

SUPERIOR COURT
OF GUAM *cp*

PEOPLE OF GUAM,)	CRIMINAL CASE NO. CM0159-25
)	GPD Report No. 25-11467
)	
vs.)	
)	
)	
ZENA GUMABON SABLAN,)	DECISION & ORDER
<i>aka Zena Sablan Chamberlain</i>)	RE. MOTION TO DISMISS CHARGE 1
DOB: 10/26/1983)	AND CHARGE 2 OF THE
)	MAGISTRATE'S COMPLAINT
)	
Defendant.)	

This matter came before the Honorable Alberto E. Tolentino on November 13, 2025, for a Motion Hearing. Defendant Zena Gumabon Sablan (“Defendant”) was present with counsel Attorney George Valdes. Assistant Attorney General Samuel Alexander was present for the People of Guam (“People”). During the Motion Hearing, the court heard oral arguments on the Defendant’s Motion to Dismiss Charge 1 and Charge 2 of the Magistrate’s Complaint, which was filed on September 22, 2025. 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 Motion to Dismiss Charge 1 and Charge 2 of the Magistrate’s Complaint.

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BACKGROUND

Based on events that occurred on or about May 4, 2025, the Defendant was charged for the following offenses: (1) DRIVING WHILE IMPAIRED (As a Misdemeanor); (2) DRIVING WHILE IMPAIRED (B.A.C.) (As a Misdemeanor); and (3) RECKLESS DRIVING – WITHOUT INJURIES (As a Petty Misdemeanor). *See* Magistrate’s Compl. (May 5, 2025).

In anticipation of jury selection and trial, the Defendant filed a Motion to Dismiss Charge 1 and Charge 2 of the Magistrate’s Complaint (“Motion to Dismiss”) arguing a lack of probable cause to support such charges. *See generally* Def.’s Mot. Dismiss (Sep. 22, 2025). The People subsequently filed its Opposition to the Motion to Dismiss (“Opposition”) ten (10) days after the deadline set out in the Defendant’s Notice of Motion. *See generally* Ppl.’s Opp’n (Oct. 16, 2025); *see also* Notice (Sep. 22, 2025). The Defendant filed her Reply to the Opposition the following day. *See* Reply (Oct., 17, 2025). Upon the court’s review of the pleadings, the court scheduled a Motion Hearing for November 13, 2025, to address the Defendant’s Motion to Dismiss.

Before addressing the parties’ substantive arguments in the Motion Hearing, the court permitted the People’s Opposition to stand in this case pursuant to 8 GCA § 65.45.¹ However, the court did not allow the People to present oral arguments in the Motion Hearing as a sanction for its untimeliness.² After hearing the Defendant’s oral argument on the Motion to Dismiss, the court subsequently took the matter under advisement.

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

² When trial judges select a sanction to impose against counsel, the Guam Supreme Court has iterated that the appropriate sanction is “proportionate to the misconduct.” *People v. Tuncap*, 1998 Guam 13 ¶ 24 (quoting *United States v. Gee*, 695 F.2d 1165, 1169 (9th Cir. 1983)).

DISCUSSION

According to the Defendant, “the affidavit accompanying the complaint states that Assistant Attorney General Aaron Boyce conducted a Standard Field Sobriety Test on Sablan.” *See* Def.’s Mot. Dismiss at 3. Further, the Defendant states that the police narrative of the investigation makes no indication that Mr. Boyce conducted the Defendant’s sobriety test, or that he responded to this incident and witnessed the Defendant’s statements at the scene. *Id.*

As to Charge 2, the Defendant states that there are significant errors within the printout of her alleged BAC results. *See* Def.’s Mot. Dismiss at 4. First, it states that Guam Police Department officers (“GPD officers”) administered the test on January 13, 2000; yet the incident occurred on May 4, 2025. *Id.* Second, the printout shows that the officers administered the test at 8:50 a.m. while the police report indicates that it occurred at 4:00 a.m. *Id.* Lastly, the printout states that the Defendant is sixteen (16) years old despite her date of birth being October 26, 1983.

Based on these alleged errors, the Defendant argues that Charges 1 and 2 must be dismissed against her for lack of probable cause. *See* Def.’s Mot. Dismiss at 3–5. In its Opposition, the People state that the Defendant’s argument regarding the “typo” relating to Charge 1 and the incorrect date relating to Charge 2 is premature. *See* Ppl.’s Opp’n at 2. Additionally, the People note that “these charges have already survived a magistrate’s hearing.” *Id.*

The Defendant moves for dismissal of Charges 1 and 2 pursuant to 8 GCA §§ 15.10 and 15.20(a). “The complaint is a written statement of the essential facts constituting the offense charged. It shall be signed by the prosecuting attorney and filed with a judge of the Superior Court. IN any case required by § 1.15 to be prosecuted by Complaint, the Complaint shall be subject to the same rules of pleading as an indictment for information.” 8 GCA § 15.10. “If it

1 appears from the complaint and the affidavits filed therewith that there is probable cause to
2 believe that an offense has been committed and that the defendant has committed it, the judge
3 shall issue a summons for the appearance of the defendant.” 8 GCA § 15.20(a).

4 Upon review of the above statutes, the court notes that 8 GCA § 15.20(a) refers to a finding
5 of probable cause *to issue a summons or warrant*; not probable cause to charge a person with
6 offenses contained in a Complaint. In this case, no warrant was issued against the Defendant.
7 Therefore, the court finds that the dismissal is not appropriate pursuant to the Defendant’s cited
8 authority.
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10 Although neither party cited 8 GCA § 45.20, Guam’s statute regarding when Complaints
11 are to be filed, as relevant authority in any of their pleadings, “[t]he court has a duty to analyze
12 the merits of the motion before rendering its decision.” *Petition of Quitugua v. Flores*, 2004 Guam
13 19 ¶ 28. Because the Defendant argues that Charges 1 and 2 of the Complaint should be dismissed
14 for lack of probable cause, the court believes that a review of 8 GCA § 45.20 is more appropriate
15 based on the facts of the Defendant’s case. According to 8 GCA § 45.20:
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- 18 (a) Where a person is arrested without a warrant, at or before the time he is brought
19 before the court pursuant to § 45.10, the prosecuting attorney shall file a
20 complaint which satisfies the requirements of § 15.10 and affidavits showing
21 probable cause to believe that an offense has been committed and that the
22 defendant has committed it.
 - 23 (b) At or before the time of the defendant's first appearance pursuant to § 45.30, if
24 no determination has previously been made by the court or grand jury that there
25 is probable cause to believe that an offense has been committed and that the
26 defendant has committed it, the court shall make such determination in the
27 manner provided by §§ 15.20 and 15.30. The defendant shall have no right to
28 be present at any hearing leading to such determination. If from the evidence it
29 appears that there is no probable cause to believe that an offense has been
30 committed or that the defendant committed it, the court shall dismiss the
31 complaint and discharge the defendant. Such discharge shall not preclude the
32 government from instituting a subsequent prosecution for the same offense.

8 GCA § 45.20.

1 In this case, GPD officers arrested the Defendant on May 4, 2025, which was the night of
2 the incident. *See* Magistrate's Compl., Affidavit (May 5, 2025). In light of this, no arrest warrant
3 was issued. When the Defendant made her first appearance in this case at the Magistrate's
4 Hearing, the Honorable Magistrate Judge Jonathan Quan stated his finding of probable cause
5 upon his review of the Complaint. *See* Magistrate's Hr'g Mins. at 3:28:04PM (May 5, 2025).
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7 In the context of a determination of probable cause for a search warrant, this court has
8 previously adopted the Guam Supreme Court's finding that a Superior Court judge to review
9 another Superior Court judge's determination of probable cause when reading Titles 7 and 8 of
10 the Guam Code Annotated together. *See People v. Gallo*, 2017 Guam 24 ¶¶ 19, 21. However, the
11 Defendant indicates that there is a lack of probable cause as to Charges 1 and 2 based on the
12 alleged, factual errors in the Complaint mentioned above. Rather than deviate from the Magistrate
13 Judge's previous determination of probable cause in this case, the court finds that the accuracy
14 and credibility of the Affidavit's information is for a jury to consider as the trier of fact. Therefore,
15 dismissal of Charges 1 and 2 of the Magistrate's Complaint is not appropriate at this time.
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CONCLUSION

For reasons stated above, the court hereby **DENIES** Defendant Sablan's Motion to Dismiss Charge 1 and Charge 2 of the Magistrate's Complaint.

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

SO ORDERED this FEB 17 2026.

A large, stylized handwritten signature in black ink, appearing to read 'Alberto E. Tolentino', is written over a horizontal line.

HONORABLE ALBERTO E. TOLENTINO
Judge, Superior Court of Guam