

1 In light of the information presented to the court after empaneling a jury of twelve (12),
2 the court permitted the Defendant to file the appropriate by close of business that day. *See* Jury
3 Selection & Trial (Day 1) Mins. at 11:41:01 –47:50AM; 1:41:39 – 2:00:33PM (Oct. 10, 2025).¹
4 That same day, the Defendant filed a Motion to Suppress Defendant’s Statements and Actions
5 During Police Interrogation. (“Motion to Suppress”) moving for the suppression of the
6 Defendant’s statements and actions during police interrogation; allegedly made in violation of his
7 *Miranda* rights.² *See* Def.’s Mot. Suppress (Oct. 10, 2025).

9 Before the receipt of evidence at trial, the court addressed the Defendant’s Motion to
10 Suppress and the People’s Objection, which was filed that morning. The court heard testimony
11 from Guam Police Department Officer Hurao Iriarte (“Officer Iriarte”) who was involved in the
12 events leading up to the Defendant’s arrest on August 4, 2025.

14 A. Events Leading Up to Defendant Moses’s Arrest

15 On August 4, 2025, Officer Iriarte and his partner Officer Back responded to a call that
16 afternoon that a company known as RBI Reliability Builders (“RBI”) spotted its vehicle, which
17 it reported missing earlier in the morning. *See* Mot. Hr’g Mins. at 9:41:34 – 46:06AM (Oct. 13,
18 2025). Both officers arrived at a residence off of Marigold Street in Mangilao after RBI identified
19 the missing vehicle at that Mangilao residence. *Id.* Upon approaching the residence and knocking
20 on the front door, the officers heard noise coming from the back of the house, prompting each
21 officer to proceed to separate sides of the house. *Id.* At that point, the officers announced their
22 presence to the one male standing outside. *Id.*

25 ¹ If a motion is untimely filed, the court may allow the filing of motions beyond the time limit previously set by the
26 court. *See* 8 GCA § 65.45 (“Failure by a party to raise defenses or objections or to make requests which must be
27 made prior to trial, at the time set by the court pursuant to § 65.15, or prior to any extension thereof made by the
28 court, shall constitute a waiver thereof, but the court for cause shown may grant relief from the waiver.”).

² *Miranda v. Arizona*, 384 US 436 (1966), protects an individual’s fifth amendment right against self-
incrimination by preventing the admissibility of statements made while a defendant was in custody during an
interrogation.

1 Officer Iriarte noted a language barrier between the officers and this male. *See* Mot. Hr’g
2 Mins. at 9:41:34 – 46:06AM. After the officers repeated the phrases “the truck” and “who drove
3 the truck?” to the male, he began to yell inside the house as if he was calling for somebody. *Id.*
4 In response, another male exited the residence and Officer Iriarte approached that male whom he
5 identified as the Defendant Cassey Moses. *Id.* When Officer Iriarte asked the Defendant whether
6 he drove the truck, the Defendant confirmed that he was and removed the key to the truck from
7 his pocket. *Id.* When asked where he got the truck from, the Defendant said that he found it on
8 the side of the road with the key still in the truck. *Id.*

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10 At this point, Officer Iriarte took out his “rights card” to verbally advise the of his *Miranda*
11 rights. *Id.* After doing so, Officer Iriarte reiterated his questions about the trucks, which the
12 Defendant similarly responded to. *Id.* Officer Iriarte then transported the Defendant to Central
13 Precinct for further investigation after he acknowledged his willingness to be transported. *Id.* It is
14 noteworthy that Officer Iriarte testified that at no point did it appear to him that the Defendant
15 had a problem understanding the English Language based on the Defendant’s English responses
16 to Officer Iriarte’s English questions. *Id.*

17 18 19 **B. Relief Sought**

20 Based on the totality of the circumstances, the Defendant moved to suppress any
21 statements and actions made in alleged violation of *Miranda*. *See* Mot. Hr’g Mins. at 9:49:24 –
22 53:58AM. In response, the People argue that no *Miranda* violation occurred, because it was clear
23 that the Defendant was not in custody to warrant the issuance of *Miranda* warnings. *Id.* at 9:54:01
24 – 55:13AM. Upon hearing the parties’ arguments, the court took the matter under advisement.

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DISCUSSION

The Fifth Amendment to the United States Constitution provides that “[n]o person ... shall be compelled in any criminal case to be a witness against himself.” U.S. Const. Amend. V. These protections apply to Guam through § 1421b(d) of the Organic Act of Guam. *See People v. Reyes*, 1998 Guam 32 ¶ 23.³ *Miranda v. Arizona*, 384 US 436 (1966), protects an individual’s fifth amendment right against self-incrimination by preventing the admissibility of statements made while a defendant was in custody during an interrogation. However, such statements may be admissible as evidence so long as law enforcement inform the defendant of their right to remain silent and their right to speak with an attorney before and during the custodial interrogation; and the defendant either exercises these rights or knowingly, voluntarily, and intelligently waives them. *Miranda v. Arizona*, 384 US 436 (1966). “The Fifth Amendment’s right against self-incrimination and the procedures surrounding those rights are known as ‘*Miranda* rights,’ which apply specifically to the “admissibility of statements obtained from an individual who is subjected to custodial police interrogation.” *People v. Towai*, 2024 Guam 9 ¶ 20 (citing *Miranda v. Arizona*, 384 U.S. 436, 439 (1966); *see also People v. Farata*, 2007 Guam 8 ¶ 20).

When determining whether a person is in custody, the “ultimate inquiry” is whether there was “a formal arrest or restraint on freedom of movement of the degree associated with a formal arrest.” *Towai*, 2024 Guam 9 ¶ 20 (quoting *People v. Santos*, 2003 Guam 1 ¶ 51). “An interrogation is said to occur when the defendant, in custody, is the target of questions or statements, which the police can expect will elicit incriminating responses.” *Farata*, 2007 Guam 8 ¶ 36 (quoting *People v. Quidachay*, Crim. No. 99997A, 1983 WL 29952 at *4 (D. Guam App.

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³ Although *People v. Reyes* addresses the applicability of the Double Jeopardy Clause of the U.S. Constitution’s Fifth Amendment, the Guam Supreme Court quotes both Fifth Amendment protections – Double Jeopardy Clause and the Right Against Self-Incrimination – providing within § 1421b(d) of the Organic Act of Guam.

1 Div. Nov. 8, 1983)). “[I]nterrogation’ under *Miranda* refers not only to express questioning, but
2 also to any words or actions on the part of the police (other than those normally attendant to arrest
3 and custody) that the police should know are reasonably likely to elicit an incriminating
4 response.” *Id.* (quoting *Rhode Island v. Innis*, 446 U.S. 291, 300-01 (1980)).

5 In this case, the court notes that Officer Iriarte should have known that his question to the
6 Defendant about who drove RBI’s truck, *before* reading the Defendant his *Miranda* rights, was
7 reasonably likely to elicit an incriminating response. In regards to the issue of whether the
8 Defendant was in custody, the Defendant argued that any reasonable person would have felt
9 compelled to stay with the uniformed and armed officers and answer their questions. *See* Mot.
10 Hr’g Mins. at 9:49:24 – 53:58AM.

11 Although two officers were present at the scene, Officer Iriarte testified that he was the
12 only one communicating with the Defendant while his partner Officer Back continued
13 communicated with the first male they encountered at the back of the residence. *See* Mot. Hr’g
14 Mins. at 9:41:34 – 46:06AM. Additionally, there was no formal arrest or restraint on the
15 Defendant’s freedom of movement during Officer Iriarte’s interaction with the Defendant prior
16 to the Defendant acknowledging his willingness to be transported to GPD’s Central Precinct for
17 further investigation. Because the Defendant was not in custody, the court finds that no custodial
18 interrogation of the Defendant occurred at the scene to warrant the issuance of *Miranda* warnings.

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CONCLUSION

For the reasons stated above, the court hereby **DENIES** the Defendant's Motion to Suppress Defendant's Statements and Actions During Police Interrogation.

SO ORDERED this MAR 27 2026, *nunc pro tunc*, October 13, 2025.



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:

AGS ARO

MAR 27 2026 Time: 3:19 PM

Evan L. Topasna
Deputy Clerk, Superior Court of Guam