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SUPERIOR COURT
OF GUAM

IN THE SUPERIOR COURT OF GUAM

PEOPLE OF GUAM,

CRIMINAL CASE NO. CF0897-25

vs.

DECISION AND ORDER

ANSALL PETER NELSON MENO,

Defendant.

INTRODUCTION

This matter came before the Honorable Vernon P. Perez on June 16, 2026, for hearing on Defendant **ANSALL PETER NELSON MENO's** ("Defendant") Motion to Suppress. Present were Assistant Attorney General Nicholas Ennis on behalf of the People of Guam ("the Government") and Defendant with Assistant Public Defender Christian Spotanski. 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 Possession of a Schedule II Controlled Substance (As a Third Degree Felony). (Indictment, Dec. 19, 2025). This charge stems from the discovery of a makeshift glass pipe containing residue on Defendant's person after the effectuation of a traffic stop on or about December 9, 2025. (Decl. of Aaron M. Boyce, Magistrate's Compl., Dec. 10, 2025).

On May 13, 2026, Defendant filed the instant Motion. On May 26, 2026, the Government filed its Opposition. On June 3, 2026, Defendant filed his Reply.

1 On June 16, 2026, the Court heard sworn testimony from Guam Police Department
2 (“GPD”) Officer Geon Diaz (“Officer Diaz”). The Court then gave the parties leave to file
3 proposed findings of fact and conclusions of law. On June 24, 2026, the Government filed its
4 proposed Findings of Fact and Conclusions of Law, and on June 25, 2026, Defendant filed his
5 proposed Findings of Fact and Conclusions of Law.

6 The Court ascertained the following facts from Officer Diaz’s testimony:

- 7 1. On December 9, 2025 around 7:30 p.m., Officer Diaz observed a Honda Accord on
8 Swamp Road with non-functional or very dim license plate lights.
- 9 2. Officer Diaz activated his lights and siren and the vehicle pulled over.
- 10 3. Officer Diaz met with the operator who was identified as Defendant.
- 11 4. Officer Diaz asked for Defendant’s driver’s license and registration. As Defendant
12 retrieved the documents, Officer Diaz observed Defendant’s hands shaking “quite
13 drastically.”
- 14 5. Officer Diaz observed Defendant was sweating, despite the cool evening weather and
15 the vehicle’s air conditioning on.
- 16 6. Officer Diaz also observed Defendant to be nervous. Defendant stuttered when he
17 spoke and would avoid eye contact.
- 18 7. Officer Diaz asked Defendant if he was nervous and why. Defendant responded that
19 he was nervous because he had anxiety.
- 20 8. Officer Diaz asked Defendant if there were any drugs or weapons in the vehicle.
21 Defendant responded there was not.
- 22 9. Officer Diaz asked Defendant if he could search the vehicle, to which Defendant
23 responded yes.
- 24 10. Officer Diaz asked Defendant to step out of the vehicle.
- 25 11. Defendant complied and stood outside the driver’s door.
- 26 12. Officer Diaz conducted a pat-down of Defendant.
- 27 13. Officer Diaz testified it was his general practice to conduct pat-downs as a safety
28 precaution.

1 14. As Officer Diaz patted Defendant down, he felt what he believed from his experience
2 to be a meth pipe in Defendant's pocket.

3 15. Officer Diaz then asked Defendant if he could search his pockets, to which Defendant
4 said he could.

5 16. Officer Diaz recovered a clear glass pipe with a bulbous end containing residue from
6 Defendant's right pocket. The item tested presumptive positive for methamphetamine.

7 17. Defendant was detained and transported to the Tamuning-Tumon Precinct where he
8 was advised of his *Miranda* rights.

9 DISCUSSION

10 Defendant moves the Court to suppress all evidence discovered in his pocket in this matter
11 because the Government failed to justify the initial pat-down of Defendant's person after the
12 traffic stop.¹ (Deft. Proposed FFCL at 3-5, Jun. 25, 2026). The Government opposes, arguing
13 that Defendant voluntarily consented to the search of his person. (Gov't Proposed FFCL at 5-6,
14 Jun. 24, 2026).

15 The Fourth Amendment to the U.S. Constitution "protects against unreasonable searches
16 and seizures and is made applicable to Guam via section 1421(b)(c) of the Organic Act of Guam."
17 *People v. Chargualaf*, 2001 Guam 1 ¶ 14 (internal citations omitted). "The fundamental
18 command of the Fourth Amendment is that governmental intrusions on persons be reasonable,
19 and, as *Terry* explained, the limitations on protective searches and seizures will have to be
20 developed in the concrete factual circumstances of individual cases." *United States v. McCargo*,
21 464 F.3d 192, 199 (2d Cir. 2006) (quoting *Terry v. Ohio*, 392 U.S. 1, 29 (1968)) (quotation marks
22 and alterations omitted from original). "It has been long settled that a pat down, or a 'frisk,' is a
23

24 ¹ Although Defendant's initial Motion to Suppress generally objected to the entire traffic stop, Defendant's proposed
25 Findings of Fact and Conclusions of Law did not take issue with the validity of the traffic stop itself, only the initial
26 pat-down. See, Mot. Suppress, May 13, 2026 ("Here, the record reflects that a stop occurred based on an alleged
27 traffic condition and that additional investigative steps followed, including the removal of Mr. Meno from the vehicle
28 and subsequent intrusion into his person. The report, as presently provided, contains limited detail regarding the basis
for these actions. On this record, the Government cannot meet its burden to justify the seizure or the subsequent
intrusion."); Deft. Proposed FFCL, Jun. 25, 2026 (arguing the pat-down was a separate intrusion requiring its own
justification and that the evidence must be suppressed as the product of the unlawful pat-down.).

1 search.” *People v. Berdahl*, 440 P.3d 437, 442 (Colo. 2019) (citing *Terry*, 392 U.S. at 16).
2 “[O]fficers who conduct routine traffic stops may perform a patdown of a driver and any
3 passengers upon reasonable suspicion that they may be armed and dangerous.” *Arizona v.*
4 *Johnson*, 555 U.S. 323 at 332 (2009) (quoting *Knowles v. Iowa*, 525 U.S. 113, 117*18 (1998))
5 (internal quotation marks omitted). *See also People v. Tuncap*, 2014 Guam 1 ¶ 26 (“Patdowns of
6 stopped suspects are permitted for officer safety, but only where the officer both has reason to
7 believe that the suspect is armed and dangerous and limits the patdown to searching for
8 weapons.”). Additionally, “[a] search to which an individual consents meets Fourth Amendment
9 requirements.” *Katz v. United States*, 389 U.S. 347, 358 n. 22 (1967). *See also Chargualaf*, 2001
10 Guam 1 ¶ 14 (“In the absence of a warrant, the police may lawfully conduct a search or seizure
11 only if an exception to the warrant requirement applies. Voluntary consent is a recognized
12 exception to the warrant requirement.”).

13 The Government argues that the pat-down was valid because Defendant consented to the
14 search. *See Gov’t Proposed FFCL* at 5-6. However, it was not until after Officer Diaz felt an
15 object resembling that of a meth pipe during the initial patdown that he asked Defendant for
16 consent to search his person. Accordingly, the Court must determine whether Officer Diaz had
17 reasonable suspicion to conduct a patdown of Defendant’s person after he exited the vehicle.

18 The reasonable suspicion standard is not a particularly high threshold to reach and
19 is less than probable cause or a preponderance of the evidence. The standard allows
20 officers to make commonsense judgments and inferences about human behavior.
21 In doing so, officers may draw on their own experience and specialized training to
arrive at conclusions that might well elude an untrained person.

22 *United States v. Taylor*, 60 F.4th 1233, 1241 (9th Cir. 2023) (internal citations and quotation
23 marks omitted).

24 Here, there was no testimony that Officer Diaz asked Defendant for consent to be patted
25 down immediately after he exited the vehicle. Officer Diaz testified that the pat-down was
26 conducted as a general practice, not due to any observable threat. Although Officer Diaz testified
27 it was his general practice to conduct the patdown as a safety precaution, there was no testimony
28 that he believed Defendant was armed and dangerous, that Defendant threatened him, that

1 Defendant refused any commands, that Defendant attempted to flee, that Defendant attempted to
2 reach for something in his vehicle, or that Defendant made any furtive hand movements prior to
3 the pat-down. *See, e.g., Ramirez v. City of Buena Park*, 560 F.3d 1012, 1022 (9th Cir. 2009) (“A
4 wide variety of factors support a reasonable belief that an individual is armed and dangerous.
5 These include an officer's observation of a visible bulge in an individual's clothing; sudden
6 movements or repeated attempts to reach for an object not immediately visible; and the nature of
7 the suspected crime”). There was also no testimony that Defendant was unable to provide any
8 identification or other necessary vehicle documents. Thus, the Government has not shown Officer
9 Diaz had reasonable suspicion to conduct the initial patdown as required by the Fourth
10 Amendment.

11 “When a consensual search is preceded by a Fourth Amendment violation, . . . the
12 government must prove not only the voluntariness of the consent under the totality of the
13 circumstances, but the government must also establish a break in the causal connection between
14 the illegality and the evidence thereby obtained.” *United States v. Melendez-Garcia*, 28 F.3d
15 1046, 1053 (10th Cir. 1994) (internal citation and quotation marks omitted). The Government
16 has made no such showing here. Officer Diaz asked Defendant for consent to search his person
17 immediately after the patdown. Therefore, because the initial pat-down was conducted without
18 any articulable facts giving rise to reasonable suspicion that Defendant was armed and dangerous,
19 and before any valid consent was obtained, the frisk violated the Fourth Amendment, and the
20 Court must grant the Motion to Suppress.

21 CONCLUSION

22 For the foregoing reasons, the Court hereby GRANTS Defendant's Motion to Suppress.

23 IT IS SO ORDERED this 10th day of September, 2026.

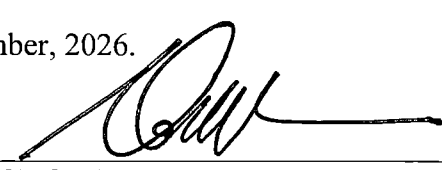
24 SERVICE VIA E-MAIL

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

26 AG, POSC

27 Date: 9/10/26 Time: 10:01am

28 Antonio J. Carr
Deputy Clerk, Superior Court of Guam


HONORABLE VERNON P. PEREZ
Judge, Superior Court of Guam