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SUPERIOR COURT
OF GUAM

IN THE SUPERIOR COURT OF GUAM

PEOPLE OF GUAM,

CRIMINAL CASE NO. CF0664-21

vs.

DECISION AND ORDER

FREDERICO SANTOS MANGLONA, JR.
aka Federico Santos Manglona aka
Federico Manglona Santos aka Fred aka
Federico Santos Jr. Manglona aka
Federico,

Defendant.

INTRODUCTION

This matter came before the Honorable Vernon P. Perez on October 10, 2024, for hearing on Defendant **FREDERICO SANTOS MANGLONA, JR. aka Federico Santos Manglona aka Federico Manglona Santos aka Fred aka Federico Santos Jr. Manglona aka Federico's** ("Defendant") Motion to Suppress. Present were Assistant Attorney General Sean E. Brown on behalf of the People of Guam ("the Government") and Defendant with counsel, Deputy Public Defender John P. Morrison. Having reviewed the pleadings, the arguments presented, and the record, the Court now issues the following Decision and Order.

BACKGROUND

On January 3, 2022, Defendant was indicted with the following charges: (1) Possession with Intent to Deliver a Schedule II Controlled Substance (As a First Degree Felony); (2) Possession of a Schedule II Controlled Substance (As a Third Degree Felony); and (3) Operating

1 a Motor Vehicle without a Valid Operator’s License (As a Violation). (Indictment, Jan. 3, 2022).
2 The two felony charges also have an attached Notice: Commission of a Felony While on Felony
3 Release. *Id.*

4 On September 5, 2024, Defendant filed the instant Motion. On September 19, 2024, the
5 Government filed its Opposition, and on September 26, 2024, Defendant filed his Reply.

6 On October 10, 2024, the Court heard sworn testimony from Guam Police Department
7 (“GPD”) Officer Greg Peter Calvo (“Officer Calvo”). The Court ascertained the following facts
8 from Officer Calvo’s testimony:

- 9 1. Around 2:30 in the morning, Officer Calvo observed a grey Volvo with a defective
10 brake light in Sinajana village. The vehicle was driving towards Route 4 past the
11 Tutujan Quick Stop store. Officer Calvo indicated the traffic light was red as they
12 were approaching and then turned green, allowing them to turn left. Officer Calvo
13 indicated that one of the brake lights did not illuminate when the vehicle was
14 beginning to slow down as they approached the traffic light. Officer Calvo testified
15 he could visibly see the car slowing down because of the red traffic light. Officer
16 Calvo testified that there was one defective brake light on the vehicle; there was
17 another brake light still working. Officer Calvo could not recall if the Volvo also had
18 a brake light in the rear window.
- 19 2. Officer Calvo followed the vehicle and executed a traffic pullover at the Agana
20 McDonalds parking lot.
- 21 3. Officer Calvo did not stop the vehicle earlier because he did not think it would be safe
22 to activate the emergency lights in the middle of the intersection and for Defendant to
23 have made an immediate right from the inner lane into the 76 Gas Station. Officer
24 Calvo testified that the McDonalds parking lot was lit up with lights.
- 25 4. Officer Calvo approached the driver’s side of the vehicle and immediately noted a
26 strong smell of what he believed to be marijuana. Officer Calvo informed the operator,
27 Defendant, the reason for the traffic pullover.

- 1 5. Officer Calvo indicated that as he was approaching the vehicle, he thought the operator
2 might be under the influence because of the smell, however, Defendant did not display
3 any signs that he was under the influence of marijuana while they were speaking.
- 4 6. Defendant informed Officer Calvo that he had purchased the vehicle two to three
5 weeks prior to the pull over. Officer Calvo tried to get in touch with the registered
6 owner of the vehicle to make sure that the information was accurate. Officer Calvo
7 testified that while there may be instances where he would step away to his vehicle to
8 make a phone call, he would have been comfortable making the phone call in front of
9 him because their interaction was not hostile. Officer Calvo did not recall being able
10 to get ahold of the registered owner.
- 11 7. Officer Calvo estimated that five to ten minutes may have passed from initially pulling
12 over the Volvo and trying to contact the registered owner.
- 13 8. While speaking with Defendant, Officer Calvo illuminated the inside of the vehicle
14 with his flashlight and observed a black fanny pack with a beveled straw that contained
15 a white powdery substance. The fanny pack was hanging on the gear shifter on the
16 driver's side near Defendant's knee area. Officer Calvo indicated the straw was clear
17 with a blue line and it was beveled (cut). Officer Calvo testified the straw was sticking
18 out of the fanny pack and that he could clearly see the white powdery substance inside.
19 Officer Calvo testified that based on his training and experience, he believed the white
20 powdery substance to be methamphetamine. Officer Calvo testified that the straw was
21 2-3 inches sticking out of the fanny pack. Officer Calvo indicated he never saw the
22 complete straw. Officer Calvo indicated he has never seen anyone keep sugar in a
23 straw that way.
- 24 9. Officer Calvo could not recall if the fanny pack had more than one compartment.
25 Officer Calvo was not sure what caused the straw to stick out because he could not see
26 inside the fanny pack. Officer Calvo testified that the straw was at a slant pointed
27 upwards from the fanny pack.
- 28

- 1 10. Officer Calvo asked Defendant to search the vehicle, which Defendant refused.
2 Officer Calvo advised Defendant he was being arrested and asked him to step out of
3 the vehicle.
- 4 11. Officer Calvo testified that the initial arrest was based on the traffic violation. Officer
5 Calvo did not arrest Defendant for DWI.
- 6 12. Defendant did not provide Officer Calvo with a driver's license.
- 7 13. Officer Calvo was not part of any subsequent search of the vehicle. Officer Calvo was
8 with Defendant while the search was conducted. Officer Calvo did not seize any items
9 from the vehicle. Officer Calvo later arrested Defendant for possession after a field
10 test was conducted by another GPD Officer.
- 11 14. Officer Calvo did not recall requesting for any back up at any point during his
12 interaction with Defendant, however, other officers showed up at the traffic stop either
13 because they saw his vehicle or heard him on the radio.
- 14 15. Officer Calvo was familiar with Defendant from prior instances but was not aware he
15 was the driver prior to the traffic stop. Officer Calvo did not identify the operator of
16 the vehicle until he approached the driver. Defendant did not need to identify himself;
17 Officer Calvo already knew who Defendant was because he previously arrested
18 Defendant for possession of methamphetamine. Officer Calvo testified that although
19 he was aware of Defendant in this way, he did not immediately think that Defendant
20 had methamphetamine on him.
- 21 16. Officer Calvo testified that he always uses his flashlight to illuminate a vehicle even
22 if the area is well lit when working night shift. Officer Calvo testified he illuminates
23 the inside of vehicles as he interacts with the operator of a vehicle, as he is concerned
24 about where the operator may reach for weapons during a traffic pullover.

DISCUSSION

25
26 Defendant moves the Court to suppress the evidence seized in this matter, arguing that
27 Officer Calvo did not have reasonable suspicion to effectuate a traffic stop because no traffic
28 violation had occurred. *See generally*, Mot. Suppress, Sep. 5, 2024; Reply, Sept. 26, 2024.

1 The Fourth Amendment to the U.S. Constitution “protects against unreasonable searches
2 and seizures and is made applicable to Guam via section 1421(b)(c) of the Organic Act of Guam.”
3 *People v. Chargualaf*, 2001 Guam 1 ¶ 14 (internal citations omitted). Brief investigative
4 detentions are permitted under the Fourth Amendment “when a police officer has reasonable
5 suspicion that an individual was engaged in or is about to be engaged in illegal conduct.” *People*
6 *v. Johnson*, 1997 Guam 9 ¶ 4 (citing *Terry v. Ohio*, 392 U.S. 1 (1968)). As a general matter, the
7 decision to stop an automobile without a warrant is reasonable where the police have probable
8 cause to believe that a traffic violation has occurred. Further, it is reasonable to stop a car where
9 the police merely have a reasonable suspicion to believe the driver has committed a traffic
10 violation.” *Chargualaf*, 2001 Guam 1 ¶ 17 (citations omitted). “In order to determine whether
11 an officer had reasonable suspicion sufficient to warrant a traffic stop, the court must look at the
12 totality of the circumstances, taking into account the facts known to the officers from personal
13 observation.” *Johnson*, 1997 Guam 9 ¶ 6 (citation and quotation marks omitted). Furthermore,
14 the reasonable suspicion must exist at the time the stop was initiated. *Id.* (citation omitted).

15 In this case, Officer Calvo executed a traffic stop after observing that one of the brake
16 lights on Defendant’s vehicle was not working. Thus, the issue before the Court is whether one
17 inoperable brake light provides reasonable suspicion for the effectuation of a traffic stop. The
18 Government concedes that driving with only one functional brake light may not be a traffic
19 violation in of itself but argues that the inoperable brake light nonetheless provided a valid
20 justification for the stop because an inoperable brake light would have led to a failed safety
21 inspection. (Opp’n at 4, Sept. 19, 2024).

22 As an initial matter, although Defendant argues that one inoperable brake light does not
23 equate to a traffic violation because 16 GCA Section 3201(d) requires only one brake light, *see*
24 *Mot. Suppress* at 3, the Court notes that the purpose of section 3201 is to require vehicles traveling
25 during periods of time where there is not sufficient natural light so that the vehicle is visible to
26 others. *See* 16 G.C.A. 3201(a). Section 3201(d) does not specifically reference “brake lights” or
27 “stop lamps” and also requires that the rear lamp and license plate lamp to “be turned on or off
28 by the same control switch whenever head lamps are lighted.” *Id.* Guam’s vehicle code defines

1 a rear lamp as “a light located upon the rear of a motor vehicle, trailer, or semitrailer, so arranged
2 as to show red to the rear. A red reflector shall not be considered a rear lamp.” 16 G.C.A. §
3 1102(aa). Title 16 GCA Chapter 3’s provisions regarding brakes in motor vehicles do not include
4 any specific requirements as to brake lights. *See* 16 G.C.A. §§ 3205 & 3206. Guam’s vehicle
5 code does provide, however, that:

6 (a) The operator of any vehicle upon a highway shall, before starting, **stopping** or
7 turning from a direct line, first see that such movement can be made in safety and,
8 if any pedestrian may be affected by such movement, shall give a clearly audible
9 warning signal, and whenever the operator of any other vehicle approaching or
10 following may reasonably be affected by such movement, **shall give a signal**, as
11 required in this Section, **plainly visible to the operator of such other vehicle to**
12 **indicate such intention to make such movement.**

13 (b) Any stop or turn signal required by this Section shall be given **either by means**
14 **of hand and arm, or by signal lights, or a mechanical signal device** that clearly
15 indicates to both approaching and following traffic intention to turn right or left ...

16 (c) Any stop or turn signal required by this Section shall be given either by means
17 of the hand and arm or by a signal light or mechanical signal device, but when a
18 vehicle is so constructed or loaded that a hand-and-arm signal would not be visible
19 both to the front and rear of such vehicle, then the signals must be given by a light
20 or signal device.

21 (d) All signals required by this Section when given by hand and arm shall be given
22 from the driver side of the motor vehicle in the following manner, and such signals
23 shall indicate as follows:

24 (1) Left turn, hand and arm extended horizontally;

25 (2) Right turn, hand and arm extended upward;

26 **(3) Stop or decrease speed, hand and arm extended down ward.**

27 16 G.C.A. § 3324 (emphasis added). Thus, Guam law does not require vehicles to have more
28 than one brake light. Rather, Guam law simply requires that the driver of the vehicle ensure that
his or her vehicle’s intended movement, whether it be stopping or turning, be plainly visible to
any other operator either by means of hand and arm *or* by signal lights *or* by a mechanical device.
Much of Guam’s current vehicle code regarding vehicle equipment and the rules of the road were
enacted into law in 1950’s. While some sections have been amended since then, Guam’s vehicle

1 code does not have any specific reference to “brake lights” or “stop lamps,” unlike other
2 jurisdictions.¹ *See, e.g.*, S.D. Codified Laws § 32-17-8.1 (“Except for a vehicle equipped with a
3 slow-moving vehicle emblem in compliance with §§ 32-15-20 and 32-15-21, each motor vehicle,
4 trailer, semitrailer, and pole trailer shall be equipped with at least two stop lamps with at least one
5 on each side. . . . Each stop lamp shall display a red light visible from a distance of not less than
6 three hundred feet to the rear in normal sunlight, except for a moped, which shall be visible from
7 a distance of not less than one hundred fifty feet. Each stop lamp shall be actuated upon
8 application of the brake which may be incorporated with one or more rear lamps. A violation of
9 this section is a petty offense.”); Fla. Stat. Ann. § 316.234 (“Any vehicle may be equipped and,
10 when required under this chapter, shall be equipped with a stop lamp or lamps on the rear of the
11 vehicle which shall display a red or amber light, visible from a distance of not less than 300 feet
12 to the rear in normal sunlight, and which shall be actuated upon application of the service (foot)
13 brake, and which may but need not be incorporated with one or more other rear lamps.”); N.C.
14 Gen. Stat. Ann. § 20-129 (“No person shall sell or operate on the highways of the State any motor
15 vehicle manufactured after December 31, 1955, and on or before December 31, 1970, unless it
16 shall be equipped with a stop lamp on the rear of the vehicle. No person shall sell or operate on
17 the highways of the State any motor vehicle, manufactured after December 31, 1970, unless it
18 shall be equipped with stop lamps, one on each side of the rear of the vehicle. . . . The stop lamps
19 shall emit, reflect, or display a red or amber light visible from a distance of not less than 100 feet
20 to the rear in normal sunlight, and shall be actuated upon application of the service (foot) brake.
21 The stop lamps may be incorporated into a unit with one or more other rear lamps.”); Ind. Code
22 Ann. § 9-19-6-17 (“A motor vehicle may be equipped, and when required under this chapter must
23 be equipped, with a stop lamp or lamps on the rear of the vehicle that: (1) displays only a red
24 light, visible from a distance of not less than one hundred (100) feet to the rear in normal sunlight;
25 (2) will be actuated upon application of the service (foot) brake; and (3) may be incorporated with

27 ¹ Automobiles manufactured today typically have three rear brake lights. *See, e.g., State v. Burger*, 921 So. 2d 847,
28 849 (Fla. Dist. Ct. App. 2006) (“[S]ince the enactment of these statutes, most automobiles manufactured today are
equipped with three rear brake lights as a standard feature.”).

1 at least one (1) other rear lamp.”). Each of these statutes clearly demonstrate a specific
2 requirement for a brake light or brake lights, unlike Guam’s vehicle code. Thus, Officer Calvo
3 was incorrect in his belief that Guam law requires *all* brake lights to be operational on the
4 roadway. The Court’s analysis, however, does not end here.

5 “[T]he ultimate touchstone of the Fourth Amendment is reasonableness. To be reasonable
6 is not to be perfect, and so the Fourth Amendment allows for some mistakes on the part of
7 government officials, giving them fair leeway for enforcing the law in the community’s
8 protection.” *Hein v. North Carolina*, 574 U.S. 54, 60-61 (2014) (internal citations omitted). “The
9 Fourth Amendment tolerates only *reasonable* mistakes, and those mistakes – whether of fact or
10 of law – must be *objectively* reasonable.” *Id.* at 66 (emphasis in original). Thus, the issue before
11 the Court is whether Officer Calvo’s mistake of law was *objectively* reasonable. The Court finds
12 not.

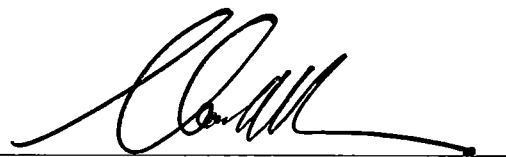
13 The Government argues that “[s]topping a vehicle an officer knows does not comply with
14 safety standards is reasonable for the purpose of checking for a current safety inspection.” (Opp’n
15 at 4). Although vehicles are required to go through safety inspections to ensure they are
16 functioning properly, these inspections are conducted on an annual basis with certain exceptions,
17 and a failed safety inspection would lead to the owner of the vehicle unable to renew any
18 registration. *See* 16 G.C.A. § 3601(a) (setting forth vehicles are to be inspected upon initial
19 registration; annually thereafter; and following a collision if extensive repairs are necessitated) &
20 (d) (“The Director of Revenue and Taxation is authorized to suspend the registration of any motor
21 vehicle . . . which does not have a current certificate of safety inspection and approval, or which
22 does not display any required decalcomania or other identification with reference to inspection
23 status. . .). As Defendant sets forth in his Reply, “[t]here is no legal requirement that a vehicle on
24 the road pass a hypothetical safety [inspection] at every time imaginable, only that it pass at
25 designated times.” (Reply at 2). There was no testimony that the vehicle was pulled over for an
26 expired registration tag or that the vehicle had failed a required safety inspection and was being
27 driven freely without required repairs.

1 In *Hein*, 574 U.S. 54 (2014), the Supreme Court found an officer's error of law reasonable
2 where a North Carolina statute that referred to a "stop lamp" could have been interpreted to mean
3 that only a single working brake light was required, whereas another subsection of the same
4 statutory provision which required that vehicles "have all originally equipped rear lamps or the
5 equivalent in good working order" could have been interpreted to mean that if the vehicle has
6 multiple stop lamps, all must be functional. As noted earlier, Guam law does not contain any
7 provisions regarding "brake lights." The Court acknowledges that 16 G.C.A. 3324 requires a stop
8 or turn signal to be given by "a light or signal device" when "a vehicle is so construed or loaded
9 that a hand-and-arm signal would not be visible to both the front and rear of such vehicle." See
10 16 G.C.A. § 3324(c). Section 3324 only requires a singular light or signal device if a hand-and-
11 arm signal would not be visible. Here, Officer Calvo testified that Defendant had at least one
12 working brake light on the night of the traffic stop. Accordingly, the Court does not find Officer
13 Calvo's mistake of law, that more than one working brake light is required, to be objectively
14 reasonable. Therefore, the Court must grant Defendant's Motion to Suppress.

15 CONCLUSION

16 For the foregoing reasons, the Court hereby GRANTS Defendant's Motion to Suppress.
17 Parties shall return for a Status Hearing on March 4, 2025 at 10:00 a.m.

18 IT IS SO ORDERED this 22nd day of January, 2025.



HONORABLE VERNON P. PEREZ
Judge, Superior Court of Guam

24 SERVICE VIA EMAIL

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

AG, PDSC

Date: 1/22/25 Time: 2:04 pm

Antonio Cruz
Deputy Clerk, Superior Court of Guam