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SUPERIOR COURT
OF GUAM

IN THE SUPERIOR COURT OF GUAM

PEOPLE OF GUAM,

Plaintiff,

vs.

ETHAN JARRED AGUERO
VICENTE TREVOR AGUERO
KAWAII'LEI MENDIOLA,

Defendants.

CRIMINAL CASE NO. CF0427-24
CRIMINAL CASE NO. CF0427-24-01
CRIMINAL CASE NO. CF0427-24-02

DECISION AND ORDER

INTRODUCTION

This matter came before the Honorable Vernon P. Perez on March 20, 2026, April 6, 2026, and April 24, 2026, for hearing on Defendant Vicente Trevor Aguero's ("Vicente") Motion to Suppress filed December 1, 2025, Defendant Ethan Jared Aguero's ("Ethan") Motion to Suppress filed March 20, 2026, and Defendant Kawaii'Lei Mendiola's ("Kawaii'Lei") oral joinder in Vicente's Motion to Suppress. Present were Assistant Attorney General Nicholas Ennis on behalf of the People of Guam ("the Government"), Ethan with counsel, Terry E. Timblin, Vicente with counsel, Heather M. Quitugua, and Kawaii'Lei with counsels, Deputy Public Defender John P. Morrison and Assistant Public Defender Mary Hill.¹ Having reviewed the pleadings, the arguments presented, and the record, the Court now issues the following Decision and Order.

¹ Attorney Morrison was present at the March 20, 2026 evidentiary hearing. Attorney Hill was present at the April 6, 2026 and April 24, 2026 evidentiary hearings.

BACKGROUND

On July 2, 2024, the grand jury returned an Indictment charging Ethan with (1) Burglary (As a Second Degree Felony); (2) Terrorizing (As a Third Degree Felony) with Special Allegation: Possession or Use of a Deadly weapon in the Commission of a Felony; and (3) Assault on a Peace Officer (As a Third Degree Felony) with Special Allegation: Possession or Use of a Deadly Weapon in the Commission of a Felony; charging Vicente with (1) Burglary (As a Second Degree Felony); and (2) Criminal Mischief (As a Misdemeanor); and Kawaii'Lei with (1) Burglary via Complicity (As a Second Degree Felony); (2) Eluding a Police Officer (As a Misdemeanor); and (3) Reckless Conduct (As a Misdemeanor).² (Indictment, Jul. 2, 2024). These charges stem from allegations that the defendants burglarized a supermarket and were subsequently involved in a police pursuit where shots were fired, which concluded when the vehicle crashed. (Decl. of Sean Brown, Magistrate's Compl., Jun. 24, 2024).

On December 1, 2025, Vicente filed his Motion to Suppress. On December 17, 2025, the Government filed its Opposition. On December 18, 2025, Vicente filed his Reply.

On January 30, 2026, Kawaii'Lei orally joined Vicente's Motion to Suppress. (Minute Entry, Jan. 30, 2026).

On March 13, 2026, Ethan orally joined Vicente's Motion to Suppress. (Minute Entry, Mar. 13, 2026). On March 20, 2026, Ethan filed his written Motion to Suppress.³

On March 20, 2026, April 6, 2026, and April 24, 2026, the Court heard sworn testimony from Guam Police Department ("GPD") Officers Andrew Pangelinan, Jerome Santo Tomas, Aaron Fabila, Francine Castro, Eric Barcinas, Randy Patague, and Defendants Ethan Aguero, Vicente Aguero, and Kawaii'Lei Mendiola. After the conclusion of testimony, the Court gave the parties leave to file proposed findings of fact and conclusions of law.

² The charges against Ethan are reflected in Charges One through Three in the Indictment. (Indictment, Jul. 2, 2024). The charges against Vicente are reflected in Charges Four and Five in the Indictment. *Id.* The charges against Kawaii'Lei are reflected in Charges Six through Eight in the Indictment. *Id.* On September 16, 2024, the Court severed all three defendants from each other for trial. (Dec. & Order, Sept. 16, 2024).

³ Ethan also adopts and incorporates the arguments set forth in Vicente's Motion to Suppress filed December 1, 2025. (Ethan Mot. Suppress at 2, Mar. 20, 2026).

1 On May 18, 2026, Ethan filed his proposed Findings of Fact and Conclusions of Law. On
2 June 4, 2026, the Government filed its proposed Findings of Fact and Conclusions of Law.⁴ On
3 June 5, 2026, Vicente and Kawaii'Lei filed their respective proposed Findings of Fact and
4 Conclusions of Law. The Court subsequently placed the matter under advisement.

5 The Court ascertained the following facts from witness testimony:

- 6 1. On June 23, 2024, at approximately 1 a.m., GPD officers were dispatched following a
7 report of a burglary at Hyrule Market.
- 8 2. Officers pursued a fleeing vehicle occupied by Ethan, Vicente, and Kawaii'Lei.
- 9 3. During the pursuit, shots were fired from the fleeing vehicle toward pursuing officers.
- 10 4. The pursuit concluded when the suspect vehicle crashed into a pole on Maimai
11 Road. The vehicle sustained severe front-end damage, described by officers as
12 "totaled."
- 13 5. At the time of the crash, Kawaii'Lei was in the driver's seat; Ethan was seated in the
14 rear passenger seat behind the driver; and Vicente was seated in the rear passenger
15 seat behind the front passenger.
- 16 6. Ethan did not remember receiving any injuries from the crash. He testified that he hit
17 the back of the driver's seat and blacked out, but regained consciousness as he was
18 being pulled out of the vehicle. Ethan could not recall if he was wearing a seatbelt at
19 the time.
- 20 7. Vicente testified he was not injured in the crash. He testified he lost consciousness
21 right after the crash but regained consciousness before the police arrived at the scene.
- 22 8. Kawaii'Lei testified she did not have any injuries from the crash. She recalled the
23 airbag deployed at the time of the crash and hit her in the stomach. Kawaii'Lei
24 testified she requested for an ambulance because her stomach was aching from getting
25 hit by the airbag.

27 ⁴ The Government filed separate proposed Findings of Fact and Conclusions of Law for each defendant on June 4,
28 2026.

- 1 9. GPD officers approached the vehicle and ordered the occupants to put their hands up.⁵
- 2 All three defendants testified that they complied immediately, raising their hands.
- 3 10. Vicente and Ethan were ordered to exit the vehicle. Due to the crash, the door where
- 4 Vicente was sitting could not be opened.
- 5 11. All three defendants testified that multiple officers subsequently used force on them
- 6 at the scene.
- 7 12. Officer Duenas told Officer Patague that the two rear passengers “slowly raised” their
- 8 hands and they appeared to be bleeding from their facial region. Officer Duenas also
- 9 reported that he deployed a taser on both rear passengers because they did not exit the
- 10 vehicle when instructed.
- 11 13. Officer Cruz told Officer Patague that he used physical force because Ethan had his
- 12 hands under his abdominal area and he feared he was concealing a firearm.
- 13 14. Vicente testified he lost consciousness again after being tased. When Vicente awoke,
- 14 he was handcuffed and out of the vehicle, on the ground. Vicente testified he was
- 15 tased in the back of the neck and that he had a piece of the taser equipment removed
- 16 at the hospital.
- 17 15. Ethan testified that after he was pulled out of the car, he was punched by officers more
- 18 than six times on his face, resulting in bleeding on his face and above his eyes.
- 19 16. Vicente testified he saw officers punching Ethan and that an officer pulled Ethan’s
- 20 head back and struck him multiple times with the butt of a handgun. Vicente also
- 21 testified when he regained consciousness, he saw Kawaii’Lei bleeding from her
- 22 mouth, and he started crying.
- 23 17. Kawaii’Lei testified that she was punched in the face by an officer while in the vehicle,
- 24 dragged out of the car on her stomach, and then kicked in the face. Kawaii’Lei
- 25 testified the officer that pulled her out was a bald male. Kawaii’Lei testified she was
- 26 bleeding from her mouth.

27 ⁵ None of the officers who were present at the scene of the crash testified at the suppression hearing. Portions of

28 Officer Patague’s Internal Affairs Report were read and/or referenced at the hearing.

1 18. Kawaii'Lei testified that while the officers were assaulting her, she screamed that she
2 was pregnant and a female officer intervened, stopping the abuse. Kawaii'Lei testified
3 she was seven months pregnant at the time and that she was scared for herself and her
4 unborn child. Kawaii'Lei was pregnant with Vicente's child.

5 19. Kawaii'Lei testified officers were photographing their injuries and laughing.

6 20. All three defendants were transported to Guam Memorial Hospital ("GMH") for
7 treatment.

8 21. Detectives arrived at the scene of the collision after the defendants were transported
9 to GMH. They remained at the scene for approximately two to three hours securing
10 the area, searching for the firearm, and waiting for the vehicle to be impounded.

11 **Vicente Agüero**

12 22. Vicente testified that he remained dazed at the hospital, had difficulty understanding
13 what was happening, and communicated minimally with staff and officers.

14 23. Vicente had abrasions on his head and body, and he had to have a taser probe removed
15 from his neck.

16 24. Detective Santo Tomas and Detective Pangelinan took custody of Vicente at the
17 hospital around 5:30 or 6:00 a.m. They transported him to the Criminal Investigation
18 Section ("CIS") Office in an unmarked police vehicle after he was discharged from
19 the hospital.

20 25. Vicente was not handcuffed during the transport because the officers didn't want to
21 "flare up" any injury he may have received from the crash.

22 26. Detective Pangelinan testified Vicente was pretty silent during the transport.

23 27. Detective Pangelinan and Detective Santo Tomas both observed a large bump on
24 Vicente's forehead. Photos taken at CIS also depict swelling on Vicente's forehead.
25 (Exh. B).

26 28. Detective Pangelinan interviewed Vicente at his office at CIS. Vicente sat in front of
27 him and Detective Santo Tomas.
28

1 29. Detective Pangelinan administered *Miranda* warnings to Vicente through the GPD
2 Custodial Interrogation Rights Form around 7:10 a.m.

3 30. Vicente indicated yes and initialed next to each right and signed the waiver of rights
4 portion. (Exh. 1).

5 31. Detective Pangelinan testified Vicente appeared to understand the warnings and was
6 able to communicate with him.

7 32. Detective Santo Tomas observed Officer Pangelinan advise Vicente of his rights using
8 the custodial interrogation rights form.

9 33. Detective Pangelinan testified Vicente did not request for an attorney nor did he ever
10 ask to stop the interview.

11 34. Detective Pangelinan testified Vicente appeared conscious and alert. Vicente did not
12 appear to be under the influence of drugs or alcohol to both Detective Pangelinan and
13 Detective Santo Tomas.

14 35. Detective Pangelinan did not ask the hospital staff whether Vicente had been
15 prescribed any medication for his injuries.

16 36. Vicente wrote a four-page written statement after the interview, which he finished at
17 approximately 9:10 a.m. (Exh. 1). Vicente wrote the statement at a smaller desk about
18 ten feet away from Officer Pangelinan.

19 37. Detective Santo Tomas testified Vicente appeared to be conscious and alert.

20 38. Detective Santo Tomas testified Vicente was respectful, compliant, and cooperative.

21 39. Detectives Pangelinan and Santo Tomas were not involved in the pursuit or
22 apprehension of Vicente at the scene.

23 **Ethan Aguero**

24 40. Ethan testified he was in a lot of pain and could barely feel his face at the hospital.

25 41. While Ethan was being treated, the blood covered shirt that he was wearing was
26 removed by hospital staff and he was given a clean shirt.

27 42. Ethan testified that a bald officer told him he “fucked up his life” and that he “was
28 going down.”

- 1 43. Officer Fabila arrived at GMH at 6:35 a.m. to transport Ethan to the CIS Office in
2 Tiyan. Officer Fabila transported Ethan in a marked patrol vehicle. Officer Fabila
3 testified that Ethan complied with his instructions during transport and that there was
4 nothing unusual about his behavior or demeanor. Ethan was handcuffed during the
5 transport.
- 6 44. Officer Fabila testified Ethan had been discharged by the time he arrived to transport
7 him.
- 8 45. Detective Barcinas first met with Ethan at CIS in the holding room. Detective
9 Barcinas observed some injuries to Ethan's face, including bruising on his face, a
10 small laceration on his nose, a swollen upper lip, an abrasion above his right eye, and
11 that both eyes were swollen. Detective Barcinas brought Ethan to the briefing room
12 to interview him.
- 13 46. Ethan was not handcuffed during the interview.
- 14 47. Detective Barcinas advised Ethan of his rights using the GPD Custodial Interrogation
15 Rights Form around 7:49 a.m. Ethan wrote "yes" and initialed next to each right and
16 signed the waiver portion. (Exh. 4). Detective Barcinas testified when he went
17 through the rights form, he also had Ethan tell him what the paragraphs meant to him
18 in his own words.
- 19 48. Detective Barcinas testified that Ethan appeared conscious and alert.
- 20 49. Detective Barcinas testified that Ethan asked for his grandmother to be present during
21 the interview. Detective Barcinas inquired why Ethan wanted his grandmother present
22 and if she was a lawyer. Ethan told Detective Barcinas that his grandmother could
23 help him understand the law.
- 24 50. Detective Barcinas then went through the rights form again with Ethan and reminded
25 him that if he didn't want to talk, he could stop and not answer, and that he could ask
26 for a lawyer.
- 27 51. Detective Barcinas testified that Ethan agreed to continue the interview and that he
28 was cooperative.

1 52. Detective Barcinas testified Ethan did not request for an attorney at any time, nor did
2 he ask to stop the interview at any time.

3 53. During the interview, Ethan alleged that officers assaulted him following the crash,
4 and identified one of the officers as being bald. This resulted in an internal affairs
5 investigation into several officers who were present at the scene immediately
6 following the car crash.

7 54. After the questioning, Ethan wrote a four-page written statement. (Exh. 4). Ethan was
8 placed back into the holding room to write his written statement, and completed it
9 around 9:42 a.m.

10 55. Ethan also gave written consent to confiscate, search, and conduct a digital forensic
11 analysis of his Samsung Galaxy A14 phone around 10:15 a.m. (Exh. 5). Detective
12 Barcinas testified that there would have been no reason for him to tell Ethan that he
13 would have gotten a search warrant even if he did not consent because Ethan was
14 being cooperative at the time.

15 56. Ethan also assisted law enforcement in attempting to locate the firearm.

16 57. Ethan testified that he asked for a lawyer before the interview started, but was told that
17 he could not have a lawyer present until Monday.

18 58. Ethan testified he felt pressured to cooperate based on fear of further physical harm.

19 59. Photos taken at CIS depict injuries on Ethan's face and head. (Exh. A). Ethan testified
20 these injuries resulted from officers punching him and striking him with the butt of a
21 gun while he was handcuffed.

22 60. Officer Fabila and Detective Barcinas were not involved in the pursuit or physical
23 apprehension of Ethan at the scene.

24 **Kawaii'Lei Mendiola**

25 61. Kawaii'Lei underwent diagnostic testing at the hospital, to include a CT scan, and was
26 cleared prior to her discharge from the hospital.

27 62. Detectives Castro and Barcinas arrived at GMH between 5:00 a.m. and 6:00 a.m.
28 When they arrived at GMH, Kawaii'Lei was still being treated.

1 63. Detective Castro learned at the hospital that Kawaii'Lei was a couple months
2 pregnant.

3 64. Detective Castro observed some abrasions on Kawaii'Lei's face, including a slightly
4 swollen lip.

5 65. Detective Barcinas observed some superficial wounds and bruising on Kawaii'Lei.
6 Detective Barcinas testified Kawaii'Lei was reserved to herself and appeared to be in
7 shock – she had a dazed look on her.

8 66. According to Kawaii'Lei, Detective Castro pressured hospital staff to hurry so they
9 could “process” her. Kawaii'Lei heard one officer mention that it was his birthday
10 and he wanted to leave.

11 67. After Kawaii'Lei was discharged, Detectives Castro and Barcinas collected her
12 medical documents and transported her from GMH to the Criminal Investigation
13 Section (“CIS”) Office in an unmarked GPD vehicle around 7 a.m.

14 68. Kawaii'Lei was transported with wrist restraints placed in the front.

15 69. Kawaii'Lei was orally advised of her *Miranda* rights outside the vehicle, prior to
16 transport.

17 70. Kawaii'Lei was brought to the CIS Office in Tiyan. Detective Castro advised
18 Kawaii'Lei of her *Miranda* rights via the GPD Custodial Interrogation Rights Form at
19 CIS at 7:46 a.m. Detective Castro interviewed Kawaii'Lei at her desk in the CIS
20 office.

21 71. Kawaii'Lei wrote “yes” and initialed next to each right, and signed the waiver portion
22 at the bottom of the rights form. (Exh. 2).

23 72. Kawaii'Lei provided a four-page written statement afterwards, which she completed
24 around 9:18 a.m. (Exh. 2). Detective Castro testified the interview took a little over
25 an hour and that Kawaii'Lei asked to take a break to use the restroom at one point.

26 73. Kawaii'Lei also gave written consent to confiscate, search, and conduct a digital
27 forensic analysis of her Samsung A13 phone around 9:52 a.m. (Exh. 3).

28

1 74. Detective Castro told Kawaii'Lei she had the option to refuse consent, but she also
2 told her that if she refused to consent, she would get a search warrant anyways.

3 75. Detective Castro testified she spoke to Kawaii'Lei in a calm manner and that she did
4 not pressure her to speak with her nor did she threaten her.

5 76. Detective Castro testified that Kawaii'Lei appeared conscious and alert and that she
6 was forthcoming and wanted to help herself. Kawaii'Lei did not appear to be under
7 the influence of drugs or alcohol.

8 77. Kawaii'Lei told Detective Castro that she was pulled out of the vehicle and punched
9 and kicked in the face.

10 78. Kawaii'Lei testified she felt pressured, was emotional, and feared further harm based
11 on the officers' behavior at the scene.

12 79. Detectives Barcinas and Castro were not involved in the pursuit or physical arrest of
13 Kawaii'Lei at the scene.

14 **Internal Affairs Investigation**

15 80. Internal Affairs Investigator Officer Patague reviewed officer reports, Detective
16 Barcinas's memorandum, and interviewed Ethan, Vicente, and five officers present at
17 the scene during the apprehension of the defendants.⁶

18 81. Officer Patague acknowledged that the officers had an incentive to minimize
19 misconduct due to potential disciplinary consequences.

20 82. Officer Patague did not obtain medical records, hospital photographs, or conduct an
21 independent forensic analysis.

22 83. Officer Patague ultimately concluded that the assault allegations were "not sustained."
23 Officer Patague testified that there was not enough evidence to prove or disprove the
24 allegations.

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28 ⁶ Officer Patague made several attempts to contact Kawaii'Lei to interview her as well but was unsuccessful.

1 84. Officer Patague acknowledged a typographical error in the final written report which
2 incorrectly stated that the officers in question “had violated laws” instead of “had not
3 violated laws.”
4

5 DISCUSSION

6 A. Miranda Rights

7 The Fifth Amendment of the United States Constitution provides that “[n]o person . . .
8 shall be compelled in any criminal case to be a witness against himself,” U.S. Const. amend. V,
9 and is applicable to Guam through the Organic Act. *See* 48 U.S.C.A. § 1421b(d). “The main
10 purpose of *Miranda* is to ensure that an accused is advised of and understands the right to remain
11 silent and the right to counsel.” *Berghuis v. Thompkins*, 560 U.S. 370, 383 (2010). The burden
12 is on the Government “to demonstrate that Defendant knowingly and intelligently waived his
13 privilege against self-incrimination and his right to retained or appointed counsel.” *Miranda v.*
14 *Arizona*, 384 U.S. 436, 475 (1966).

15 “The voluntary, knowing and intelligent nature of a *Miranda* waiver is to be gleaned from
16 the totality of the circumstances, and the People bear the burden of proving by a preponderance
17 of the evidence that the waiver was properly made. A court reviewing such a waiver must
18 examine the entire record and make an independent determination of the ultimate issue of
19 voluntariness based on the totality of circumstances.” *People v. Towai*, 2024 Guam 9 ¶ 33
20 (internal citations omitted). *See also People v. Perez*, 2021 Guam 18 ¶ 19 (“Our jurisprudence
21 on waivers of constitutional rights considers the totality of the circumstances surrounding a
22 waiver, including a defendant's language abilities, coercive circumstances, awareness of the
23 relevant and likely circumstances, and knowledge of the right being abandoned.”); *People v.*
24 *Acosta*, 2022 Guam 11 ¶ 65 (“The court considers the totality of the circumstances in determining
25 the validity of a waiver of Fifth Amendment *Miranda* rights. A waiver is voluntary if it is the
26 product of a free and deliberate choice rather than intimidation, coercion, or deception.”).
27
28

1 Each defendant was advised of their *Miranda* rights prior to being interviewed by GPD at
2 CIS in Tiyan and signed a written waiver of their rights.⁷ “Signing a written waiver form is strong,
3 though not conclusive, proof of the validity of that waiver.” *United States v. Jacques*, 784 F.
4 Supp. 2d 48, 52 (D. Mass. 2011), *aff’d*, 744 F.3d 804 (1st Cir. 2014) (citing *North Carolina v.*
5 *Butler*, 441 U.S. 369 (1979)). *See also Acosta*, 2022 Guam 11 ¶ 62 (“A written waiver, however,
6 creates a presumption of a voluntary, knowing, and intelligent decision. The Ninth Circuit has
7 repeatedly held that when there is a written waiver, and no additional facts negating the voluntary,
8 knowing, and intelligent nature of the waiver, reversal is unnecessary.”). The defendants argue
9 they could not knowingly, intelligently, and voluntarily waive their *Miranda* rights based on the
10 actions of GPD during their apprehension.

11 **i. Vicente Agüero**

12 Vicente argues that his *Miranda* waiver was neither knowing nor voluntary because
13 officers had unjustifiably tased him, he had observed GPD officers assault his cousin, he had
14 learned that his pregnant partner was punched and kicked in the face, and he was in pain from
15 police brutality. (Mot. Suppress at 4-5, Dec. 1, 2025; Proposed FFCL at 9, Jun. 5, 2026).
16 Although Vicente had a large bump on his forehead, he was cleared by medical personnel prior
17 to being transported to CIS. “The physical injuries or medical treatment must affect a defendant’s
18 ability to intelligently decide whether to waive his rights before such circumstances will require
19 suppression of statements.” *State v. Pinela*, 458 N.W.2d 795, 797 (S.D. 1990). There is no
20 credible evidence that any injuries sustained earlier in the night – whether from the crash, GPD’s
21 Taser deployment, or physical force – impaired his ability to understand or waive his rights.
22 Detective Pangelinan testified that Vicente showed no signs of cognitive confusion beyond a
23 normal reaction to pain. Vicente wrote “yes” and initialed each advisement and signed the waiver
24 portion on the GPD Custodial Interrogation Rights Form, remained respectful and cooperative,
25 and responded appropriately to questions. Vicente neither requested counsel nor sought to
26

27 ⁷ The Court finds that all defendants were in continuous custody from their apprehension at the scene of the crashed
28 vehicle to their treatment at GMH and subsequent transfer to CIS in Tiyan. However, none of the defendants were
interviewed at the hospital or while they were being transported to the CIS Office.

1 terminate the interview. He was also able to produce a written statement afterward, further
2 confirming his functional and cognitive clarity. Moreover, no evidence suggests that Vicente was
3 intimidated, coerced, or threatened during questioning. Several hours had elapsed between the
4 alleged assaults at the scene and the interview at CIS, and the interviewing detectives were not
5 involved in the pursuit of defendants nor present during the alleged use of force. Therefore, the
6 Court finds that Vicente knowingly, intelligently, and voluntarily waived his *Miranda* rights.

7 **ii. Ethan Aguero**

8 Ethan argues *Miranda* waiver was not knowing or voluntary due to physical injuries
9 inflicted by officers and severe exhaustion from being awake all night. (Mot. Suppress at 3, Mar.
10 20, 2026). Although Ethan had visible injuries to his face and head, he was medically evaluated
11 and cleared at the hospital prior to his transport to CIS. As noted earlier, injuries alone do not
12 invalidate a *Miranda* waiver absent evidence that they impaired the defendant's ability to
13 understand his rights. *See Pinela*, 458 N.W.2d at 797. There was no credible evidence that
14 Ethan's injuries – whether from the crash or physical force by the officers – impaired his cognitive
15 ability or prevented him from understanding his rights. Officer Fabila testified that Ethan was
16 compliant with instructions during transport to CIS and that there was nothing unusual his
17 behavior or demeanor. Detective Barcinas testified that Ethan appeared coherent and that he
18 when he went through each right with Ethan, Ethan nodded his head, wrote “yes” and initialed
19 next to each advisement and signed the waiver portion on the GPD Custodial Interrogation Rights
20 Form. Detective Barcinas had Ethan tell him what the advisements meant to him in his own
21 words. Ethan was also able to write a written statement after the interview, which further
22 demonstrates his cognitive clarity and comprehension. Ethan additionally signed consent forms
23 to confiscate and search his Samsung phone and further assisted law enforcement in trying to
24 locate the discarded firearm. Nothing in the record suggests Ethan was intimidated, coerced, or
25 threatened during the interview. Several hours passed from the period of the alleged assaults at
26 the scene until the start of the interview at CIS. Detective Barcinas was not involved in the pursuit
27 of the defendants' vehicle nor was he alleged to have taken part in any assault during the
28 apprehension of the defendants at the scene. When Ethan requested for his grandmother's

1 presence, Detective Barcinas inquired why he wanted her present, confirmed that she was not an
2 attorney and appropriately readvised him of his rights through the rights form once more. Ethan
3 continued to acknowledge and waive those rights. Therefore, the Court finds that Ethan
4 knowingly, intelligently, and voluntarily waived his *Miranda* rights.

5 **iii. Kawaii'Lei Mendiola**

6 Kawaii'Lei argues that she did not knowingly or intelligently waive her rights because she
7 was frightened for both her safety and the safety of her unborn child. (Proposed FFCL at 2-3,
8 Jun. 5, 2026). Kawaii'Lei underwent diagnostic testing at the hospital, which included a CT scan,
9 and was medically cleared prior to being transported to CIS. The Court does not find that any
10 injuries incurred by either the car crash or alleged assault or any medical treatment provided to
11 Kawaii'Lei at GMH impaired her ability to understand her rights. *See Pinela*, 458 N.W.2d at
12 797. Although Kawaii'Lei was observed by the detectives to have had a slightly swollen lip,
13 abrasions on her face, and a dazed look, there is no credible evidence that these conditions affected
14 her cognitive ability or prevented her from understanding her rights. Kawaii'Lei was advised of
15 her *Miranda* rights twice – first orally at GMH outside the vehicle prior to transport and then at
16 CIS with the GPD Custodial Interrogation Rights Form. Kawaii'Lei was able to write “yes” along
17 with her initials next to each right on the rights form and signed the waiver portion. After the
18 interview, Kawaii'Lei wrote a written statement, also demonstrating conduct consistent with
19 comprehension. Kawaii'Lei also gave written consent for the confiscation and search of her
20 Samsung phone. There is no evidence that she was intimidated, coerced, or threatened during the
21 interview.⁸ Further, several hours had passed from the period of the alleged assaults at the scene
22
23

24 ⁸ Although Kawaii'Lei may have been told that a warrant would be obtained even if she did not consent to the
25 confiscation and search of the cellphone, this on its own is not inherently coercive. *See, e.g., United States v.*
26 *Marshall*, 348 F.3d 281, 286 (1st Cir. 2003) (finding officers telling suspect her apartment will be searched whether
27 or not she consents because they intended to get a warrant is not inherently coercive because they had probable cause
28 and good faith belief a warrant would issue); *United States v. Meza-Corrales*, 183 F.3d 1116, 1125 (9th Cir. 1999)
(noting that “the existence of probable cause . . . lessens any need for [the court] to deem that a consent was invalid
on the basis of a police officer's statements regarding the obtaining of a search warrant”); *United States v. Evans*, 27
F.3d 1219, 1231 (7th Cir. 1994) (finding that because the agents could have obtained a warrant, expressing their
intent to do so did not vitiate an individual's consent to search); *United States v. Calvente*, 722 F.2d 1019, 1023 (2d

1 of the crash and apprehension until the start of the interview at CIS. Detective Castro and
2 Detective Barcinas were not involved in the pursuit of the fleeing vehicle, nor were they present
3 during Kawaii'Lei's apprehension or alleged to have taken part in any assaults. Therefore, the
4 Court finds that Kawaii'Lei knowingly, intelligently, and voluntarily waived her *Miranda* rights.

5 **B. Voluntary Statements**

6 The Court next turns to whether the statements made by defendants after they waived their
7 *Miranda* rights were voluntary. All three defendants similarly argue that they were unable to
8 provide voluntary statements because they were subjected to physical abuse by GPD. *See* Ethan
9 Proposed FFCL, May 18, 2026; Vicente Proposed FFCL, Jun. 5, 2026; Kawaii'Lei Proposed
10 FFCL, Jun. 5, 2026.

11 "Involuntary or coerced confessions are inadmissible at trial, because their admission is a
12 violation of a defendant's right to due process under the Fourteenth Amendment. A confession is
13 involuntary if it is not 'the product of a rational intellect and a free will.'" *Brown v. Horell*, 644
14 F.3d 969, 979 (9th Cir. 2011) (internal citations omitted). "[C]oercive police activity is a
15 necessary predicate to the finding that a confession is not 'voluntary' within the meaning of the
16 Due Process Clause of the Fourteenth Amendment." *Colorado v. Connelly*, 479 U.S. 157, 167
17 (1986).

18 Coercive police activity can be the result of either physical intimidation or
19 psychological pressure. Whether a confession is involuntary must be analyzed
20 within the totality of the circumstances. The factors to be considered include the
21 degree of police coercion; the length, location and continuity of the interrogation;
22 and the defendant's maturity, education, physical condition, mental health, and age.

23 *Brown*, 644 F.3d at 979 (internal citations and quotation marks omitted).

24 In this case, although the incident occurred in the early morning hours and the defendants
25 may have been tired and recovering from the car crash and their alleged assaults, officers testified
26 that each defendant was able to understand and communicate. No defendant asked that the
27 interviews stop, and officers observed no signs of confusion. *See, e.g., People v. Henry*, 237

28 Cir. 1983) (noting that "advising a person of the fact that a search warrant can be obtained does not constitute coercion").

1 A.D.3d 1258, 1260–61 (N.Y. 2025) (“While review of the record reveals that at the time of the
2 interview defendant appears tired and complains of discomfort, we note that he had been
3 medically discharged from the hospital, was not in need of any immediate medical attention, did
4 not seek to stop the questioning, appeared alert and provided cognizant answers to the
5 investigator's questions. As such, we find defendant's motion to suppress his statements as
6 involuntary was properly denied.”). Even assuming the defendants were subjected to physical
7 force by officers during their apprehension after the car crash, the record establishes that all of
8 the defendants were transported to the hospital, medically evaluated, treated, discharged, and
9 subsequently interviewed by different officers who had no involvement in the alleged assaults.
10 An allegation of physical assault does not render later statements involuntary where the interview
11 is temporally distinct, conducted by officers unconnected to the alleged misconduct, and
12 unaccompanied by coercive tactics. *See, e.g., United States v. Olaniyi*, 796 Fed. Appx. 601, 604
13 (11th Cir. 2019) (finding confession not causally linked to the alleged beating when the interview
14 occurred hours after arrest by different officials); *United States v. Thompson*, 422 F.3d 1285,
15 1295–96 (11th Cir. 2005) (“Sufficiently coercive conduct normally involves subjecting the
16 accused to an exhaustingly long interrogation, the application of physical force or the threat to do
17 so, or the making of a promise that induces a confession.”); *People v. Wells*, 605 N.W.2d 374,
18 389 (Mich. App. 1999) (“If there is no causal connection between the events at the time of arrest
19 and the giving of a subsequent statement, then a confession will be found to be voluntary if the
20 other circumstances show that the defendant gave his confession freely and voluntarily. However,
21 if an earlier beating is particularly severe, if the abuse continues until the time a confession is
22 given, if the same officers are involved in both the beating and the procuring of the statement, or
23 if there is no change in the setting, then courts may find that a confession was involuntarily
24 given.”). Here, the interviewing officers engaged in no intimidation, threats, physical contact, or
25 other coercive conduct with the defendants – the interviews proceeded in a routine and
26 nonconfrontational manner. The defendants were advised of their *Miranda* rights prior to making
27 their statements. The defendants were able to understand questions asked, communicate clearly,
28 and respond appropriately. None of the defendants were handcuffed during their interviews. All

1 three defendants wrote detailed statements after they were interviewed. Therefore, based on the
2 totality of the circumstances, the Court concludes there is no causal link between the alleged force
3 during the defendants' apprehension and their subsequent statements. Thus, the Court finds that
4 all three defendants' statements were the product of their voluntary choice and will not be
5 suppressed.

6 C. Audio/Video Recording

7 Lastly, Vicente also argues that his statements should be suppressed because his
8 interrogation was not recorded by audio/video means. (Vicente Mot. Suppress at 7). Vicente
9 moves the Court to adopt the standards set forth in *Stephan v. State*, 711 P.2d 1156 (Alaska 1985)
10 and *State v. Scales*, 518 N.W. 2d 587 (Minn. 1994). *Id.* The Supreme Court of Minnesota
11 mandated the electronic recording of custodial interrogations in *Scales*, holding that "all custodial
12 interrogation including any information about rights, any waiver of those rights, and all
13 questioning shall be electronically recorded where feasible and must be recorded when
14 questioning occurs at a place of detention." 518 N.W. 2d at 592. The Supreme Court of Alaska
15 held in *Stephan* that "an unexcused failure to electronically record a custodial interrogation
16 conducted in a place of detention violates a suspect's rights to due process, under the Alaska
17 Constitution." 711 P.2d at 1158. While recording interviews may be good investigative practice,
18 the Court notes there is no duty to record on Guam. In the absence of such a requirement, the
19 Court finds no basis to suppress the statements on this ground.

20 CONCLUSION

21 For the foregoing reasons, the Court hereby DENIES the Defendants' Motion to Suppress.

22 IT IS SO ORDERED this 13th day of October, 2026.

24 SERVICE VIA E-MAIL

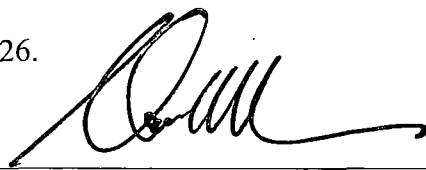
25 I acknowledge that an electronic
copy of the original was e-mailed to:

26 AG, H. Quiroga

27 T. Timblin, P.D.C.

28 Date: 10/13/26 Time: 5:06 pm

Antonio J. Cruz
Deputy Clerk, Superior Court of Guam


HONORABLE VERNON P. PEREZ
Judge, Superior Court of Guam