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SUPERIOR COURT
OF GUAM

IN THE SUPERIOR COURT OF GUAM

PEOPLE OF GUAM,) CRIMINAL CASE NO. CF0155-25
vs.) GPD Report No. 25-05707
MAYLINDA JOHN CANONIGO,)
DOB: 02/11/1984)
Defendant.)
DECISION & ORDER
RE. MOTION TO SUPPRESS

This matter came before the Honorable Alberto E. Tolentino on November 6, 2025, for a Motion Hearing. Defendant Maylinda John Canonigo (“Defendant”) was present with counsel Public Defender Renita Taimanao-Munoz. Assistant Attorney General Samuel Alexander was present for the People of Guam (“People”). Following the hearing, the court took the matter under advisement pursuant to Supreme Court of Guam Administrative Rule 06-001, CVR 7.1(e)(6)(A) and CR1.1 of the Local Rules of the Superior Court of Guam. Having duly considered the parties’ briefings, oral arguments, and the applicable law, the court now issues this Decision and Order **DENYING** the Defendant’s Motion to Suppress.

BACKGROUND

Based on events that occurred on or about March 3, 2025, the Defendant was charged with FRAUDULENT USE OF A LICENSE PLATE (As a 3rd Degree Felony). *See* Indictment (Mar. 14, 2025). In anticipation of jury selection and trial currently, the Defendant filed a Motion to Suppress on October 6, 2025, seeking the suppression of all evidence obtained while Guam Police

1 Department (“GPD”) Officers seized her in violation of Guam’s Stop and Frisk Act. *See generally*
2 Def.’s Mot. Suppress (Oct. 6, 2025). The People subsequently filed its Opposition to the Motion
3 to Suppress, stating that no unlawful detention took place based on the Defendant’s consent to be
4 transported for an interview. *See* Ppl.’s Opp’n (Oct. 20, 2025). On November 6, 2025, the court
5 held a hearing on the Motion to Suppress (“Suppression Hearing”) where the People called two
6 (2) witnesses to the stand: (1) GPD Officer Lauren Lizama (“Officer Lizama”); and (2) GPD
7 Officer Melvin Salle (“Officer Salle”).

8

9 **A. Testimony of the Initial Stop**

10 While stopped at a red light on March 3, 2025, Officers Lizama and Salle noticed that the
11 vehicle in front of their patrol car had defective license plate lamps. *See* Mot. Hr’g Mins. at
12 10:39:55 – 45:50AM (Nov. 6, 2025). This prompted Officer Lizama to request a readout for the
13 vehicle, which showed that the license plate on the vehicle did not match the vehicle it was
14 registered to. *Id.* The officers followed the vehicle and ultimately effectuated a traffic stop at 11:33
15 p.m. in “the parking lot by Infusion in the T. Stellman Museum.” *Id.* at 10:45:55 – 11:04:19AM.
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17 Upon Officer Lizama’s approach to the driver, the Defendant Ms. Canonigo, she informed
18 the driver that she effectuated a traffic stop due to defective license plate lamps as well as expired
19 registration and insurance. *See* Mot. Hr’g Mins. at 10:39:55 – 45:50AM (Nov. 6, 2025). When
20 asked to provide her license, registration, and proof of insurance, the Defendant was cooperative
21 in providing Officer Lizama with information to identify herself. *Id.* at 10:45:55 – 11:04:19AM.
22 However, the Defendant was only able to provide a Guam Identification Card. After receiving
23 information on the Defendant’s identity, Officer Lizama asked her to step out of the vehicle and
24 informed her about the fraudulent use of the license plate attached to her vehicle. *Id.*
25

1 The Defendant was compliant with Officer Lizama's request to come with them to
2 Southern Precinct. *See Mot. Hr'g Mins. at 11:05:00 – 05:30AM (Nov. 6, 2025).* Because of this,
3 Officer Lizama then escorted the Defendant to the patrol vehicle, patted her down for officer
4 safety, placed her in hand restraints and in the back seat of the patrol vehicle. *Id.* at 10:45:55 –
5 11:04:19AM. Although she was not under arrest at this point, Officer Lizama testified that it is
6 standard procedure to place hand restraints on suspects riding in the back of the patrol vehicle. *Id.*
7 at 11:04:24 – 04:57AM. To assist in the investigation, Officer Salle confiscated the license plates
8 attached to the Defendant's vehicle and placed them in the patrol vehicle before proceeding to
9 Southern Precinct. *Id.* at 11:07:19 – 14:53AM.

11 **B. Testimony of the Arrest**

13 At GPD's Southern Precinct, officers placed the Defendant in an interview room and
14 handed her a *Miranda* rights waiver, also known as a Custodial Interrogation Rights Form, at
15 12:17 a.m. on March 4, 2025. *See Mot. Hr'g Mins. at 10:45:55 – 11:04:19AM (Nov. 6, 2025).*
16 Upon receipt of this form, Officer Lizama reported that the Defendant acknowledged and waived
17 her rights by signing this form. *See Mot. Hr'g Mins., Def. Ex. A.* The Defendant then proceeded
18 to make certain statements regarding her knowledge of how the license plates wound up on the
19 vehicle she was operating. *Id.* At 12:30 a.m., the Defendant was arrested for Fraudulent Use of a
20 License Plate. *See Mot. Hr'g Mins., Def. Ex. A.*

22 **C. Relief Sought**

24 After hearing all the testimony from Officers Lizama and Salle, the Defendant moved to
25 suppress all her statements made in violation of her constitutional rights. *See Mot. Hr'g Mins. at*
26 *11:29:40 – 35:25AM (Nov. 6, 2025).* The Defendant reasoned that her detention went beyond the
27 fifteen (15) minutes permitted under 8 GCA § 30.30 resulting in her unlawful seizure without
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1 sufficient grounds to extend her detention. *Id.* Although the People conceded that the detention
2 was already over the fifteen (15) minutes when Officer Salle confiscated the license plate for
3 evidence, the People stated that the officers already had enough probable cause to arrest the
4 Defendant after observing a license plate attached to a vehicle that the plate was not registered to.
5 *Id.* at 11:35:26 – 38:27AM. To rebut, the Defendant argued that the officers had no probable cause
6 at the time that the Defendant had an intent to defraud by using this license plate in light of 16
7 GCA § 9103.¹ Ultimately, the court took the matter under advisement.
8

9 **DISCUSSION**

10 The Fourth Amendment provides “the right of the people to be secure in their persons,
11 houses, papers, and effects, against unreasonable searches and seizures, [and] shall not be
12 violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation,
13 and particularly describing the place to be searched, and the persons or things to be seized.” U.S.
14 Const. Amend. IV. The Fourth Amendment’s protections against unreasonable searches and
15 seizures apply to Guam through § 1421b(c) of the Organic Act of Guam. *See People v. Yerten*,
16 2021 Guam 8 ¶ 17 (citing *People v. Johnson*, 1997 Guam 9 ¶ 4).
17

18 The United States Supreme Court has long held that “[a] person has been ‘seized’ within
19 the meaning of the Fourth Amendment only if, in view of all of the circumstances surrounding
20 the incident, a reasonable person would have believed that he was not free to leave.” *People v.*
21 *Cundiff*, 2006 Guam 12 ¶ 21 (quoting *United States v. Mendenhall*, 446 U.S. 544, 554 (1980)).
22

23

24 ¹ “Every person who, with intent to defraud or with intent to misrepresent the same as issued by the Department of
25 Revenue and Taxation, alters, forges, counterfeits or falsifies any certificate of ownership, registration card,
26 certificate, license or special plate or permit mentioned in this Title, or who alters, forges, counterfeits or falsifies
27 with fraudulent intent any endorsement or transfer on a certificate of ownership or who with fraudulent intent displays
28 or causes or permits to be displayed or have in his possession any cancelled, suspended, revoked, altered, forged,
counterfeited, or false certificate of ownership, registration card, certificate, license or special plate or permit
mentioned in this Title, or who utters, publishes, passes or attempts to pass, as true and genuine, any of the above-
named false, altered, forged or counterfeited matters knowing the same to be false, altered, forged or counterfeited
with intent to prejudice, damage or defraud any person is guilty of a felony.” 16 GCA § 9103.

1 For instance, a reasonable person would not believe they are free to leave through a police
2 officer's use of physical force or show of authority to restrict a person's ability to walk away. *See*
3 *People v. Chargualaf*, 2001 Guam 1 ¶ 21. The Guam Supreme Court noted the United States
4 Supreme Court's differentiation between traffic stops under the Fourth Amendment versus the
5 Fifth Amendment. Specifically, it reasoned that "although a traffic stop was *unquestionably* a
6 seizure within the meaning of the Fourth Amendment, such traffic stops typically are brief, unlike
7 a prolonged station house interrogation, and further, that such traffic stops commonly occur in
8 the public view, in an atmosphere far less 'police dominated' than that surrounding the kinds of
9 interrogation at issue in *Miranda* itself." *See People v. Rasauo*, 2011 Guam 1 ¶ 26 (citing
10 *Berkemer v. McCarty*, 468 U.S. 420, 436–39 (1984)) (emphasis added).

12 Pursuant to the Guam Supreme Court's findings in *Cundiff* and *Rasauo*, no reasonable
13 person would feel free to leave when an officer pulls them over for a traffic stop as they remain
14 in their vehicle. Therefore, the court finds that the Defendant was seized within the meaning of
15 the Fourth Amendment as the officers conducted a traffic stop. The court will now determine
16 whether the Defendant's seizure was lawful under Guam's Stop and Frisk Act.
17

18 **A. Defendant Canonigo's detention went beyond fifteen (15) minutes and extended
19 beyond the place it was first effectuated or the immediate vicinity.**

20 Under Guam's Stop and Frisk Act:

22 Detention pursuant to § 30.10 shall be for the purpose of ascertaining the identity
23 of the person detained and the circumstances surrounding his presence abroad
24 which lead the officer to believe that he had committed, was committing, or was
about to commit a criminal offense, but such person shall not be compelled to
answer any inquiry of the peace officer.

25 8 GCA § 30.20.²

28 ² A peace officer may detain any person "under circumstances which reasonably indicate that such person has committed, is committing or is about to commit a criminal offense." 8 GCA § 30.10.

1 When analyzing the legality of seizures, such as detentions under Guam's Stop and Frisk
2 Act, the court utilizes the same standard of reasonable suspicion articulated in the United States
3 Supreme Court case *Terry v. Ohio*. See *People v. Taman*, 2013 Guam 22 ¶ 21. In *Terry*, the Court
4 found that "reasonable suspicion" existed:

5 [W]here a police officer observes unusual conduct which leads him reasonably to
6 conclude in light of his experience that criminal activity may be afoot and that the
7 persons with whom he is dealing may be armed and presently dangerous, where in
8 the course of investigating this behavior he identifies himself as a policeman and
9 makes reasonable inquiries, and where nothing in the initial stages of the encounter
serves to dispel his reasonable fear for his own or others' safety....

10 *Terry v. Ohio*, 392 U.S. 1, 30 (1968). To determine whether such reasonable suspicion exists,
11 courts review the contents and reliability of the information in the police's possession, through
12 the perspective of "an objectively reasonable police officer." *Yerten*, 2021 Guam 8 ¶ 17 (internal
13 citations omitted).

14 "It is reasonable to stop a car where the police merely have reasonable suspicion to
15 believe the driver has committed a traffic violation." *Chargualaf*, 2001 Guam 1 ¶ 17 (citing
16 *United States v. Lopez-Soto*, 205 F.3d 1101, 1104- 05 (9th Cir. 2000) ("We [] reaffirm that the
17 Fourth Amendment requires only reasonable suspicion in the context of investigative traffic
18 stops."). Additionally, 8 GCA § 30.30 states that a person's detention shall not be "longer than is
19 reasonably necessary to effect the purposes of that section, and *in no event* longer than fifteen
20 (15) minutes." 8 GCA § 30.30 (emphasis added). Further, "[s]uch detention shall not extend
21 beyond the place where it was first effected or the immediate vicinity thereof." *Id.*
22

23 At the Motion Hearing, the Defendant argues that her detention lasted from 11:33PM to
24 approximately 12:17AM. See Mot. Hr'g Mins. at 11:29:40 – 35:25AM (Nov. 6, 2025). Further,
25 she argues that it also extended beyond the place where it was first effectuated or the immediate
26 vicinity when she was transported from T. Stell Newman Visitor Center in Santa Rita to GPD's
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1 Southern Precinct. *Id.* The People disagreed on the basis that the officers already developed
2 probable cause to arrest upon their observation of the Defendant's license plate, which was not
3 registered to the vehicle she was operating. *Id.* at 11:35:26 – 38:27AM.

4 Although GPD effectuated the traffic stop on the Defendant based on reasonable suspicion
5 that she committed a traffic violation – defective license plate lamps - they also had reasonable
6 suspicion that the Defendant was fraudulently using a license plate based on the readout
7 conducted on the vehicle prior to effectuating the stop. In light of 8 GCA § 30.30, the timestamps
8 provided within the written pleadings and testimony at the Motion to Suppress show that the
9 Defendant's detention not only went beyond fifteen (15) minutes but that it also extended beyond
10 the place where it was first effectuated or the immediate vicinity.

12 **B. Defendant Canonigo voluntarily consented to continued police contact to toll the
13 fifteen (15) minute time limit set forth in 8 GCA § 30.30.**

14 When it comes to consent to continued police conduct during a detention, the Guam
15 Supreme Court stated the following:

17 We hold that voluntary consent does, as a matter of law, toll the fifteen-minute
18 rule. To find otherwise would lead to pragmatic quagmires and absurdities; a
19 suspect could, for example, strategically prolong an investigative detention beyond
20 fifteen minutes to avoid arrest. We do not interpret section 30.30 as an invitation
21 to detainees to voluntarily undergo investigation for sixteen or seventeen minutes,
22 moving slowly and drawing out the investigation beyond its natural tempo, only
23 to then move to suppress the evidence collected during the investigation because
the officer failed to arrest within fifteen minutes. An implied waiver of a statutory
right to be free from unreasonable seizures, such as by giving voluntary consent
to continued police contact, would suffice to toll the fifteen-minute time limit set
forth in section 30.30.

24 *People v. Taman*, 2013 Guam 22 ¶ 15. As mentioned above, Officer Lizama testified that the
25 Defendant was compliant when asked to step out of the vehicle and to be escorted to GPD's
26 Southern Precinct. *See Mot. Hr'g Mins. at 10:45:55 – 11:04:19AM (Nov. 6, 2025).* When Officer
27 Salle testified that he confiscated the vehicle's license plates at 11:55 p.m., he also noted that the
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1 Defendant was already secured in the patrol vehicle after being asked to be transported to
2 Southern Precinct with the officers. *Id.* at 11:07:19 – 14:53AM. Looking back at Officer Lizama's
3 testimony, the Defendant was already compliant with her request to be escorted to Southern
4 Precinct for further questioning. Specifically, Officer Lizama had escorted the Defendant to the
5 patrol vehicle, patted her down for officer safety, placed her in hand restraints and in the back
6 seat of the patrol vehicle; all of which had to occur before Officer Salle confiscated the license
7 plates at 11:55 p.m. *Id.* at 10:45:55 – 11:04:19AM.

9 Without more to the contrary, the court finds that the Defendant provided an implied
10 waiver through continued police contact with Officer Lizama when she agreed to be transported
11 to Southern Precinct for further investigation into the fraudulent use of the license plates attached
12 to the vehicle she was operating at the time of the stop.

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CONCLUSION

For the reasons stated above, the court hereby **DENIES** the Defendant's Motion to Suppress.

A Further Proceedings is scheduled before this court on February 18, 2026, at 2:00PM.

SO ORDERED this

HONORABLE ALBERTO E. TOLENTINO
Judge, Superior Court of Guam

SERVICE VIA E-MAIL

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

Abt, Rose

Date: 2/12/26 Time: 4:08pm

Antonio of Carr
Deputy Clerk, Superior Court of Guam

Deputy Clerk, Superior Court of Guam