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SUPERIOR COURT
OF GUAM *41.*

IN THE SUPERIOR COURT OF GUAM

PEOPLE OF GUAM,	)	CRIMINAL CASE NO. CF0899-25
	)	GPD Report No. 25-31270
vs.	)	
	)	
JESSE JOE DIEGO GARCIA,	)	DECISION & ORDER
<i>aka Jesse Joe D. Garcia</i>	)	RE. DEFENDANT'S MOTION TO
DOB: 02/22/1988	)	SUPPRESS
	)	
Defendant.	)	

This matter came before the Honorable Alberto E. Tolentino on March 17, 2026, for a Motion Hearing. Defendant Jesse Joe Diego Garcia ("Defendant") was present with counsel Attorney Heather Quitugua. 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 December 11, 2025, the Defendant was charged with POSSESSION OF A SCHEDULE II CONTROLLED SUBSTANCE (As a 3rd Degree Felony). *See* Indictment (Dec. 29, 2025). In anticipation of jury selection and trial, the Defendant

1 filed a Motion to Suppress on February 11, 2026, to which the People opposed on February 25,
2 2026. As a result, the court set this matter for a Motion Hearing on March 17, 2026. During the
3 hearing, the court heard testimony regarding the incident from two officers: Guam Police
4 Department Officer Hurao Iriarte (“Officer Iriarte”) and Guam Police Department Officer Brian
5 Pete Israel Jackson (“Officer Jackson”).
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7 **A. The Initial Traffic Stop**

8 On December 11, 2025, Officers Iriarte and Jackson observed a white Tacoma truck
9 directly in front of them, turning onto Blas Street without using its turn signal. *See* Mot. Hr’g
10 Mins. at 2:09:34 – 22:13PM (Mar. 17, 2026); *see also* Magistrate’s Compl., Aff. (Dec. 12, 2025).
11 Activating the patrol car’s lights and sirens, the officers effectuated a traffic stop of the truck onto
12 Derry Road at 1:01 in the morning. *Id.* at 2:09:34 – 43:13PM. Officer Iriarte approached the
13 operator of the vehicle and apprised him of the reason for the traffic stop before asking for his
14 name or driver’s license. *See* Mot. Hr’g Mins. at 2:09:34 – 22:13PM. Because the operator left his
15 driver’s license at his residence, he only provided Officer Iriarte with the name “Tony Cruz.” *Id.*
16 However, Officer Iriarte testified that he recognized the operator under a different name based on
17 previous, officer-related encounters with him. *Id.*
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20 After Officer Iriarte requested Guam Police Department’s (“GPD”) desk watch to conduct
21 a check on the name “Tony Cruz” through its Department of Motor Vehicles system, desk watch
22 informed him that no one was tied to the date of birth and name that the operator provided. *See*
23 Mot. Hr’g Mins. at 2:09:34 – 22:13PM. To his recollection, Officer Iriarte testified that the
24 operator asked to step out of the vehicle to see whether the truck’s signal light worked when
25 turning it on. *Id.* Without issuing a ticket for the traffic infraction, Officer Iriarte gave the operator
26 a verbal warning instead. *Id.* Since his initial approach to the vehicle, Officer Iriarte observed that
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1 the operator's movements were very quick, and his eyes darted around throughout their
2 interaction. *See* Mot. Hr'g Mins. at 2:09:34 – 22:13PM. Based on his training and experience,
3 these signs led Officer Iriarte to believe that the operator could be under the influence of drugs or
4 alcohol. *Id.*

5 While Officer Iriarte interacted with the operator of the vehicle, Officer Jackson met with
6 the Defendant and asked him for his driver's license. *See* Mot. Hr'g Mins. at 2:47:35 – 55:34PM.
7 Officer Jackson testified that the Defendant retrieved his wallet from a tan bag located in the center
8 of the vehicle. *Id.* When asked about his impressions of the Defendant's behavior while speaking
9 to him, Officer Jackson testified that he seemed excessively nervous, noting darting eyes and
10 speaking in a fast manner. *Id.* Based on the officers' observations of the operator and the
11 Defendant, Officer Iriarte asked the operator to step out of the vehicle while Officer Jackson asked
12 the Defendant to do the same. *See* Mot. Hr'g Mins. at 2:47:35 – 55:34PM. Officer Iriarte
13 subsequently conducted a "free air sniff" of the vehicle's exterior with his K-9 Drako. *Id.* at
14 2:09:34 – 22:13PM.
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17 **B. The Free Air Sniff**

18 Pursuant to his certification through the Guam Customs & Quarantine Agency and GPD's
19 SODK-9 Unit, Officer Iriarte testified that a free air sniff occurs when a dog sniffs around the
20 exterior of the vehicle. *See* Mot. Hr'g Mins. at 2:09:34 – 22:13PM. To initiate a free air sniff with
21 K-9 Drako, Officer Iriarte states a consistent command to him then walks him around the vehicle's
22 exterior "trying to find a source." Mot. Hr'g Mins. at 2:09:34 – 22:13PM; 2:43:20 – 46:23PM. If
23 he becomes fixated on a spot along a vehicle, K-9 Drako would alert by exhibiting a change in
24 behavior – his ears and tail coming erect when he smells something of interest. *See* Mot. Hr'g
25 Mins. at 2:09:34 – 22:13PM. Officer Iriarte testified that this alert was unique to K-9 Drako, which
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1 he discovered through five months of training every day together. *Id.* As a drug detector dog, K-
2 9 Drako is trained to alert to illegal controlled substances, such as “meth, heroine, oxy, LSD,
3 cocaine.” *Id.* At the end of the free air sniff, Officer Iriarte either praises K-9 Drako if he alerts or
4 gives him a little pat if he works without finding anything. *See* Mot. Hr’g Mins. at 2:43:20 –
5 46:23PM.

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7 Going back to the free air sniff in this case, Officer Iriarte conducted the free air sniff at
8 1:09 in the morning. *See* Mot. Hr’g Mins. at 2:22:17 – 43:13PM. After approximately two minutes,
9 K-9 Drako alerted to the driver’s side of the vehicle while the door was open. *Id.* Although the
10 door was open while sniffing the exterior of the vehicle, Officer Iriarte testified that K-9 Drako
11 initially alerted when looking at the outside of the vehicle’s door. *Id.* However, he further testified
12 that “a smell” was possibly stronger along the inside of the door. *Id.*

14 C. The Search of the Vehicle

15 After K-9 Drako’s alert to the vehicle, Officer Iriarte asked the operator whether there was
16 “anything” in the vehicle. Mot. Hr’g Mins. at 2:09:34 – 22:13PM. After the operator stated that
17 he did not believe that there would be something in the truck, the officers searched the vehicle and
18 found: (1) a baggie in the driver’s side door panel containing suspected methamphetamine; and
19 (2) a bag in the center console with a couple more baggies containing suspected
20 methamphetamines. *Id.* Upon this discovery, Officer Iriarte read the operator his *Miranda* rights,
21 while Officer Jackson did the same with the Defendant.¹ *See* Mot. Hr’g Mins. at 2:22:17 –
22 43:13PM. While unable to recall the duration of the stop or what time they left the scene, Officer
23 Iriarte’s report stated that verbal rights were advised at “0137 hours.” *Id.*

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28 ¹ *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 After advising the Defendant of his rights, Officer Jackson asked him whether he owned
2 the bag that contained the baggies of suspected methamphetamine. *See* Mot. Hr'g Mins. at 2:47:35
3 – 55:34PM. The Defendant denied ownership of the bag. *Id.* Because the operator also denied
4 ownership of the bag, the officers subsequently transported both the operator and the Defendant
5 to GPD's Central Precinct. *See* Mot. Hr'g Mins. at 2:09:34 – 22:13PM.
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7 **D. The Parties' Relief Sought**

8 After the officers testified, the court heard the parties' arguments on the Motion to
9 Suppress. Based on the pleadings and the officers' testimony, the Defendant sought suppression
10 of any statements made and anything that was found at the scene for a few reasons. *See* Mot. Hr'g
11 Mins. at 3:00:57 – 04:36PM.
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13 Essentially, the Defendant argued that “the authority for the seizure for this particular
14 incident ended as soon as the traffic infraction, or any of the things tied to that, were completed.”
15 *See* Mot. Hr'g Mins. at 3:00:57 – 04:36PM. When addressing whether the Defendant consented
16 to officers search his father's truck, he disagreed with the officers' interpretation of whether he
17 did so, stating that “consent to search a vehicle has to be knowing and voluntarily made.” *Id.* Not
18 only does the Defendant argue that he did not consent to this search, he also argues that he never
19 consented to questioning by Officer Jackson. *Id.*
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21 In regards to the free air sniff, the Defendant stated that “nervousness is not in and of itself
22 probable cause to deploy a K-9 unit or prolong the stop.” *See* Mot. Hr'g Mins. at 3:00:57 –
23 04:36PM. Even if the court found that such probable cause existed, the Defendant further argued
24 that K-9 Drako sniffing inside the vehicle, where a person has a reasonable expectation of privacy,
25 was not an appropriate or permissible search. *Id.*
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1 In response, the People argued against suppression of evidence as there was probable
2 cause to search the vehicle. *See* Mot. Hr’g Mins. at 3:04:38 – 08:50PM. First, the People indicated
3 that these trained officers observed nervousness at one in the morning. *Id.* Second, the People
4 noted that there was no testimony that the officers asked the driver to keep the door open to
5 conduct the free air sniff. Rather, it was more likely that the operator left the door open when he
6 asked to check the lights of the vehicle. *Id.* Ultimately, the court took the Motion to Suppress
7 under advisement.
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9 DISCUSSION

10 **A. GPD officers seized Defendant Garcia within the meaning of the Fourth** 11 **Amendment.**

12 The Fourth Amendment provides “the right of the people to be secure in their persons,
13 houses, papers, and effects, against unreasonable searches and seizures, [and] shall not be
14 violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation,
15 and particularly describing the place to be searched, and the persons or things to be seized.” U.S.
16 Const. amend. IV. The Fourth Amendment’s protections against unreasonable searches and
17 seizures apply to Guam through § 1421b(c) of the Organic Act of Guam. *See People v. Yerten*,
18 2021 Guam 8 ¶ 17 (citing *People v. Johnson*, 1997 Guam 9 ¶ 4).
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20 The United States Supreme Court has long held that “[a] person has been ‘seized’ within
21 the meaning of the Fourth Amendment only if, in view of all of the circumstances surrounding
22 the incident, a reasonable person would have believed that he was not free to leave.” *People v.*
23 *Cundiff*, 2006 Guam 12 ¶ 21 (quoting *United States v. Mendenhall*, 446 U.S. 544, 554 (1980)).²
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28 ² For instance, a reasonable person would not believe they are free to leave through a police officer’s use of physical
force or show of authority to restrict a person’s ability to walk away. *See People v. Chargualaf*, 2001 Guam 1 ¶ 21.

1 When reviewing the United States Supreme Court's differentiation between traffic stops
2 under the Fourth Amendment versus the Fifth Amendment, the Guam Supreme Court reasoned
3 that "although a traffic stop was *unquestionably* a seizure within the meaning of the Fourth
4 Amendment, such traffic stops typically are brief, unlike a prolonged station house interrogation,
5 and further, that such traffic stops commonly occur in the public view, in an atmosphere far less
6 'police dominated' than that surrounding the kinds of interrogation at issue in *Miranda* itself."
7 See *People v. Rasauo*, 2011 Guam 1 ¶ 26 (citing *Berkemer v. McCarty*, 468 U.S. 420, 436-39
8 (1984)) (emphasis added).

10 When the officers executed the traffic stop at issue in this case, Officer Iriarte apprised
11 the operator of the reason for the stop before requesting for identification: failure to use turn
12 signals. Pursuant to *Cundiff* and *Rasauo*, the court finds that the Defendant was seized within the
13 meaning of the Fourth Amendment as the officers conducted a traffic stop.

15 **B. The initial traffic stop of the vehicle was lawful under the Fourth Amendment.**

16 Under Guam's Stop and Frisk Act, a peace officer may detain any person "under
17 circumstances which reasonably indicate that such person has committed, is committing or is
18 about to commit a criminal offense." 8 GCA § 30.10. This Act further states that:

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

25 8 GCA § 30.20. When analyzing the legality of seizures, such as detentions under Guam's Stop
26 and Frisk Act, this court utilizes the same standard of reasonable suspicion articulated by the
27 United States Supreme Court in *Terry v. Ohio*. See *People v. Taman*, 2013 Guam 22 ¶ 21.

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1 In *Terry*, the Court found that “reasonable suspicion” existed:

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

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

12 In the initial stages of the traffic stop, the officers observed the vehicle’s failure to use
13 turn signals onto Blas Street. As mentioned earlier, Officer Iriarte apprised the operator of the
14 reason for the stop and requested for identification, which did not match GPD desk watch’s check.
15 It is also noteworthy that the operator requested officers to exit the vehicle and determine for
16 himself whether the signal light actually worked when attempting to turn it on. Based on the
17 totality of these circumstances, the officers had reasonable suspicion that the operator committed
18 a traffic violation when he failed to use turn signals. Therefore, the initial traffic stop was lawful
19 under the Fourth Amendment.

20 **C. Although the stop went beyond the fifteen-minute rule under 8 GCA § 30.30, GPD
21 officers had reasonable articulable suspicion to prolong the stop and conduct a free
22 air sniff of the vehicle’s exterior.**

23 The Defendant first argues that the stop went beyond the fifteen minutes allowed under
24 Guam’s Stop and Frisk Act. *See* Def.’s Mot Suppress at 3–4. Additionally, he argues that there was
25 no probable cause to conduct a free air sniff with K-9 Drako. *See* Mot. Hr’g Mins. at 3:00:57 –
26 04:36PM. To properly address the Defendant’s arguments, the court must analyze the issues in
27 the following order: (1) Did the stop last longer than the fifteen minutes allowed under 8 GCA §
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1 30.30? (2) If so, did the officers have enough reasonable suspicion of criminal activity to prolong
2 the stop to conduct a free air sniff of the vehicle's exterior? (3) If so, did the officers develop
3 probable cause to obviate the fifteen-minute rule?

4 (1) *The stop lasted longer than fifteen minutes.*

5 Under Guam's Stop and Frisk Act, a person's detention shall not be "longer than is
6 reasonably necessary to effect the purposes of that section, and in no event longer than fifteen
7 (15) minutes." 8 GCA § 30.30. Further, "[s]uch detention shall not extend beyond the place where
8 it was first effected or the immediate vicinity thereof." *Id.* To determine how long the traffic stop
9 in this case lasted, the court must review the following timestamps elicited from Officer Iriarte's
10 testimony:
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12 1:01AM – Traffic Stop begins.

13 1:09AM – Officer Iriarte conducts a free air sniff with K-9 Drako.

14 1:11AM – K-9 Drako alerts to the driver's side door panel.

15 1:37AM – Officers find suspected methamphetamine in the vehicle then advise the
16 Defendant and operator of their *Miranda* rights after.
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18 See Mot. Hr'g Mins. at 2:22:17 – 43:13PM. When looking at these timestamps and recalling the
19 testimony from the Motion Hearing, the officers' suspicions regarding the traffic infraction were
20 dispelled when they gave the operator a verbal warning. Because Officer Iriarte testified that he
21 asked the occupants to step out of the vehicle to conduct the free air sniff, the verbal warning for
22 the traffic infraction would have taken place before 1:09AM; meaning the detention for the traffic
23 violation would have lasted no longer than seven minutes. Therefore, the court must next review
24 whether the officers had enough reasonable suspicion to prolong the stop to conduct a free air
25 sniff.
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1 (2) *The officers had enough reasonable suspicion of criminal activity to prolong the stop*
2 *to conduct a free air sniff of the vehicle's exterior.*

3 In deciding whether a defendant was subjected to a subsequent detention after the initial
4 detention for a traffic violation ended, the Guam Supreme Court found that the officer's inquiry
5 into the defendant's illegal activities, unrelated to the traffic violations, "strongly indicates that
6 the original investigation of the traffic violation ended." *People v. Chargualaf*, 2001 Guam 1 ¶
7 19. (citing *United States v. Shabazz*, 993 F.2d 431, 436 (5th Cir. 1993). "After a traffic stop that
8 was justified at its inception, an officer who develops a reasonable, articulable suspicion of
9 criminal activity may expand the scope of an inquiry beyond the reason for the stop and detain
10 the vehicle and its occupants for further investigation." *United States v. Givan*, 320 F.3d 452, 458
11 (3d Cir. 2003). "[A] traffic stop may not be prolonged to conduct a dog sniff absent reasonable
12 suspicion." *United States v. Harris*, 347 F. Supp. 3d 1233, 1237 (S.D. Fla. 2018); *see also*
13 *Rodriguez v. United States*, 135 S.Ct. 1609, 1616 (2015).

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16 Similar to the defendant in *Chargualaf*, officers subsequently detained the Defendant after
17 Officer Iriarte's verbal warning for the traffic violation concluded that original investigation. In
18 addition to Officer Iriarte's prior encounters with the operator and the operator's identification
19 information that did not match desk watch's system, the operator's "quick movements" and
20 darting eyes led Officer Iriarte to believe, based on his training and experience, that he could be
21 under the influence of drugs or alcohol. *See* Mot. Hr'g Mins. at 2:09:34 – 22:13PM. In light of all
22 this, the officers had enough reasonable suspicion to prolong the traffic stop and conduct the free
23 air sniff with K-9 Drako.

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1 (3) *The dog sniff did not violate the Fourth Amendment.*

2 As mentioned earlier, the Defendant argued that K-9 Draco sniffing inside the vehicle,
3 where a person has a reasonable expectation of privacy, was not an appropriate or permissible
4 search. *See* Mot. Hr’g Mins. at 3:00:57 – 04:36PM.

5 “Accordingly, the use of a well-trained narcotics-detection dog—one that ‘does not
6 expose noncontraband items that otherwise would remain hidden from public view,’ during a
7 lawful traffic stop, generally does not implicate legitimate privacy interests.” *Illinois v. Caballes*,
8 543 U.S. 405, 409, 125 S. Ct. 834, 838, 160 L. Ed. 2d 842 (2005) (internal citation omitted). “A
9 dog sniff in which the dog trespasses onto defendant’s property does not violate the Fourth
10 Amendment when the dog’s trespassory actions were instinctual, and not due to encouragement
11 or orchestration by its handler or by officers, including, for example, opening a point of entry
12 used by the dog.” *United States v. Corbett*, 718 F. Supp. 3d 537, 562–63 (S.D.W. Va. 2024).

13 While questioning Officer Iriarte, defense counsel read aloud the following passage from
14 his report: “K-9 Draco then pulled towards the outer portion of the open door, and wrapped
15 around to sniff the inner door panel. I noted that K-9 Draco inadvertently intended to push his
16 nose into the driver’s side door panel.” *See* Mot. Hr’g Mins. at 2:22:17 – 43:13PM. In response
17 to this, Officer Iriarte clarified that:

18 [T]he initial alert that I observed was outside. But like I said, he’s trained to go to
19 source. I don’t guide him at all. I just let him work, let him do his thing; find. So,
20 once he smells it, he’s trying to go everywhere to find where it’s at. So, that was
21 his doing. [inaudible] A smell was possibly stronger inside along the door, so he
22 went and he tried to find source.

23 *See* Mot. Hr’g Mins. at 2:22:17 – 43:13PM. Pursuant to *Corbett* and Officer Iriarte’s testimony,
24 K-9 Draco’s sniff of the inner door panel was instinctual rather than an action encouraged by
25 Officer Iriarte. Therefore, the court finds that K-9 Draco’s free air sniff was lawful.
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1 (4) *The officers developed probable cause to obviate the fifteen-minute rule.*

2 The People argued that, upon K-9 Draco's alert, the officers' discovery of the controlled
3 substance in the door panel "justified a more extensive search of the vehicle." Ppl.'s Opp'n at 3.
4 The People further argued at the Suppression Hearing that there was probable cause to search the
5 vehicle without a warrant. *See* Mot. Hr'g Mins. at 3:04:38 – 08:50PM.
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7 "[A]s a matter of law, the development of probable cause obviates the fifteen-minute limit
8 imposed by Guam's Stop and Frisk Act on investigative detentions that are supported by
9 reasonable suspicion, because the appearance of probable cause transforms the nature of the
10 detention and thereby removes the encounter from the strict parameters of the statute." *Taman*,
11 2013 Guam 22 ¶ 27.
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13 "[E]ven when the dog alert occurs during a warrantless sniff on 'the exterior of a vehicle
14 during a lawful traffic stop,'" that alert gives rise for an officer's probable cause to search a
15 vehicle. *United States v. Stewart*, 473 F.3d 1265, 1270 (10th Cir. 2007) (citing *United States v.*
16 *Williams*, 403 F.3d 1203, 1207 (10th Cir.2005); *see also Caballes*, 543 U.S. at 409, 125 S. Ct. at
17 834, 160 L. Ed. 2d 842). "A dog sniff conducted during a concededly lawful traffic stop that
18 reveals no information other than the location of a substance that no individual has any right to
19 possess does not violate the Fourth Amendment." *Caballes*, 543 U.S. at 410, 125 S. Ct. at 838,
20 160 L. Ed. 2d 842.
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22 As stated earlier, K-9 Draco alerted to the driver's side door panel of the vehicle around
23 1:11AM. In addition to the totality of the circumstances above that formed the officers' reasonable
24 suspicion to prolong the traffic stop, the officers would have obtained probable cause to search
25 the vehicle when K-9 Draco alerted based on the United States Supreme Court's reasoning in
26 *Caballes*. Therefore, the court finds that probable cause existed to search the rest of the vehicle.
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1 **D. Although Defendant Garcia did not validly consent to a warrantless search of the**
2 **vehicle, GPD officers had probable cause to conduct a warrantless search of**
3 **Defendant Garcia's vehicle pursuant to the Automobile Exception to the warrant**
4 **requirement.**

5 “A search or seizure made without a warrant is per se unreasonable unless it falls within
6 the specifically established and well delineated exceptions.” *Cundiff*, 2006 Guam 12 ¶ 26 (citing
7 *Katz v. United States*, 389 U.S. 347, 357 (1967)). When addressing searches of a residence, the
8 United States Supreme Court noted that common authority rests

9 on mutual use of the property by persons generally having joint access or control
10 for most purposes, so that it is reasonable to recognize that any of the co-inhabitants
11 has the right to permit the inspection in his own right and that the others have
12 assumed the risk that one of their number might permit the common area to be
13 searched.

14 *People v. Quintanilla*, 2020 Guam 8 ¶ 28 (citing *United States v. Matlock*, 415 U.S. 164, 171 n.7
15 (1974)). Pursuant to *Matlock's* rationale, the Eleventh Circuit “held that where a driver who was
16 not the owner of a vehicle consented to a search and the actual owner of the vehicle, who was a
17 passenger, did not object, the consent was valid.” *Id.* (citing *United States v. Dunkley*, 911 F.2d
18 522, 526-27 (11th Cir. 1990) (per curiam)).

19 In this case, the Defendant was not the operator of the vehicle; he was the passenger. The
20 Defendant argues that he did not consent to a search of the vehicle as someone with a “legitimate
21 privacy interest in the vehicle.” Def.’s Mot. Suppress at 6. Although Officer Iriarte testified that
22 he did not ask for permission to search the vehicle, he also indicated that the operator “never said
23 not to.” See Mot. Hr’g Mins. at 2:09:34 – 22:13PM. The court agrees that this statement is not the
24 type of knowing and voluntary consent needed to permit the officers’ warrantless search of the
25 vehicle. However, consent is only one of several exceptions to the warrant requirement for
26 searches under the Fourth Amendment.
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1 “If there is probable cause to believe a vehicle contains evidence of criminal activity,’
2 agents can search without a warrant ‘any area of the vehicle in which the evidence may be
3 found.’” *United States v. Polanco*, 634 F.3d 39, 42 (1st Cir. 2011) (discussing *United States v.*
4 *Ross*, 456 U.S. 798, 820–21, 102 S.Ct. 2157, 72 L.Ed.2d 572 (1982)). This is known as the
5 Automobile Exception to the search warrant requirement. *Id.* To search a vehicle’s passenger
6 compartment, the Supreme Court of the United States held that “police officers with probable
7 cause to search a car may inspect passengers’ belongings found in the car that are capable of
8 concealing the object of the search.” *Wyoming v. Houghton*, 526 U.S. 295, 307, 119 S. Ct. 1297,
9 1304, 143 L. Ed. 2d 408 (1999).
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11 Although no one consented to a search of the vehicle, the officers had sufficient probable
12 cause to search the rest of the vehicle for illegal controlled substances based on K-9 Drako’s alert
13 to the vehicle, the officer’s observations of the occupants’ demeanors, and the incorrect
14 identification provided by the operator. Therefore, the warrantless search of the rest of the vehicle
15 was valid.
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17 **E. GPD officers obtained no statements from Defendant Garcia in violation of *Miranda*.**

18 Under the Fifth Amendment, “No person shall be compelled in any criminal case to be a
19 witness against [themselves].” U.S. Const. amend. V. *Miranda v. Arizona*, 384 US 436 (1966),
20 protects an individual’s fifth amendment right against self-incrimination by preventing the
21 admissibility of statements made while a defendant was in custody during an interrogation.
22 Custodial interrogation occurs when law enforcement officers question a person after he or she
23 has been taken into custody or otherwise deprived of his or her freedom of action in any significant
24 way. *See People v. Farata*, 2007 Guam 8 ¶ 20.
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26 When determining whether a person is in custody, the “ultimate inquiry” is whether there
27 was “a formal arrest or restraint on freedom of movement of the degree associated with a formal
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1 arrest.” *People v. Towai*, 2024 Guam 9 ¶ 20 (quoting *People v. Santos*, 2003 Guam 1 ¶ 51). As
2 mentioned above, “a traffic stop was unquestionably a seizure within the meaning of the Fourth
3 Amendment... [because] such traffic stops typically are brief, unlike a prolonged station house
4 interrogation.” *Rasauo*, 2011 Guam 1 ¶ 26. For purposes of *Miranda*, however, “such traffic stops
5 commonly occur in the public view, in an atmosphere far less ‘police dominated’ than that
6 surrounding the kinds of interrogation at issue in *Miranda* itself.” *Id.*

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8 “‘[I]nterrogation’ under *Miranda* refers not only to express questioning, but also to any
9 words or actions on the part of the police (other than those normally attendant to arrest and
10 custody) that the police should know are reasonably likely to elicit an incriminating response.”
11 *Farata*, 2007 Guam 8 ¶ 36 (quoting *Rhode Island v. Innis*, 446 U.S. 291, 300-01 (1980)).

12
13 Prior to *Mirandizing* the Defendant, the only questions Officer Jackson asked him for his
14 driver’s license, whether the Defendant owned the tan bag while he retrieved his wallet from
15 inside of it, and to step out of the vehicle. *See* Mot. Hr’g Mins. at 2:47:35 – 55:34PM. Officer
16 Jackson asked about the vehicle’s owner *after* he *Mirandized* the Defendant. *See* Magistrate’s
17 Compl, Aff. (Dec. 12, 2025). Therefore, GPD officers did not obtain any statements from the
18 Defendant in violation of *Miranda*.
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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 July 29, 2026, at 10:00 AM.

JUN 17 2026

SO ORDERED, _____.



HONORABLE ALBERTO E. TOLENTINO
Judge, Superior Court of Guam

SERVICE VIA E-MAIL

acknowledge that an electronic
Copy of the original was e-mailed to

AGS H.M. Benitez

JUN 17 2026 Time: *3:23 PM*
date **Evan L. Topasna**

Deputy clerk, Superior Court of Guam