

FILED
CLERK OF COURT

2026 MAR 19 PM 12:06

SUPERIOR COURT
OF GUAM

IN THE SUPERIOR COURT OF GUAM

PEOPLE OF GUAM,) CRIMINAL CASE NO. CF0485-25
)
)
vs.)
)
)
ALEXANDER TORRES,) DECISION AND ORDER
DOB: 07/19/1995) RE. DEFENDANT’S MOTION
) TO DISMISS THE INDICTMENT
Defendant.)

Introduction

This matter came before the Honorable Maria T. Cenzone on Defendant Alexander Torres’s (“Defendant”) Motion to Dismiss the Indictment (the “Motion”) filed on August 12, 2025. Representing the Defendant is Heather Martinez Quitugua. Representing the People of Guam (the “People”) is Assistant Attorney General Valerie A. Nuesa. The Court held a hearing on the Motion on December 18, 2025, after which the Court took the matter under advisement pursuant to the Local Rules of the Superior Court of Guam. After reviewing the Motion, the People’s Opposition filed August 26, 2025, the Defendant’s Reply filed September 2, 2025, the oral arguments from the parties, and the applicable statutes and case law, the Court now issues its Decision and Order DENYING the Defendant’s Motion.

Background

The charges in this matter stem from an incident alleged to have occurred on July 13, 2025. According to the Affidavit of Probable Cause, the victim, Daviana Santos (“Victim”), was six months pregnant and in a relationship with the Defendant. *Affidavit of Probable Cause* (July 14, 2025) at 1. At approximately 4:00 p.m., an argument ensued regarding the Defendant’s alleged infidelity. *Id.* The Victim alleged that as she attempted to leave the residence to retrieve her belongings, the Defendant threw her on a bed, placed his arm around her neck, and squeezed four

1 separate times, impeding her breathing. *Id.* Guam Police Department Officers Shane Garcia and
2 Wilfred Skilling arrived at the scene at 7:04 p.m. *Id.* Officer Garcia observed visible bruising to
3 the left and right side of the Victim's neck, and Officer Skilling noted bruising and abrasions to
4 the back of the Victim's neck. *Id.* The Victim was subsequently transported to Guam Memorial
5 Hospital. *Id.*

6 On July 16, 2025, defense counsel provided the Office of the Attorney General with six
7 Ring video recordings from the date of the incident. *Defendant's Brief in Support of Motion to*
8 *Dismiss* (August 11, 2025) at 2. These clips show the Victim arriving at the home at approximately
9 4:23 p.m., with the final clip time-stamped at 5:39 p.m. *People's Opposition to Defendant's*
10 *Motion to Dismiss the Indictment* (August 26, 2025) at 3. In their Reply, the Defendant reiterates
11 that these videos are exculpatory because they depict the Victim packing her belongings, leaving
12 at a "slow pace," stopping to pet a dog, and appearing without visible injuries or emotional distress
13 in the common areas and exterior of the home. *Defendant's Reply Brief in Support of Motion to*
14 *Dismiss* (September 1, 2025) at 1. The Defendant further contends the videos "completely
undermine" the Victim's account. *Id.*

15 On July 22, 2025, a grand jury returned an Indictment against the Defendant for: Count
16 One, Attempted Strangulation (As a Third Degree Felony); Count Two, Family Violence (As a
17 Misdemeanor); Count Three, Assault (As a Misdemeanor); and Count Four, Assault of an Unborn
18 Child (As a Misdemeanor). *People's Opposition to Defendant's Motion to Dismiss the Indictment*
19 (August 26, 2025) at 1. The People did not present the Ring videos to the grand jury. *Id.* at 2.

20 LEGAL STANDARD

21 The Defendant moves to dismiss the indictment on the ground that the prosecution
22 violated its statutory duty under 8 G.C.A. § 50.46 to present evidence that "would tend to negate
23 guilt." *See Defendant's Brief in Support of Motion to Dismiss* (August 11, 2025); 8 G.C.A. § 50.46

24 **A. The Role of the Grand Jury and Federal Law**

25 The Defendant contends that federal law is not persuasive authority because Guam's
26 statute is based on "California statute" and "not federal law." *See Defendant's Reply Brief in*
27 *Support of Motion to Dismiss* (September 1, 2025) at 1. However, the Guam Supreme Court has
28 clarified that the Guam Legislature adopted the common law grand jury, which retains broad
investigatory powers, as combination of both "federal law and California law." *In re Application*

1 *of the People*, 2024 Guam 16, ¶¶ 1, 69. While the right to a grand jury in Guam is statutory, the
2 institution itself is rooted in common law traditions. *Id.* ¶ 65.

3 The Supreme Court has held that where Guam's grand jury statutory scheme mirrors
4 federal or California law, those authorities are "especially persuasive." *Id.* ¶ 6. Because Guam's
5 grand jury statutory scheme is a "blend of federal and California law," this Court finds it
6 appropriate to look to both California and federal jurisprudence to interpret standards for
7 disclosure and prejudice. *Id.* ¶ 1.

8 **B. Legal Standard for Disclosure and Substantial Prejudice**

9 Under 8 G.C.A. § 50.46, a prosecuting attorney must submit to the grand jury "any
10 evidence in his possession which would tend to negate guilt." *See* 8 G.C.A. § 50.46 This duty is
11 rooted in the grand jury's role as a "gatekeeper" considering the sufficiency of evidence to support
12 an indictment. *People v. San Nicolas*, 2013 Guam 21, ¶ 11 quoting 38 Am. Jur. 2d *Grand Jury* §
13 3 (2013).

14 Dismissal for a violation of this duty is warranted only upon a showing that the defendant
15 was "substantially prejudiced" by the nondisclosure. *Berardi v. Superior Court*, 149 Cal. App. 4th
16 476, 491 (2007). This Court has previously adopted the "reasonably probable" test to evaluate
17 substantial prejudice. *See People v. Barcinas*, No. CF0066-16, slip op. at 7 (Super. Ct. Guam June
18 26, 2017); *People v. Flores*, No. CF0216-18, slip op. at 5 (Super. Ct. Guam June 17, 2019). Under
19 this standard, dismissal is appropriate only if the record reflects "a probability that a properly
20 informed jury would not have found probable cause to indict." *Berardi*, 149 Cal. App. 4th at 493-
21 494. This requires a comparative analysis of the "relative strengths and weaknesses of the
22 evidence supporting the probable cause finding" against the "undisclosed exculpatory evidence."
23 *Id.* at 494.

24 **C. Defining Evidence that "Tends to Negate Guilt"**

25 The duty to disclose evidence that "tends to negate guilt" extends only to evidence that
26 directly negates an essential element of the crime. *See People v. Sablan*, 1986 WL 68900, at *3
27 (D. Guam App. Div. Oct. 24, 1986). In *Sablan*, the court found that a statement that would "tend
28 to negate the guilt of the accused and explain away the charge" was a violation of the requirement
in 8 G.C.A. § 50.46 but distinguished this from cases where "evidence does not operate to negate
guilt and to explain away the charges" *Id.* quoting *People v. Snow*, 72 Cal.App.3d 950 (1977).

1 1. *Elements vs. Mitigation*: Evidence that merely provided a "clearer picture" of the
2 defendant's version or serves as a mitigating factor did not trigger mandatory disclosure.
3 See *People v. Rodriguez*, No. CF0222-12, slip op. at 4, 7 (Super. Ct. Guam Dec. 14, 2012);
4 See also *People v. Taimanglo*, No. CF0335-19, slip op. at 5 (Super. Ct. Guam Sept. 24,
5 2019). In *Taimanglo*, this Court held that evidence showing a defendant was not involved
6 in a previous incident was merely a "mitigating factor" and did not negate the guilt of
7 current charges.

8 2. *Affirmative Defenses*: The prosecutor has no duty to present evidence of affirmative
9 defenses, such as self-defense, to the grand jury. *People v. Grajo*, 1987 WL 109393, at *2
10 (D. Guam App. Div. Feb. 12, 1987); *Flores*, No. CF0216-18, slip op. at 8.

11 3. *Direct Negation Examples*: Conversely, evidence negates guilt if it explains away the
12 charge, such as proof a message was "accidentally sent," negating mens rea (*People v.*
13 *Cahill*, No. CF0289-15, slip op. at 8 (Super. Ct. Guam Mar. 18, 2016)), or a statement
14 admitting "no internal or serious injuries," negating a "serious bodily injury" element
15 (*People v. Nalicat*, No. CF0164-22, slip op. at 8 (Super. Ct. Guam July 3, 2024)).

16 ANALYSIS

17 The Court has performed an in camera review of the six Ring video clips.

18 1. *Nature of the Evidence*: The videos depict the Victim in common areas or outside the
19 residence. Crucially, the videos do not capture the alleged physical altercation, which
20 occurred in the bedroom.

21 2. *Mitigating vs. Negating*: The Court finds that the behavioral evidence in the Ring
22 videos—showing the Victim packing her things and petting a dog—is mitigating evidence
23 regarding her demeanor but does not negate an essential element of the charged offenses..
24 In *People v. Rodriguez*, the Superior Court of Guam held that photographs showing
25 "superficial" wounds did not negate guilt because the act of the assault was not disproven.
26 *Rodriguez*, No. CF0222-12, slip op. at 6. Similarly, a victim's calm demeanor shortly after
27 an incident does not disprove the elements of Attempted Strangulation that allegedly
28 occurred off-camera.

3. *Comparative Strength of Evidence*: The record contains competent evidence supporting
the indictment, specifically the first-hand observations of two reporting officers who noted
visible bruising and abrasions on the Victim's neck. Under the *Berardi* standard, the

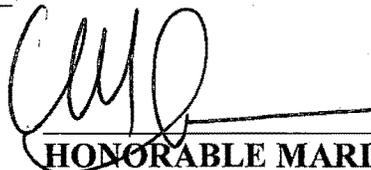
1 presence of these physical injuries creates a "strong suspicion" of guilt that is not
2 overcome by the demeanor evidence in the videos. The Defendant has failed to show a
3 reasonable probability that the grand jury would have declined to find probable cause had
4 they viewed the videos.

5 **Conclusion**

6 Based on the foregoing, the Court finds that while the Ring videos may be material for
7 impeachment at trial, they do not negate the elements of the charged offenses for grand jury
8 purposes. The Defendant has failed to meet the burden of showing substantial prejudice.
9 Accordingly, the Defendant's Motion to Dismiss is DENIED.

10 The Court shall issue a Criminal Trial Scheduling Order under separate cover.

11 **SO ORDERED** this MAR 19 2026

12 

13 **HONORABLE MARIA T. CENZON**

14 Judge, Superior Court of Guam

15
16
17
18
19
20
21
22
23
24 **SERVICE VIA E-MAIL**

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

27 AG, H. Quitugua

28 Date: 3/19/26 Time: 12:09pm

Antonio of Cour
Deputy Clerk, Superior Court of Guam