **DENIES** Defendant's Motion to Suppress Evidence, request for an
4 evidentiary hearing, and request for dismissal. The Court further **ADMONISHES** the People for
5 their failure to participate in the litigation of the Motion.

6 **BACKGROUND**

7 On March 18, 2026, the People filed a Magistrate's Complaint charging Defendant with
8 Possession of a Schedule II Controlled Substance, as a Third-Degree Felony, and Attempted
9 Destruction of Evidence, as a Misdemeanor.

10 The Affidavit of Probable Cause states that, on March 17, 2026, Guam Police
11 Department officers observed a vehicle traveling on Route 10 with obscured front and rear
12 license plates. Officers conducted a traffic stop and identified Defendant as the driver. According
13 to the affidavit, Defendant stated that he was borrowing the vehicle and possessed only a Guam
14 identification card.

15 The affidavit further states that officers instructed Defendant and the passengers to exit
16 the vehicle before deploying a police canine to conduct a free-air sniff. The canine allegedly
17 alerted at the front driver-side door jamb. During the subsequent investigation, an officer
18 allegedly observed a small plastic object fall from behind Defendant's back. Defendant allegedly
19 attempted to kick the object underneath a patrol vehicle. Officers recovered the object and
20 observed that it contained a crystalline substance. A field test allegedly produced a presumptive
21 positive result for methamphetamine.

22 On September 18, 2026, Defendant filed the instant Motion. Defendant argues that
23 officers lacked reasonable articulable suspicion to conduct a Terry stop, that the resulting search
24 and seizure were unlawful, and that all evidence must be suppressed. Defendant further alleges
25 that the officers engaged in dishonest conduct and falsified evidence. The written Motion asks
26 the Court to conduct a hearing concerning the officers' credibility and dismiss the case.

1 The Motion was not supported by an affidavit from Defendant, a declaration from
2 another witness, photographs, recordings, police reports, or other evidence contradicting the
3 account set forth in the Affidavit of Probable Cause. The People did not file a written opposition.

4 At the October 22, 2026 hearing, defense counsel argued that the Motion should be
5 granted because the People did not appear, did not subpoena the officers, and did not present
6 evidence establishing the lawfulness of the challenged police conduct. Defense counsel
7 maintained that the People bore the burden of proof concerning the warrantless search or seizure
8 and failed to satisfy that burden.

9 Defense counsel further proffered that Defendant had previously been frisked and that
10 approximately thirty minutes later, while Defendant remained detained near other persons and
11 was holding a child, officers claimed that a baggie fell from behind him. Counsel argued that the
12 account was not credible and that the investigating officers needed to testify so the Court could
13 assess their credibility.

14 No testimony or other evidence was received at the hearing.

15 DISCUSSION

16 A motion to suppress evidence shall be raised before trial. 8 GCA § 65.15(c). A written
17 motion must state the grounds upon which it is made and set forth the relief sought. Superior
18 Court Criminal Procedure Rule 1.1(b)(1).

19 The Fourth Amendment's protections against unreasonable searches and seizures apply
20 in Guam through the Organic Act of Guam. *People v. Chargualaf*, 2001 Guam 1 ¶ 14. Searches
21 and seizures must be reasonable under the totality of the circumstances. *Id.* A warrantless search
22 or seizure is generally presumed unreasonable unless an exception to the warrant requirement
23 applies. *People v. Santos*, 1999 Guam 1 ¶ 26.

24 In determining whether reasonable suspicion existed, the Court considers the events
25 leading to the stop and whether those historical facts, viewed from the standpoint of an
26 objectively reasonable police officer, amount to reasonable suspicion. *People v. Mansapit*, 2016
27 Guam 30 ¶ 9.
28

A. Defendant's Written Motion

Defendant argues that officers lacked reasonable articulable suspicion to conduct a Terry stop. The Motion, however, acknowledges that officers stopped the vehicle because the front license plate had a faded plastic cover. The Affidavit of Probable Cause states that both the front and rear license plates were obscured.

Defendant does not deny that the license plate was covered, allege that the cover did not obscure the plate, or present specific facts showing that the observed condition could not provide an objective basis for the traffic stop. Defendant instead asserts generally that there was no indication of criminal activity and no indication that any person was armed or dangerous.

The Court finds that this assertion does not address the stated basis for the stop. The affidavit describes a traffic stop based upon an observed license-plate condition. General principles governing an investigatory detention do not establish that this particular traffic stop was unlawful.

The Motion also does not clearly identify the particular governmental conduct being challenged. It does not distinguish among the initial traffic stop, the length and scope of the roadside detention, the canine sniff, the search of the vehicle, the observation of the object allegedly falling from Defendant, and the recovery of that object from the ground.

Defendant further asserts that officers engaged in dishonest conduct and falsified evidence. The Motion does not identify which officer allegedly made a false statement, which statement was false, or what evidence supports the accusation. A general allegation that officers falsified evidence, without a specific factual or evidentiary proffer, does not establish that the challenged evidence was obtained through an unconstitutional search or seizure.

B. Defendant's Oral Proffer

Defense counsel's oral proffer provided more factual detail than the written Motion. Counsel represented that Defendant had already been frisked and that approximately thirty minutes later, while Defendant remained detained near other persons and was holding a child, officers claimed that a baggie fell from behind him.

1 The Court has considered this proffer. The prior frisk, the alleged passage of time, the
2 presence of other persons, and the circumstances under which the baggie allegedly appeared
3 could provide subjects for cross-examination if an evidentiary hearing were otherwise
4 warranted. Those circumstances, however, do not by themselves establish that the officers'
5 account was false or that the baggie was obtained through an unconstitutional search or seizure.

6 The proffer was presented through counsel and was not supported by testimony or a
7 sworn declaration from Defendant or another person with personal knowledge. Defendant did
8 not present body-camera footage, photographs, reports, recordings, or other evidence supporting
9 the proffer. Argument of counsel is not evidence.

10 Accordingly, the Court cannot treat the oral proffer as proof that Defendant was
11 thoroughly searched, that no contraband remained on or near his person after the alleged frisk,
12 or that an officer fabricated the discovery of the baggie. The proffer raises questions concerning
13 the circumstances of the recovery but does not supply competent evidence establishing
14 Defendant's version of events.

15 **C. Request for an Evidentiary Hearing and Credibility Determination**

16 Defendant asks the Court to conduct an evidentiary hearing to determine whether the
17 investigating officers are credible.

18 An evidentiary hearing serves to resolve an identified and material factual dispute.
19 Before a credibility determination becomes necessary, the moving party must identify specific
20 facts placing a material representation in genuine dispute and explain how resolution of that
21 dispute affects the constitutional issue before the Court.

22 Here, Defendant did not identify a proposed defense witness or submit a sworn
23 statement from a person with personal knowledge. Defendant did not identify evidence
24 contradicting a particular representation in the Affidavit of Probable Cause. Defendant's
25 submissions also do not provide a complete alternative account concerning how the suspected
26 controlled substance appeared on the ground.

27 The Court cannot make the credibility finding requested by Defendant because no
28 witness testified. The People's failure to produce the investigating officers deprived the Court of

1 an opportunity to hear their account. Defendant likewise presented no witness or sworn
2 evidence creating a testimonial conflict for the Court to resolve.

3 The Court therefore has no evidentiary record from which it could find that an officer
4 was untruthful. The Court will not order a hearing merely to determine whether some material
5 factual dispute might emerge once officers are questioned.

6 The request for an evidentiary hearing and credibility determination is **DENIED**. This
7 ruling is not an affirmative finding that the officers are credible or that their account is accurate.
8 It is a determination that Defendant failed to make the threshold factual showing necessary to
9 require a credibility hearing.

10 **D. The People's Failure to Oppose, Appear, or Present Witnesses**

11 The People did not file a written opposition to Defendant's Motion. The People also
12 failed to appear at the October 22, 2026 hearing. No attorney appeared on behalf of the
13 Government, no request for a continuance was presented to the Court, and no explanation for
14 the Government's absence appears in the record presently before the Court.

15 Defense counsel further represented that the Government had not subpoenaed any of the
16 officers whose conduct and credibility were placed at issue by the Motion.

17 The Court finds the Government's complete failure to participate in this matter troubling
18 and unacceptable. The Government initiated this prosecution and bears the responsibility of
19 litigating it with reasonable diligence. That responsibility includes responding to potentially
20 dispositive motions, appearing at scheduled hearings, advising the Court promptly when an
21 appearance cannot be made, and being prepared to present evidence when the legality of law
22 enforcement conduct has been properly placed at issue.

23 This incident does not arise in isolation. The Court has observed repeated instances on
24 its criminal docket in which the Government has failed to file papers, appear at scheduled
25 proceedings, or otherwise prepare matters for meaningful adjudication. Such conduct disrupts
26 the orderly administration of justice, consumes limited judicial resources, inconveniences
27 defense counsel and defendants, and places the Court in the untenable position of addressing
28 contested criminal matters without participation by the prosecuting authority.

1 The Office of the Attorney General should not assume that silence or absence constitutes
2 advocacy. Nor should it assume that the Court will continue to overlook unexplained failures to
3 participate in scheduled criminal proceedings. The Government's obligation is not satisfied by
4 filing criminal charges and thereafter leaving the Court and defense counsel to litigate the case
5 without it.

6 The Court recognizes that the People bear the burden of justifying a warrantless search
7 or seizure. However, Defendant must still identify the governmental conduct being challenged
8 and present a sufficiently specific basis for suppression before an evidentiary hearing becomes
9 necessary. The Court finds that Defendant's written Motion and oral proffer did not make that
10 threshold showing.

11 The People's nonappearance does not convert counsel's arguments into evidence. It does
12 not establish which governmental act was unlawful, resolve the necessary causal relationship
13 between that act and the evidence sought to be suppressed, or provide a sworn factual basis for
14 Defendant's allegation that officers fabricated evidence. The Court therefore declines to grant
15 suppression by default.

16 The Court emphasizes that its ruling should not be understood as approval of the
17 People's conduct. The Motion is denied because Defendant failed to establish the factual
18 predicate necessary for suppression, not because the People fulfilled their litigation
19 responsibilities. They plainly did not.

20 The People's failure to file an opposition, appear at the hearing, request appropriate
21 relief from the hearing date, or prepare witnesses is **ADMONISHED**.

22 **E. Notice Concerning Future Nonappearances**

23 The Court provides notice that future unexplained failures by counsel for the People to
24 appear at duly scheduled proceedings, comply with lawful court orders, or perform duties
25 imposed by the Court may result in an Order to Show Cause requiring the personal appearance
26 of the assigned prosecutor and, where appropriate, a supervising attorney from the Office of the
27 Attorney General.
28

1 Pursuant to Chapter 34 of Title 7 GCA, including §§ 34101, 34102, and 34104, the
2 Court may require counsel to explain the failure to appear and may determine whether contempt
3 proceedings or other sanctions authorized by law are warranted under the circumstances.

4 Any future sanction shall be imposed only after the notice, hearing, and due process
5 requirements established by Guam law have been satisfied.

6 **F. Request for Dismissal**

7 Defendant also requests dismissal of the case. Defendant does not separately identify a
8 statutory or constitutional basis for dismissal.

9 Suppression and dismissal are distinct remedies. Even where particular evidence is
10 suppressed, dismissal does not automatically follow. Because Defendant has not established a
11 basis for suppression or an independent basis for dismissal, the request for dismissal is
12 **DENIED.**

13 **CONCLUSION**

14
15 For the reasons provided above, the Court finds that Defendant failed to present
16 sufficiently specific and supported facts establishing that the challenged evidence was obtained
17 through an unlawful search or seizure. Defendant's oral proffer identified possible subjects for
18 cross-examination but did not create a competent evidentiary record requiring the Court to
19 conduct a credibility hearing.
20

21 The Court separately finds that the People failed to file a written opposition, appear at the
22 October 22, 2026 hearing, request relief from the hearing date, or present witnesses. The
23 Government's complete lack of participation is unacceptable, particularly in light of similar
24 failures observed by the Court on its criminal docket.
25

26 The Court's ruling is not an endorsement of the Government's conduct. The Motion is
27 denied because Defendant did not make the threshold factual showing necessary for suppression,
28 not because the Government satisfied its responsibilities in litigating the Motion.

1 Accordingly, Defendant's Motion to Suppress Evidence is **DENIED**. Defendant's
2 request for an evidentiary hearing and credibility determination is **DENIED**. Defendant's request
3 for dismissal is **DENIED**.

4 The People are **ADMONISHED** that future unexplained failures to appear, obey lawful
5 court orders, or perform duties imposed by the Court may result in an Order to Show Cause and
6 further proceedings authorized by Chapter 34 of Title 7 GCA.
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8 **IT IS SO ORDERED** OCT 23 2026.
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12 **HONORABLE ARTHUR R. BARCINAS**
13 **Judge, Superior Court of Guam**
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