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SUPERIOR COURT
OF GUAM

IN THE SUPERIOR COURT OF GUAM

PEOPLE OF GUAM,

Plaintiff,

vs.

CHRISTIAN SISON GATCHALIAN,

Defendant.

CRIMINAL CASE NO. CF0480-25

DECISION AND ORDER

INTRODUCTION

This matter came before the Honorable Vernon P. Perez on March 4, 2026, for hearing on Defendant **Christian Sison Gatchalian's** ("Defendant") Motion to Suppress. Present were Assistant Attorney General J. David Griffin on behalf of the People of Guam ("the Government") and Defendant with counsel, Haig Huynh. Having reviewed the pleadings, the arguments presented, and the record, the Court now issues the following Decision and Order.

BACKGROUND

On July 18, 2025, Defendant was indicted with one count of Attempted Murder (As a First Degree Felony) with Special Allegation: Possession or Use of a Deadly Weapon in a Felony; one count of Aggravated Assault (As a Second Degree Felony) with Special Allegation: Possession or Use of a Deadly Weapon in a Felony; four counts of Aggravated Assault (As a Third Degree Felony) with Special Allegation: Possession or Use of a Deadly Weapon in a Felony; and two counts of Reckless Conduct (As a Misdemeanor). (Indictment, Jul. 18, 2025). These charges stem from allegations that Defendant was involved in two different shooting

1 incidents, one on or about July 8, 2025, and one on or about March 16, 2025. (Decl. of Grant
2 Olan, Magistrate’s Compl., Jul 11, 2025). On July 8, 2025, officers responding to the scene
3 found Defendant injured on the ground and transported him to Guam Memorial Hospital for
4 treatment. *Id.*

5 On January 5, 2026, Defendant filed the instant Motion, moving to suppress statements
6 made to police on July 8, 2025 and July 10, 2025. On January 13, 2026, the Government filed its
7 Opposition. The Court set the matter for a Suppression Hearing on February 6, 2026. *See* CR1.1
8 Form 3, Jan. 16, 2026.

9 On February 6, 2026, Defendant requested additional time to file a Reply because he had
10 not received the Government’s Opposition. Defendant also indicated that he was asserting speedy
11 trial and that he wanted to keep the current dates for trial in April.¹ (Minute Entry, Feb. 6, 2026).
12 The Court continued the Motion Hearing to March 4, 2026.

13 On February 13, 2026, Defendant filed his Reply. On February 13, 2026, Defendant also
14 filed a written assertion of speedy trial.

15 On March 4, 2026, the Court heard sworn testimony from Guam Police Department
16 (“GPD”) Detective Mary Jane Raval (“Detective Raval”). The Court subsequently gave the
17 parties leave to submit proposed findings of fact and conclusions of law. The Court received
18 none.

19 At the suppression hearing, the Court ascertained the following facts:

- 20 1. On or about July 8, 2025, Detective Raval received a call about a shooting in Dededo
21 and was told to go to the hospital as the alleged suspect, Defendant, was transported
22 to Guam Memorial Hospital (“GMH”).
- 23 2. Defendant arrived at GMH around 4:30 p.m. and was placed in trauma room 1 in the
24 Emergency Room and attended to by Nurse Damig and Dr. Hartman.
- 25 3. Officer Palmer attempted to interview Defendant but terminated the interview so that
26 medical personnel could continue treatment.

27 _____
28 ¹ Jury Selection and Trial is currently set to commence on April 15, 2026 at 9:30 a.m.

- 1 4. When Detective Raval arrived, another officer and Detective Barcinas were also
2 present in the room.
- 3 5. Detective Raval testified that they asked the attending physician if Defendant could
4 speak with them.
- 5 6. Detective Raval testified that she mirandized Defendant and that he appeared to
6 understand what was going on even though he was injured.
- 7 7. When asked on cross examination to read *Miranda*, Detective Raval stated from
8 memory the following:

9 Before we ask you any questions you must understand your
10 rights. Anything you say can and will be used against you in a
11 court of law. You have the right to an attorney for advice before
12 we ask you any questions and to have them with you during
13 questioning. If you cannot afford one, one will be appointed to
14 you before questioning if you wish. Do you understand your
15 rights.

16 (Digital Recording at 4:39:57 – 4:40:22, Mar. 4, 2026).

- 17 8. Detective Raval testified that would have also been what she read to Defendant.
- 18 9. Detective Raval testified “I probably didn’t even read it, the whole thing. It was
19 probably not read verbatim on that night.” (Digital Recording at 4:40:43, Mar. 4,
20 2026).
- 21 10. Detective Raval could not recall if she told Defendant he had the right to remain silent,
22 responding “I probably did but I don’t remember.” (Digital Recording at 4:40:57,
23 Mar. 4, 2026). Detective Raval did recall that she told Defendant he had the right to
24 attorney and that if he could not afford one, one would be brought in to him before
25 questioning, and that anything he said could be used against him. Defendant did not
26 ask for an attorney.
- 27 11. Detective Raval testified that Defendant agreed to speak with her.
- 28 12. Detective Raval did not receive any written consent (signed waiver) from Defendant
at this time, only his verbal consent to speak with GPD.

1 13. Defendant did not give a full statement, but provided “bits and pieces” of information
2 for them to understand what happened.

3 14. Detective Raval acknowledged that Defendant’s face was completely swollen, he was
4 unable to get off the bed by himself, and he was complaining about the amount of pain
5 he was going through.

6 15. GPD Crime Scene Investigator F.J. Santos photographed Defendant and his injuries,
7 noting on the Crime Scene Form that Defendant was unable to sit or stand, his facial
8 area was completely swollen, and he had lacerations to both eyes, head, and lip.

9 16. CT scans were performed on Defendant’s abdomen and pelvis, chest, cervical spine,
10 facial/sinus/mandible, and head. Defendant had severe fractures to his face and
11 complications/injuries to his body.

12 17. As of 11:40 p.m. the same day, Defendant was still pending admission to GMH.
13 Defendant ultimately had to go into surgery.

14 18. Defendant was not allowed to speak with anyone besides hospital staff and GPD.
15 GMH notes state that Defendant attempted numerous times to speak in Tagalog in
16 private requesting outside phone call, however no calls were allowed outside by
17 Officer Palmer.

18 19. At a later point in time, Defendant signed a waiver form and provided additional
19 statements.

20 20. Defendant did not provide a written statement during any of the interviews.

21 21. None of Defendant’s interviews were recorded either via audio or video.

22 **DISCUSSION**

23 Defendant moves the Court to suppress statements made to police on July 8, 2025 and
24 July 10, 2025 because no valid *Miranda* waiver occurred and the statements were involuntary
25 under due process. *See generally*, Mot. Suppress, Jan. 5, 2026. Defendant argues that “[i]n a
26 custodial hospital environment –where [he] was injured, isolated, and under guard – an
27 unrecorded, officer-summarized account of alleged *Miranda* compliance and alleged admissions
28 does not satisfy the People’s burden to prove that any waiver was the product of a free and

1 deliberate choice made with full awareness of the rights abandoned and the consequences of
2 abandoning them.” *Id.* at 8. Defendant further argues that “[w]here, as here, the Government
3 claims multiple attempts to question Defendant, the Court must determine – episode by episode
4 – whether a Miranda advisement occurred for each attempted custodial interrogation and whether
5 any resulting statements are admissible.” (Reply at 3, Feb. 13, 2026).

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

14 **I. July 8, 2025 Statements**

15 Defendant made statements to Detective Raval on two occasions on July 8, 2025 at the
16 hospital: approximately 5:21 p.m. and 10:16 p.m.² The Government sets forth that “Defendant
17 was orally advised his Miranda rights on July 8, 2025 via Miranda Rights card, to which he
18 acknowledged and understood.” (Opp’n at 3, Jan. 13, 2026).

19 At the Suppression Hearing, on direct examination, Detective Raval generally testified
20 that she orally advised Defendant of his constitutional rights, *Miranda*,³ prior to speaking with
21 him, and that he orally waived his rights⁴ and agreed to speak with her. On cross examination,
22

23 ² Although Detective Raval did not specifically testify as to what times she spoke with Defendant on July 8, 2025,
24 both Defendant and the Government set forth these two times in their respective briefs. *See* Mot. Suppress at 1-2;
Opp’n at 2.

25 ³ The Court finds that Detective Raval’s testimony regarding her advisement of *Miranda* rights to Defendant was
26 in reference to the 5:20 p.m. interview based on earlier testimony that she was directed to go to GMH to speak with
27 Defendant because he was transported there. The Government did not ask or distinguish in its questioning of
Detective Raval the timing of her conversations with Defendant (i.e., 5 p.m. vs 10 p.m.).

28 ⁴ There is no dispute that Defendant did not sign a written waiver on July 8, 2025. A written, signed waiver is not
required. *See Berghuis v. Thompkins*, 560 U.S. 370, 387 (2010) (“courts can infer a waiver of Miranda rights ‘from

1 however, Detective Raval could not recall if she specifically told Defendant that he had the right
2 to remain silent, stating “I probably did, but I cannot remember.” (Digital Recording at 4:40:57,
3 Mar. 4, 2026). When asked to read *Miranda*, Detective Raval stated from memory:

4 Before we ask you any questions you must understand your rights. Anything you
5 say can and will be used against you in a court of law. You have the right to an
6 attorney for advice before we ask you any questions and to have them with you
7 during questioning. If you cannot afford one, one will be appointed to you before
questioning if you wish. Do you understand your rights.

8 *Id.* at 4:39:57 – 4:40:22. Detective Raval testified that would have also been what she told
9 Defendant. Detective Raval further testified “I probably didn’t even read it, the whole thing. It
10 was probably not read verbatim on that night.” *Id.* at 4:40:43. Detective Raval did recall that she
11 told Defendant he had the right to attorney and that if he could not afford one, one would be
12 brought in to him before questioning, and that anything he said could be used against him. She
13 also recalled that Defendant did not ask for an attorney.

14 Although it is not necessary that the precise words in *Miranda* be used, the warnings must
15 still reasonably convey the substance required by *Miranda*. See *Duckworth v. Eagan*, 492 U.S.
16 195, 202-203 (1989). “The prophylactic *Miranda* warnings are not themselves rights protected
17 by the Constitution but are instead measures to insure that the right against compulsory self-
18 incrimination is protected. The inquiry is simply whether the warnings reasonably convey to a
19 suspect his rights as required by *Miranda*.” *Id.* at 203 (internal citations, quotation marks, and
20 alterations omitted). “*Miranda* ensures that suspects interrogated while in police custody must
21 be told that they have a right to remain silent, that anything they say can and will be used against
22 them in court, and that they are entitled to the presence of an attorney, either retained or appointed,
23 at the interrogation.” *People v. Towai*, 2024 Guam ¶ 20 (citing *Thompson v. Keohane*, 516 U.S.
24 99, 107 (1995)) (internal quotation marks omitted).

25
26
27 the actions and words of the person interrogated.”); *United States v. Calise*, 996 F.2d 1019, 1022 (9th Cir. 1993)
28 (“Signing of the form was not essential for waiver to occur”); *United States v. Turner*, 926 F.2d 883, 888 (9th Cir.
1991) (“*Miranda* does not require that defendants acknowledge their rights in writing.”).

1 Here, Defendant was not advised that he had the right to remain silent. Detective Raval's
2 testimony that (1) she "probably did" tell him but could not remember, (2) she probably did not
3 read all the *Miranda* warnings, and (3) she probably did not read the *Miranda* warnings verbatim,
4 leaves the Court unable to conclude that Defendant received a full and complete advisement of
5 his *Miranda* rights prior to making any statements on July 8, 2025. The warnings given to him
6 omitted the fundamental advisement of the right to remain silent. *See Thompkins*, 560 U.S. at
7 383 ("The main purpose of *Miranda* is to ensure that an accused is advised of and understands
8 the right to remain silent and the right to counsel."). Although Defendant was advised "anything
9 you say can and will be used against you," this phrase warns of the consequences of speaking but
10 does not advise that silence is an option. Defendant could not knowingly and intelligently waive
11 his privilege against self-incrimination when he was not advised that he had the right to remain
12 silent.

13 "Miranda conditioned the admissibility at trial of any custodial confession on warning a
14 suspect of his rights: failure to give the prescribed warnings and obtain a waiver of rights before
15 custodial questioning generally requires exclusion of any statements obtained." *Missouri v.*
16 *Seibert*, 542 U.S. 600, 608 (2004). "[A] suspect must be adequately and effectively advised of
17 the choice the Constitution guarantees." *Id.* at 611 (citation omitted). Detective Raval's uncertain
18 testimony is insufficient to show that Defendant was adequately and effectively advised of his
19 rights. Therefore, the Government has not met its burden and the Court must grant Defendant's
20 Motion to Suppress statements made on July 8, 2025.

21 **II. July 10, 2025 Statements**

22 The Court next turns to the statements made by Defendant on July 10, 2025. Here,
23 Defendant signed a GPD Custodial Interrogation Form at 12:23 p.m. (Mot. Suppress at 7; Opp'n
24 at 4). However, according to Detective Raval's police report, Defendant initially refused to waive
25 his rights, was arrested, then changed his mind and agreed to provide a statement. (Mot. Suppress
26 at 7). The subsequent interview "allegedly produced sweeping inculpatory admissions,
27 memorialized only in notes." *Id.* Defendant argues that there is no evidence establishing that
28 "questioning actually ceased, that [he] was not subjected to continued engagement or pressure, or

1 that any subsequent statements resulted from a voluntary re-engagement rather than custodial
2 coercion in a hospital setting.” *Id.* at 7-8. The Government sets forth in its Opposition that “the
3 Defendant’s own decision to speak led to the re-interview” and that it “will establish through
4 testimony that the ‘change of mind’ was initiated by Defendant, or at least occurred without police
5 coercion, thus satisfying the *Bradshaw* standard for reengagement.” (Opp’n at 5). The
6 Government further argues that “[t]he written waiver form, signed by Defendant, is irrefutable
7 evidence of his expressed desire to speak after receiving and understanding his rights.” *Id.*

8 “The voluntary, knowing and intelligent nature of a *Miranda* waiver is to be gleaned from
9 the totality of the circumstances, and the People bear the burden of proving by a preponderance
10 of the evidence that the waiver was properly made. A court reviewing such a waiver must
11 examine the entire record and make an independent determination of the ultimate issue of
12 voluntariness based on the totality of circumstances.” *Towai*, 2024 Guam 9 ¶ 33 (internal citations
13 omitted). *See also People v. Perez*, 2021 Guam 18 ¶ 19 (“Our jurisprudence on waivers of
14 constitutional rights considers the totality of the circumstances surrounding a waiver, including a
15 defendant's language abilities, coercive circumstances, awareness of the relevant and likely
16 circumstances, and knowledge of the right being abandoned.”). A valid waiver of *Miranda* rights
17 involves a two-part inquiry: whether Defendant’s waiver was “voluntary in the sense that it was
18 the product of a free and deliberate choice rather than intimidation, coercion, or deception” and
19 whether Defendant had “a full awareness of both the nature of the right being abandoned and the
20 consequences of the decision to abandon it.” *Moran v. Burbine*, 475 U.S. 412, 421
21 (1986) (citation omitted). “[T]he mere fact that a *Miranda* warning was given and the accused
22 made an uncoerced statement to police is insufficient to demonstrate a valid waiver of *Miranda*
23 rights.” *United States v. Outland*, 993 F.3d 1017, 1022 (7th Cir. 2021) (citing *Thompkins*, 560
24 U.S. at 384). “The prosecution must make the additional showing that the accused understood
25 these rights.” *Thompkins*, 560 U.S. at 384.

26 At the Suppression Hearing, no evidence was presented as to how Defendant changed his
27 mind or re-engaged the police after first declining, as the Government indicated it would do in its
28 Opposition. *See* Opp’n at 5. The Government only asked Detective Raval questions as to whether

1 or not Defendant was given *Miranda* warnings in a written form after being placed in police
2 custody “at some point” (presumably July 10, 2025), whether Defendant signed a waiver, whether
3 Defendant gave any statements after, and whether the waiver would have been turned over as part
4 of discovery. *See* Digital Recording at 4:18:55 – 4:21:30, Mar. 4, 2026. The Government did not
5 clarify the inconsistencies in Detective Raval’s report and Defendant’s written waiver, whereby
6 a *Miranda* waiver form was filled out and signed by Defendant at 12:23 p.m. waiving his rights,
7 that Defendant was arrested at 12:26 p.m. because he refused to waive his rights, and then minutes
8 later “changed his mind” and agreed to talk at 12:38 p.m. “[A] refusal to sign a waiver form is
9 an indication that the defendant is invoking his right to silence which casts initial doubt on the
10 government's waiver claim.” *United States v. Andaverde*, 64 F.3d 1305, 1313 (9th Cir. 1995).

11 A reasonable and faithful interpretation of the *Miranda* opinion must rest on the
12 intention of the Court in that case to adopt “fully effective means . . . to notify the
13 person of his right of silence and to assure that the exercise of the right will be
14 scrupulously honored . . .”. The critical safeguard identified in the passage at issue
15 is a person's “right to cut off questioning.” Through the exercise of his option to
16 terminate questioning he can control the time at which questioning occurs, the
17 subjects discussed, and the duration of the interrogation. The requirement that law
18 enforcement authorities must respect a person's exercise of that option counteracts
19 the coercive pressures of the custodial setting. We therefore conclude that the
20 admissibility of statements obtained after the person in custody has decided to
21 remain silent depends under *Miranda* on whether his “right to cut off questioning”
22 was “scrupulously honored.”

23 *Michigan v. Mosley*, 423 U.S. 96, 103–04 (1975) (internal citations omitted) (alterations in
24 original).⁵ The Government did not present any evidence about the timing of Defendant’s arrest

25 ⁵ In *Mosley*, the Supreme Court noted that *Miranda* distinguished between the procedural safeguards triggered by a
26 request to remain silent and a request for an attorney. 423 U.S. at 104, n. 10 (“The dissenting opinion asserts that
27 *Miranda* established a requirement that once a person has indicated a desire to remain silent, questioning may be
28 resumed only when counsel is present. But clearly the Court in *Miranda* imposed no such requirement, for it
distinguished between the procedural safeguards triggered by a request to remain silent and a request for an attorney,
and directed that the interrogation must cease until an attorney is present only if the individual states that he wants
an attorney.”). “[A]fter the right to counsel had been asserted by an accused, further interrogation of the accused
should not take place unless the accused himself initiates further communication, exchanges, or conversations with
the police. This was in effect a prophylactic rule, designed to protect an accused in police custody from being
badgered by police officers in the manner in which the defendant in *Edwards* was.” *Oregon v. Bradshaw*, 462 U.S.
1039, 1044 (1983) (citing *Edwards v. Arizona*, 451 U.S. 477, 485 (1981)).

1 and his interview or any evidence to support a finding that Defendant's right to remain silent
2 and/or cut off questioning was "scrupulously honored" or that he changed his mind on his own
3 accord and without police coercion. Accordingly, the Government has not met its burden and the
4 Court must grant Defendant's Motion to Suppress the July 10, 2025 statements.

5 **CONCLUSION**

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

7
8 **IT IS SO ORDERED** this 30th day of March, 2026.

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11 HONORABLE VERNON P. PEREZ
12 Judge, Superior Court of Guam

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23 **SERVICE VIA E-MAIL**

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

26 AG, A.D.

27 Civille & Tang

28 Date: 3/30/26 Time: 9:59am

Antonio Cruz
Deputy Clerk, Superior Court of Guam