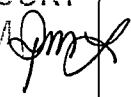


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SUPERIOR COURT
OF GUAM



IN THE SUPERIOR COURT OF GUAM

PEOPLE OF GUAM,

Plaintiffs,

vs.

JESSE JESUS DUENAS,

Defendant.

CRIMINAL CASE NO. CF0713-25

DECISION AND ORDER
(Defendant's Motion to Dismiss)

Defendant Jesse Jesus Duenas moves to dismiss the indictment, arguing that the prosecution failed to present exculpatory evidence to the grand jury as required by 8 GCA § 50.46. Specifically, Defendant contends that the prosecution did not disclose evidence that Fermin Mendiola admitted stealing the same vehicle that forms the basis of Charge One. The People oppose the motion. The Court has reviewed the motion, opposition, and the charging instruments filed in this matter.

I. PROCEDURAL BACKGROUND

On October 23, 2025, the grand jury returned an indictment charging Defendant with Theft of a Motor Vehicle, in violation of 9 GCA §§ 43.20(a) and 43.30(a), and Possession of a Schedule II Controlled Substance. The indictment referenced GPD Reports Nos. 25-25046 and 25-25190.

Defendant subsequently moved to dismiss, asserting that prior to the grand jury proceedings the prosecution was aware that Fermin Mendiola had admitted stealing the same 2025 Toyota Sienna involved in this case and that such evidence tended to negate Defendant's guilt. Defendant argues that the prosecution's failure to present this information violated 8 GCA § 50.46 and deprived him of due process.

1 While the motion was pending, the People sought and obtained a superseding indictment
2 on June 16, 2026. The superseding indictment charges the same substantive offenses but expressly
3 references GPD Reports Nos. 25-25046, 25-25190, and 25-26635.

4 Report No. 25-26635 contains statements attributed to Mendiola admitting that he stole
5 the Toyota Sienna from an apartment complex in Dededo.

6 **II. APPLICABLE LAW**

7 A grand jury serves as an independent constitutional body tasked with determining
8 whether probable cause exists to charge a defendant with a criminal offense. See 8 GCA §§ 50.40-
9 50.56.

10 Under 8 GCA §50.46:

11 "If the district attorney is aware of evidence reasonably tending to
12 negate guilt, the district attorney shall inform the grand jury of its
13 nature and existence."

14 The purpose of §50.46 is not to convert the grand jury into a mini-trial or require
15 presentation of all potentially favorable evidence. Rather, the statute is intended to ensure that the
16 grand jury's probable-cause determination is not distorted by the suppression of materially
17 exculpatory information.

18 At the same time, dismissal of an indictment is an extraordinary remedy. Courts generally
19 consider whether the alleged defect materially impaired the grand jury's ability to exercise its
20 independent judgment or otherwise resulted in actual prejudice to the accused. See generally 8
21 GCA §§ 65.15, 65.20.

22 Additionally, it is well established that a superseding indictment ordinarily supplants the
23 original indictment and becomes the operative charging instrument. Challenges directed solely to
24 a superseded indictment frequently become moot because the original charging instrument no
25 longer forms the basis of the prosecution.

III. DISCUSSION

A. The Challenge to the Original Indictment Is Moot

The Court first addresses the effect of the superseding indictment.

The motion before the Court challenges the October 23, 2025 indictment. However, that indictment is no longer the operative charging document. On June 16, 2026, a second grand jury returned a superseding indictment charging Defendant with the same offenses.

Once the superseding indictment was returned, the original indictment ceased to be the charging instrument upon which the prosecution proceeds. Any dismissal of the original indictment would therefore provide no practical relief.

Accordingly, the Court concludes that Defendant's request for dismissal of the October 23, 2025 indictment is moot.

B. The Superseding Indictment Materially Alters the Analysis

Even assuming for purposes of argument that the original grand jury did not receive information concerning Mendiola's confession, the return of the superseding indictment substantially changes the Court's analysis.

The superseding indictment expressly identifies GPD Report No. 25-26635.

That report contains the statements in which Mendiola allegedly admitted stealing the Toyota Sienna from the Villentory Apartments in Dededo.

The Court does not possess the transcript of the superseding grand jury proceedings and therefore cannot determine precisely what evidence was presented to the second grand jury. However, the inclusion of Report No. 25-26635 in the superseding indictment demonstrates that the second grand jury proceeding occurred under materially different circumstances than the original proceeding challenged by Defendant.

Consequently, Defendant cannot merely rely upon alleged defects in the original grand jury proceeding. To obtain dismissal of the operative superseding indictment, Defendant must establish that the second grand jury was similarly deprived of materially exculpatory evidence or was otherwise misled in a manner that undermined its probable-cause determination.

1 The present record contains no such showing.

2 C. Defendant Has Not Demonstrated a Defect in the Superseding Indictment

3 Moreover, the People's opposition identifies facts supporting a conclusion that Mendiola's
4 confession does not necessarily negate Defendant's alleged criminal conduct. According to the
5 police reports cited by the People, Mendiola allegedly admitted stealing the vehicle from the
6 apartment complex in Dededo, whereas Defendant allegedly admitted that, after finding the
7 vehicle elsewhere, he entered it, located the key fob, started the vehicle, drove it to another
8 location, and attempted to conceal it from public view.

9 The Court need not decide at this stage whether the People's theory ultimately will prevail
10 at trial. Nor need the Court determine whether Mendiola's statements are exculpatory, inculpatory,
11 or some combination of both. The narrow question is whether Defendant has demonstrated that
12 the operative grand jury proceeding was conducted in violation of §50.46.

13 On the present record, Defendant has not carried that burden.

14 The Court therefore cannot conclude that dismissal of the superseding indictment is
15 warranted.

16 D. Any Alleged Prejudice Has Been Substantially Cured

17 The Court further finds that the June 16, 2026 superseding indictment is the pivotal
18 procedural development in this case.

19 The essence of Defendant's motion is that the grand jury was deprived of information
20 concerning Mendiola's admissions. The superseding indictment, however, references the very
21 police report containing those admissions.

22 Accordingly, the superseding indictment substantially cures much of the prejudice alleged
23 in Defendant's motion. Absent evidence that the second grand jury proceeding suffered from the
24 same alleged defect, the extraordinary remedy of dismissal is not justified.

IV. CONCLUSION

The Court concludes that:

The October 23, 2025 indictment has been superseded and is no longer the operative charging instrument. Defendant's challenge to that indictment is therefore moot.

The June 16, 2026 superseding indictment materially alters the posture of the case and substantially cures the prejudice alleged in Defendant's motion.

Defendant has failed to demonstrate that the grand jury which returned the superseding indictment was deprived of material exculpatory evidence or otherwise proceeded in violation of 8 GCA § 50.46.

Accordingly, Defendant's Motion to Dismiss is hereby **DENIED**.

SO ORDERED

OCT 10 2026



HONORABLE ARTHUR R. BARCINAS
Judge, Superior Court of Guam

SERVICE VIA EMAIL

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

DAG & H. Quintana

Date: 10/20/26 Time: 4:56

Reineta M. Lindlau

Deputy Clerk, Superior Court of Guam