

FILED  
SUPERIOR COURT  
OF GUAM

2019 MAY 13 PM 4:44

CLERK OF COURT

By: 

**IN THE SUPERIOR COURT OF GUAM**

PEOPLE OF GUAM,

CRIMINAL CASE NO. CF 0331-18

vs.

**BRYAN DAVID KELLER,**  
DOB: 02/19/1974

**DECISION AND ORDER**

Defendant.

**INTRODUCTION**

This matter came before the Honorable Arthur R. Barcinas on February 12, 2019, upon Defendant's Motion to Dismiss ("Motion") filed October 29, 2018. Defendant Bryan David Keller ("Defendant") was represented by Attorney Samuel S. Tekker. Assistant Attorney General Jeremiah Luther represented the People of Guam ("the People"). Having reviewed the pleadings and having heard oral arguments and testimony in this matter, the Court issues the following Decision and Order.

**BACKGROUND**

On June 21, 2018, Defendant Bryan David Keller was charged with two counts of AGGRAVATED ASSAULT (as a Third Degree Felony) with a SPECIAL ALLEGATION: Possession or Use of a Deadly Weapon in the Commission of a Felony. See Superseding Indictment (Jun. 21, 2018). According to the Declaration attached to the Magistrate Complaint, the charges against the Defendant are based upon an altercation that transpired between the Defendant and Goodman Junior A. Sawata ("Mr. Sawata" or "victim"), wherein the Defendant brandished a knife and attacked the victim, causing the victim to suffer a laceration on the left side of his chest. See Magistrate Complaint (May 25, 2018).

1 In or around May 24, 2018, at approximately 7:30 p.m., the Defendant and his  
2 girlfriend, Elsie Cabrera (“Ms. Cabrera”) arrived at Ypao Breeze Inn to try and secure a room  
3 for the night. At that time, the Defendant and Ms. Cabrera were homeless and living in their  
4 car. While they were waiting inside their car to speak to the owner about staying at the hotel,  
5 Mr. Sawata – an employee of Ypao Breeze Inn – and another individual approached the vehicle  
6 from behind and allegedly asked the couple to leave the premises. Mr. Sawata approached the  
7 driver’s side of the vehicle – where the Defendant was seated – and an argument ensued. At  
8 some point during the altercation, the Defendant exited the vehicle. Mr. Sawata then allegedly  
9 shoved the Defendant, trying to close the car door. Thereafter, the Defendant struck Mr.  
10 Sawata with a pocket knife and stabbed Mr. Sawata in the chest area causing injury. The Guam  
11 Police Department was called and after investigating the incident, arrested the Defendant.

12 On October 29, 2018, the Defendant filed the instant motion requesting that the Court  
13 dismiss this case pursuant to the presumptions afforded by Guam’s Castle Doctrine.  
14 Specifically, the Defendant asserts that he is entitled to the presumption that he was in fear of  
15 harm when he used force to defend his occupied vehicle and therefore, immune from  
16 prosecution. On November 13, 2018, the People filed their Opposition to the Defendant’s  
17 Motion to Dismiss. In their Opposition, the People argue that immunity under Guam’s Castle  
18 Doctrine does not extend to outside of the vehicle. In other words, the People maintain that  
19 Guam’s Castle Doctrine does not afford the Defendant immunity protection because he exited  
20 his vehicle in order to engage the victim. The Defendant’s Reply to the People’s Opposition  
21 was filed on November 13, 2018.

22 On February 12, 2019, a hearing was held on the Defendant’s Motion to Dismiss. At  
23 the hearing, the Court heard testimony from both the Defendant and Ms. Cabrera. At the  
24 conclusion of the hearing, the Court took the matter under advisement.

### 25 DISCUSSION

26 Guam’s Castle Doctrine (“Castle Doctrine” or “the Act”), as codified at 9 GCA §§  
27 7.111-7.114, allows a person, under certain circumstances, to use defensive force to protect  
28

1 themselves and others against “intruders and attackers without fear of prosecution or civil  
2 action.” 7 GCA § 7.111. The Act provides:

3 (a) A person is presumed to have held a reasonable fear of imminent peril of  
4 death or serious bodily injury to himself or herself or another when using  
5 defensive force that is intended or likely to cause death or serious bodily  
6 injury to another if:

7 (1) The person against whom the defensive force was used was in the process  
8 of unlawfully and forcefully entering, or had unlawfully or forcefully  
9 entered, *a business, residence, or occupied vehicle*, or if that person had  
10 removed or was attempting to remove another against that person’s will  
11 from *the business, residence, or occupied vehicle*; and

12 (2) The person who uses defensive force knew or had reason to believe that  
13 an unlawful and forcible entry or unlawful and forcible act was occurring  
14 or had occurred.

15 9 GCA § 7.112(a) (emphasis added).

16 In this case, the issue before the Court is whether the protections of the Castle Doctrine  
17 extend outside of a vehicle. In other words, the Court must determine whether the Act provides  
18 immunity to a defendant who uses force against an unlawful intruder when the Defendant exits  
19 the vehicle that he is occupying to engage another. Here, both parties agree, and the Defendant  
20 conceded, that the Defendant exited the vehicle and was outside of the vehicle when the  
21 Defendant engaged the victim. Therefore, if the outside areas of a vehicle are included within  
22 the reach of the Castle Doctrine, then the Defendant is entitled to the immunities afforded  
23 under the Act.

24 Accordingly, the Court will turn its analysis to a statutory interpretation of Guam’s  
25 Castle Doctrine. When determining the meaning and application of statutes, the Court’s  
26 primary duty is “to interpret statutes in light of their terms and legislative intent.” Carlson v.  
27 Guam, 2002 Guam 15 ¶ 46 n.7. If a statute is unambiguous, then the judicial inquiry into the  
28 meaning of the statute is complete. People v. Quichocho, 1997 Guam 13 ¶ 5. In order to  
determine whether a statute is ambiguous, the Court must examine the language of the statute  
and the structure of the law as a whole including its object and policy. Id. The inquiry into  
whether a statute is ambiguous begins with a look at the plain meaning of the language in

1 question, and, when looking at the language, the Court must determine if the language is plain  
2 and unambiguous. Aguon v. Gutierrez, 2002 Guam 14 ¶ 6; see also People v. Camacho, 2015  
3 Guam 37 ¶ 31 (quoting Enriquez v. Smith, 2012 Guam 15 ¶ 11) (“It is cardinal rule of statutory  
4 construction that courts must look first to the language of the statute itself. Absent clear  
5 legislative intent to the contrary, the plain meaning prevails.”). The Court will hold to the plain  
6 meaning of the statutes in the absence of “clear legislative intent to the contrary.” Id.

7 To determine legislative intent, the Court must read a statute “as a whole” and  
8 “construe each section in conjunction with other sections.” Sumitomo Constr. Co. v. Gov’t of  
9 Guam, 2001 Guam 23 ¶ 15. However, “[n]otwithstanding the deference due the plain-meaning  
10 of statutory language . . . such language need not be followed where the result would lead to  
11 absurd or impractical consequences, untenable distinctions, or unreasonable results.” Id.

12 Guam’s Legislature specified its intent in enacting the Castle Doctrine by codifying its  
13 Legislative Findings and Intent in 9 GCA § 7.111. The Legislature found it proper for “people  
14 to protect themselves, their families, and others from intruders and attackers without fear of  
15 prosecution or civil action from acting in defense of themselves and others.” 9 GCA § 7.111.  
16 The Legislature also recognized that the Castle Doctrine is a “common-law doctrine of ancient  
17 origins that declares that a person’s home is his or her castle.” Id. Thus, it was the intent of the  
18 Legislature “that no person or victim of crime should be required to surrender his or her  
19 personal safety to a criminal, nor should a person or victim be required to needlessly retreat in  
20 the face of intrusion or attack.” Id.

21 In accordance with the Legislative Findings and Intent, the statute clearly specifies that  
22 the defense provided for under Guam’s Castle Doctrine applies only in the areas of a “business,  
23 residence, or occupied vehicle. See 9 GCA §§ 7.112-7.114. Additionally, the statute defines the  
24 term “habitable property” as used throughout the Act, defining the term as follows:

25 *Habitable property*, as used in this Section, are limited to business buildings, for  
26 which the victim has beneficial control and use; and residences, vehicles and  
27 house boats for which the victim has a legal right to occupy. . . . *Habitable*  
28 *property*, as used in this Section, **does not include** yards or outdoor spaces  
surrounding business buildings, residences, vehicles or house boats.

1 Id. at § 7.112(d)(1) (emphasis added). Thus, the plain language of the statute is clear that the  
2 protections afforded under Guam’s Castle Doctrine do not apply when force is used in yards or  
3 outdoor spaces that surround business buildings, residences, *vehicles*, or house boats.

4 The Defendant cites to Newell v. State, 49 So. 3d 66 (Miss. 2010) in support of his  
5 position that the presumptions under the Castle Doctrine still apply to defensive activity that  
6 occur outside of a vehicle. The Newell case involved a defendant who exited his vehicle and  
7 used deadly force to defend against threats and attacks by the victim. The Newell court held  
8 that, under Mississippi’s Caste Doctrine, “[i]f the occupant is still in danger after exiting the  
9 vehicle, and his is still in the immediate premises thereof, he should be allowed to use  
10 reasonable force to defend against the danger and still be presumed to have acted in reasonable  
11 fear of imminent death or great bodily harm.” Id. at 76-77 (quotations omitted).

12 The Court finds the case proffered by the Defendant not persuasive. In People v. Xo Isi  
13 John, 2016 Guam 41, the Supreme Court of Guam considered whether a porch or patio is within  
14 the reach of Guam’s Castle Doctrine. There, the Supreme Court held that because the Act  
15 specifies that a residence is habitable property and habitable property *does not include yards or*  
16 *outdoor spaces*, an attached porch “is not included within the province of the Caste Doctrine  
17 Act as adopted in Guam.” Id. at ¶ 60-62 (citing 9 GCA § 7.111-7.114). Applying the Supreme  
18 Court’s interpretation of the Act to the facts of this case, Guam’s Castle Doctrine therefore,  
19 does not extend immunity to the areas outside of a vehicle.

20 Unlike Mississippi’s Castle Doctrine in Newell, Guam’s Castle Doctrine does not  
21 contemplate immunity outside of the areas defined as habitable property. Guam’s Castle  
22 Doctrine does not apply to an individual who leaves his residence to confront an individual on  
23 his porch or front yard, and the Court will not extend more protection to a vehicle in a parking  
24 lot than to an individual’s home. A plain reading of Guam’s Castle Doctrine clearly states that  
25 protection does not apply to the curtilage areas of habitable property. As determined above, both  
26 parties agree, and the Defendant conceded, that the Defendant exited the vehicle and was  
27 outside of the vehicle when the Defendant engaged the victim. Because justification under  
28 Guam’s Castle Doctrine does not apply to defensive force used outside a vehicle, the Defendant,

1 based on the facts presented to the Court, is not entitled to the presumptions and protections  
2 afforded under Guam's Castle Doctrine. Accordingly, the Court **DENIES** the Defendant's  
3 Motion to Dismiss.

4 **CONCLUSION**

5 For the reasons set forth above, the Defendant's Motion to Dismiss is **DENIED**.

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7 **IT IS SO ORDERED**           MAY 13 2019          .

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13 **HONORABLE ARTHUR R. BARCINAS**  
14 **Judge, Superior Court of Guam**

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24 **SERVICE VIA COURT BOX**

I acknowledge that a copy of the original hereto was placed in the court box of:

25           A. S. Teke          

26 Date: 5/13/19 Time: 4:45

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28 Deputy Clerk, Superior Court of Guam