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*By order of the Court, Associate Judge Lillian A. Tenorio*

**IN THE SUPERIOR COURT  
 FOR THE  
 COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

<b>COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS</b>	)	<b>CRIMINAL CASE NO. 24-0068-CR</b>
	)	
	)	
<b>Plaintiff.</b>	)	<b>FINDINGS OF FACT AND</b>
	)	<b>CONCLUSIONS OF LAW; ORDER</b>
<b>v.</b>	)	<b>GRANTING IN PART DEFENDANT’S</b>
	)	<b>MOTION TO SUPPRESS EVIDENCE</b>
<b>GLENN S. PALACIOS,</b>	)	<b>AND DENYING DEFENDANT’S</b>
	)	<b>MOTION TO SUPPRESS STATEMENTS</b>
<b>Defendant.</b>	)	
	)	
	)	

**I. INTRODUCTION**

**THIS MATTER** came before the Court at CNMI Superior Court, Guma Hustisia, Courtroom 223A, on December 13, 2024, at 9:00 a.m. for an evidentiary hearing (“Hearing”) on Defendant Glenn S. Palacios’ Motion to Suppress Evidence and Motion to Suppress Statements. The Commonwealth of the Northern Mariana Islands (“Commonwealth”) was represented by Chief Prosecutor Chester Hinds. Defendant Glenn S. Palacios (“Defendant”) was present and appeared under the custody of the Department of Corrections with his counsel, Assistant Public Defender Molly Dennert.

At the evidentiary hearing held on December 13, 2024, the Court heard testimony from six police officers: Catherine Pangelinan, Jeffrey Olopai, Daniel Kinto, Catalina Dela Cruz, Rachel Ogumoro, and George David.

Based on the testimony at the evidentiary hearing, oral arguments from counsels, and the applicable law, the Court makes the following Findings of Fact and Conclusions of Law. The Court

1 thereby GRANTS IN PART of his Motion to Suppress Evidence and DENIES Defendant’s Motion  
2 to Suppress Statements.

3 **II. FINDINGS OF FACT**

4 1. Lt. Pangelinan testified that on July 24, 2024, a burglary incident at Joeten Superstore  
5 occurred. An aluminum toolbox mounted on the back of the truck was damaged. Stolen from the  
6 premises were a yellow De Walt Grinder, a pointed chipping tool, and a red toolbox containing a  
7 Milwaukee Hammer Drill and drill bits.

8 2. On July 29, 2024, after reviewing the security footage, Police Officer/Lieutenant  
9 Pangelinan (“Lt. Pangelinan”) and her partner met with George Grover (“Grover”), who reviewed  
10 the surveillance tape after being mirandized. Grover admitted that the person in the tape was himself;  
11 he confessed to stealing the tools and allegedly sold the tool to the Defendant for USD 50.00. Grover  
12 identified the Palacios residence where he allegedly sold the tools. Grover also claimed he saw the  
13 tools at the residence when he returned to the house after he sold them. Grover was not a confidential  
14 informant.

15 3. On July 30, 2024, based on the declaration of Lt. Pangelinan (“Decl. Prob. Cause”),  
16 Judge Govendo granted probable cause for a search warrant she had prepared. Lt. Pangelinan testified  
17 that the warrant format was derived from a standard template that the Department of Public Safety  
18 has used for years. The search warrant identified Grover’s Chalan Kanoa residence as the place to be  
19 searched and described the tools sought. In addition, there were residual clauses after the description  
20 that identified other property that could be seized if found, in the form of X’s checking off categories  
21 from a list of items that could be seized if observed. The categories that were checked off with an X  
22 are as follows:

- 23 • (a) Property the possession of which is prohibited by law.

- 1 • (b) Property stolen or taken under false pretense or embezzled or found and
- 2 fraudulently appropriated.
- 3 • (d) Firearms or ammunition prepared for the purpose of insurrection or riot.
- 4 • (e) Property necessary to be produced as evidence or otherwise on the trial of
- 5 anyone accused of a criminal offense.

6 4. On August 1, 2024, Commander Olopai and Lt. Pangelinan held a briefing meeting  
7 with the assembled police task force team before the actual search of the Palacios residence following  
8 police protocol. Lt. Pangelinan testified that she went over her affidavit with the police officers and  
9 explained the purpose of the search and the listing of stolen items in the Affidavit and Search Warrant.  
10 She also stated at the briefing that the search covered any items related to the burglary, but not  
11 included in the listing of stolen items. Commander Olopai's testimony was consistent with Lt.  
12 Pangelinan. Neither officer elaborated on what the residual clauses covered. Commander Olopai  
13 stated that the clauses would cover items in plain view.

14 5. Lt. Pangelinan testified that any items seized during the search matching the  
15 description of the stolen items would be shown to the property owner for identification. No details  
16 on distinguishing features of the stolen drill bits were provided to the police task force team.

17 6. After the briefing, the assembled police task force searched the Palacios residence. As  
18 part of police protocol, the Rapid Response ("SWAT") team went inside to secure the residence and  
19 escort the inhabitants out. Five people, including Defendant, were escorted outside.

20 6. The Defendant and the other persons in the residence were then turned over to the  
21 Inner Perimeter Detectives team ("Perimeter Team"), who briefly detained them for safety purposes.  
22 The Perimeter Team maintained a protective net around the residence so the other teams could  
23 perform their tasks unhindered. Palacios was detained, searched, and mirandized separately by Lt.  
24

1 Pangelinan and later by Officer David when they questioned him while in the custody of the Perimeter  
2 Team.

3 7. After securing the residence, the Crime Scene Technicians (“CST”) entered the  
4 bedroom and saw the baggies containing a crystalline substance. A CST entered the Defendant’s  
5 bedroom and photographed baggies containing powder residue and zip ties on the bed. Nearby, a  
6 scale and more baggies with pills were found on the night table near the bed. The CST determined  
7 illicit substances were observed and then alerted Commander Olopai.

8 8. On Commander Olopai’s order, the Canine unit (“K9”), which was in the vicinity on  
9 standby, was then ordered for further investigation after baggies with the powder residue were  
10 discovered in plain view. The K9 unit confirmed the presence of crystal methamphetamine (“meth”)  
11 in the baggies on the bed but did not uncover any hidden caches of meth or other illicit substances in  
12 any other part of the residence.

13 9. After the K9 sweep, the Search Team (“ST”) entered the house and began looking for  
14 the stolen items in the Search Warrant. When the search started, CST reentered the residence to  
15 document the firearms and other items marked for seizure. In the Defendant’s room, the ST found a  
16 rifle behind the entrance door and a .410 gauge shotgun in a case above the closet. The ST moved  
17 both firearms from their original locations for photography. The ST placed a .22 caliber rifle on the  
18 floor leaning against the bed, opened the case containing the shotgun, and put it on the bed in the  
19 Defendant’s bedroom. A CST entered the Defendant’s bedroom to photograph the firearms.

20 10. The ST confiscated the contraband items found in the bedroom. According to the  
21 search warrant, the ST had the authorization to open containers and enter all areas of the residence  
22 where the tools and the drill bits might be found. Acting on their belief in the validity of the search  
23 warrant, the ST found and confiscated items and later compiled them in In Re The Matter of Inventory  
24 (“Inventory”).

1 11. After the search, the Defendant was arrested for possessing contraband. The initial  
2 Information was filed on August 9, 2024, and later amended on August 19, 2024.

3 12. For the .22 caliber rifle found behind a door and a .410 gauge shotgun found in a  
4 container, Palacios was charged with two counts of 6 CMC § 10204 Storage of Firearms (“Count I”  
5 and “Count II”), respectively.

6 13. Palacios was charged with one count of 6 CMC §10601 Firearm Owners Identification  
7 Card Requirement (“Count III”) for not having a proper firearms license.

8 14. For unlawfully possessing ammunition, Palacios was charged with 6 CMC §10207  
9 Unlawful Possession of Ammunition (“Count IV”).

10 15. For the meth found in the Palacios residence, Palacios was charged with a count of 6  
11 CMC § 2141 Trafficking of Controlled Substance (“Count V”) and a count of 6 CMC §2142 Illegal  
12 Possession of Controlled Substance (“Count VI”).

### 13 **III. CONCLUSIONS OF LAW**

#### 14 **A. PREPONDERANCE OF EVIDENCE STANDARD**

15 The standard of proof at a suppression hearing is preponderance of the evidence. *See United*  
16 *States v. Matlock*, 415 U.S. 164, 177 (1974). The preponderance of the evidence standard is described  
17 as “evidence which is of greater weight or more convincing than the evidence which is offered in  
18 opposition to it; that is, evidence, which as a whole show that the fact sought to be provided is more  
19 probable than not.” *Salty Saipan Corp. v. Shakir*, 2018 MP 18 ¶ 18 (citation omitted).

#### 20 **B. AFFIDAVIT OF PROBABLE CAUSE**

21 The United States Constitution and the Commonwealth Constitution guarantee that “the right  
22 of the people to be secure in their persons, house, papers and belongings against unreasonable search  
23 and seizure shall not be violated.” U.S. Const. amend. IV; NMI Const., art I, § 3. Section 3 further  
24 provides that “no warrants shall issue except upon probable cause supported by Oath or affirmation

1 and particularly describing the place to be searched and the persons or things to be seized.” In the  
2 context of criminal cases, “[p]robable cause exists when the facts and circumstances within police  
3 officer's knowledge and of which he had reasonably trustworthy information are sufficient in  
4 themselves to warrant a [person] of reasonable caution in the belief that the object is evidence of a  
5 crime.” See *Commonwealth v. Pua*, 2009 MP 21 ¶ 21 (quotations and internal citations omitted).  
6 Probable cause is the bedrock of search warrants.

7 The Court finds that the Affidavit and Search Warrant were issued with probable cause. At  
8 the hearing, Lt. Pangelinan testified, consistent with her Affidavit of Probable Cause, that Grover had  
9 first-hand knowledge of the stolen items as CCTV showed he had stolen the items. During  
10 questioning, Grover told Lt. Pangelinan that he had sold the stolen items to Defendant. In a  
11 subsequent interview shortly before the execution of the Search Warrant, Grover said to Lt.  
12 Pangelinan that he again observed the stolen items in the Defendant’s residence. Grover’s name was  
13 expressly included in Pangelinan’s Affidavit of Probable Cause. He was not a confidential informant.  
14 Based on the facts and circumstances within Lt. Pangelinan’s knowledge, she had probable cause to  
15 prepare the Affidavit and Search Warrant, having received what she reasonably determined to be  
16 trustworthy information from Grover on two separate interviews that the stolen items were at  
17 Defendant’s residence.

18 **C. SEARCH WARRANT**

19 **1. Particularity Requirement**

20 The Commonwealth’s Constitution requires search warrants to “particularly [describe] the  
21 place to be searched and the persons or things to be seized.” NMI Const., art I, § 3. The particularity  
22 requirement is evaluated based on the time it was issued and the information that the police officers  
23 who secured the warrant provided (or should have provided) to the issuing judicial officer. *Maryland*  
24 *v. Garrison*, 480 U.S. 79, 85 (1987). Search warrants must “particularly describe the things to be

1 seized [which] makes general searches. . . impossible” under the constitutional requirement. *Pua*,  
2 2009 MP 21 ¶ 20. “The scope of the search extends to the entire area in which the object of the search  
3 may be found and is not limited by the possibility that separate acts of entry or opening may be  
4 required to complete the search.” *Id.* The purpose of “[t]he particularity requirement [is to] ensure  
5 that as to what is to be taken, nothing is left to the discretion of the officer executing the warrant.” *Id.*  
6 (internal citations omitted). *Id.* The Supreme Court affirmed “[t]he general rule is that searches and  
7 seizures conducted. . . without a warrant. . . are per se unreasonable under the Fourth Amendment. .  
8 . subject only to a few specifically established and well delineated exceptions.” *Id.* (internal citations  
9 omitted).

10       The Ninth Circuit has held that search warrants “be specific in both particularity and breadth.”  
11 *U.S. v. Brobst*, 558 F.3d 982, 993 (9th Cir. 2009). “Particularity is the requirement that the warrant  
12 must clearly state what is sought. Breadth deals with the requirement that the scope of the warrant be  
13 limited by the probable cause on which the warrant is based.” *Id.* “A search warrant must describe  
14 the objects to be seized with enough specificity to enable the officer conducting the search to  
15 reasonably identify the objects authorized to be seized. *Id.* This, in turn, prevents “general,  
16 exploratory rummaging in a person's belongings.” *Id.*

17       However, search warrants need not contain “elaborate specificity” of the items to be seized,  
18 and item descriptions may be “broad or generic” when the “circumstances and the nature of the  
19 activity under investigation permit.” *United States v. Peterson*, 103 F. Supp. 2d 1259, 1266 (D. Colo.  
20 2000)(quotations omitted). Furthermore, lawful warrant search extends to all areas and containers  
21 within the location set forth in the warrant in which the object of the search may be found.” *United*  
22 *States v. Weinbender*, 109 F.3d 1327, 1329 (8th Cir. 1997).

1 Catch-all clauses in search warrants may be valid when read in context and construed in light  
2 of an illustrative list of seizable items. *See Andresen v. Maryland*, 427 U.S. 463, 481 (1976) and  
3 *United States v. Greene*, 250 F.3d 471, 477-78 (6th Cir. 2001).

4 In this matter, the Affidavit and Search Warrant both state with particularity the location of  
5 the residence to be searched and the stolen items to be seized during the search. The bone of  
6 contention is not the description but the language of the four residual clauses checked off in the Search  
7 Warrant. Although both Lt. Pangelinan and Commander Olopai stated that the residual clauses related  
8 to the sale of stolen property, only Clause (a) “[p]roperty the possession of which is prohibited by  
9 law” and Clause (b) “[p]roperty stolen or taken under false pretense or embezzled or found and  
10 fraudulently appropriated” when read in the context of the Affidavit and Search Warrant could  
11 reasonably relate to the incident.

12 As to the other two remaining clauses, nothing in the Affidavit and Search Warrant or the  
13 testimony of the DPS officers that provides probable cause for the seizure of “[f]irearms or  
14 ammunitions prepared for the purpose of insurrection or riot” in Clause (d). Nor is there anything else  
15 in the Affidavit and Search Warrant providing probable cause for the seizure of “[p]roperty necessary  
16 to be produced as evidence or otherwise on the trial of *anyone accused of a criminal offense*” in  
17 Clause (e) other than what was specifically listed as stolen items in the language preceding the  
18 residual clauses.

19 Because Clauses (d) and (e) offer no hint of the nexus between the firearms or ammunition  
20 and the alleged subsequent sale of stolen property to Defendant, and the lack of any guidance provided  
21 by the two briefing officers to the DPS search team in their testimony as to the additional items to be  
22 seized “necessary to be produced as evidence or otherwise on the trial of anyone accused of a criminal  
23 offense,” they fall short of meeting the particularity requirement. The scope of the Search Warrant  
24 must be limited only to the items specifically described. As such, Clauses (a) and (b) must be read to



1 refer only to the specific listing of stolen items. However, the broad and generic language used in  
2 Clauses (d) and (e) compels the conclusion that their appearance in the Search Warrant violated the  
3 particularity requirement.

## 4 **2. Severance**

5 According to the Ninth Circuit, when a search warrant is overbroad, partial suppression may  
6 be allowed under the “doctrine of severance, which allows a court to strike from a warrant those  
7 portions that are invalid and preserve those portions that satisfy the Fourth Amendment.” *United*  
8 *States v. Sears*, 411 F.3d 1124, 1129 (9th Cir. 2005) (internal quotation and citation omitted).  
9 Severance is allowed to suppress only the articles seized pursuant to the invalid portions of a warrant  
10 when a warrant lacked particularity because of unduly broad language. *Id.* Complete suppression may  
11 be appropriate “when a warrant is wholly lacking in particularity.” *Id.* “The doctrine of severance  
12 requires that identifiable portions of the warrant be sufficiently specific and particular to support  
13 severance.” *Id.* at 1130 (citing *United States v. Spilotro*, 800 F.2d 959, 967 (9th Cir.1986)).

14 Complete suppression of the warrant at issue is inappropriate because the Search Warrant is  
15 not “wholly lacking in particularity.” The warrant includes specific language on the location and the  
16 descriptions of the stolen items that meet the particularity requirement. However, the generic  
17 language of two of the four residual clauses does not. As explained, Clause (d) generically refers to  
18 “firearms or ammunitions” even though there is no mention of them in the Affidavit or Lt.  
19 Pangelinan’s testimony; thus, no probable cause was established to seize any firearm or ammunition  
20 found at the residence. The seizure of any property “necessary to be produced as evidence or  
21 otherwise on the trial of anyone accused of a criminal offense” is also totally lacking in particularity  
22 as neither the Warrant nor the DPS testimony provides any evidence of guidance to the search team  
23 before the search as to what items, in addition to the specific listing, to seize. Therefore, the Court is

24

1 compelled to strike Clauses (d) and (e) from the Search Warrant. The seizure of any items outside the  
2 specified listing of stolen items is suppressed unless permitted under the Plain View Doctrine.<sup>1</sup>

### 3 **3. Plain View Doctrine**

4 The plain view doctrine is an exception to the Fourth Amendment. *Arizona v. Hicks*, 480 U.S.  
5 321 (1987); *Commonwealth v. Pua*, 2009 MP 21 ¶ 21 (warrantless seizures are an exception to the  
6 Fourth Amendment’s warrant requirement under the plain view doctrine). The exception permits  
7 items to be seized under the following circumstances: (1) the police officers are lawfully in a position  
8 from which they view an object; (2) the object’s incriminating character is immediately apparent; and  
9 (3) the police officers have a lawful right of access to the object. *Id.*; *see also Horton v. California*,  
10 496 U.S. 128, 136 (1990) and *Hicks*, 480 U.S. 321. To lawfully seize an item under the plain view  
11 exception to the warrant requirement, the officer must have probable cause to believe that the item in  
12 question is evidence of a crime or contraband. *Pua*, 2009 MP 21 ¶ 21. An individual has no reasonable  
13 expectation of privacy for such items left in the plain view of police officers with legal authority to  
14 be on the premises. *Hicks*, 480 U.S. 321.

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18 <sup>1</sup> In *United States v. Leon*, the Supreme Court held that the Fourth Amendment’s exclusionary rule does not  
19 prevent the use of evidence obtained by officers acting in reasonable reliance on a search warrant issued by a detached  
20 and neutral magistrate but ultimately found unsupported by probable cause. *United States v. Leon*, 468 U.S. 897, 900,  
21 (1984); *see also United States v. Huggins*, 299 F.3d 1039, 1052 (9th Cir. 2002). The good faith reliance exception applies  
22 when officers rely on the search warrant in an objectively reasonable manner. *United States v. Crews*, 502 F.3d 1130,  
23 1136 (9th Cir. 2007). If the residual clauses in a search warrant are overbroad, the Court may deny suppression if the  
24 officers relied on the search warrant in good faith. Here, even if the good faith reliance doctrine may be applied to parts  
of the search warrant that do not meet the Fourth Amendment standard of specificity and particularity, the language in  
Clauses (d) and (e) does not survive the good faith reliance analysis. As explained, the generic language of the two  
aforementioned clauses is so lacking in probable cause that no reasonable police officer could rely on them as a basis to  
seize items not explicitly described in the Warrant. The instruction during briefing before executing the warrant that as  
to the clauses, the team was to search and seize contraband like narcotics and firearms, notwithstanding that there was no  
probable cause for such items in the Search Warrant or Affidavit. DPS is informed and understands the particularity  
requirement for affidavits and warrants as evidenced by the description of the residence and the stolen items in both the  
Affidavit for Probable Cause and the Search Warrant.

1           **a. Illegal Drugs and Paraphernalia**

2           The officers were lawfully in Defendant’s home executing the Search Warrant when they  
3 observed small plastic baggies with powder residue, zip ties, an electronic scale, empty baggies, and  
4 other items generally associated with meth distribution under 6 CMC § 2141. Officers immediately  
5 and readily determined the objects’ incriminating nature under 6 CMC § 2142 through their training.  
6 The police dog was alerted during the K9 unit of the room where the foregoing objects were found.  
7 The police had a lawful right to access the object after viewing the objects upon entering the  
8 Defendant’s bedroom. The foregoing facts satisfy the three-part prong plain view doctrine and justify  
9 the seizure of the items found relating to meth.

10           **b. Firearms and Ammunition**

11           Commonwealth laws relating to firearm regulation have significantly changed over the years.  
12 In 2016, in *Radich v. Guerrero*, No. 1:14-CV-00020 (D. N. Mar. I. Mar. 28, 2016), the federal District  
13 Court for the Northern Mariana Islands held that the handgun ban and other restrictions on firearm  
14 possession under the Weapons Control Act, a Commonwealth statute, violated the Second  
15 Amendment of the United States Constitution guaranteeing an individual’s right to bear arms. In  
16 response, the Commonwealth Legislature enacted Public Law No. 19-42 (SAFE)<sup>2</sup> and Public Law  
17 No. 19-73 (SAFE II),<sup>3</sup> codified under 6 CMC § 10101 to § 10903, for the regulation of firearm  
18 ownership consistent with evolving Second Amendment case law. Prior to the SAFE statutes, the list  
19 of firearms authorized in the Commonwealth was very limited. Under the SAFE statutes, the list of  
20

21 \_\_\_\_\_  
22 <sup>2</sup> Public Law 19-42 enacted the Special Act for Firearms Enforcement (SAFE) to create a framework for firearms  
ownership, possession, and use that complies with the Second Amendment, while affording the greatest possible degree  
of protection to the people of the Commonwealth and its guests.

23 <sup>3</sup> Public Law No. 19-73 enacted the Second Special Act for Firearms Enforcement ("SAFE II), the Legislature finds there  
24 is a pressing need to enact new provisions for the registration of firearm owners and individual firearms in order to keep  
firearms out of the hands of certain individuals.

1 authorized firearms has been expanded and prohibited firearms are provided explicitly in 6 CMC §  
2 10208. Owners must register under 6 CMC §10601 to own firearms in the Commonwealth. Owners  
3 must also properly store their firearms under 6 CMC § 10204.

4       The incriminating character of a firearm found during a lawful search of a home may not be  
5 immediately apparent. In an Eighth Circuit opinion, the Court upheld under the plain view doctrine  
6 the seizure of a sawed-off shotgun found during the search of an apartment. *See United States v.*  
7 *Saddler*, 19 F.4th 1035, 1042-1043 (8th Cir. 2021). The warrant was executed in relation to a shooting  
8 incident that had occurred in an apartment parking lot. During the search, the police officer noticed  
9 the incriminating nature of a short-barreled shotgun. The shotgun's incriminating nature was self-  
10 evident with its odd shape. Taking into account the shooting incident, the Court also found that the  
11 police had probable cause to believe the gun was contraband or evidence of a crime and allowed  
12 evidence of the shotgun under the plain view doctrine.

13       Here, the evidentiary hearing provided no evidence linking the guns and ammunition to the  
14 alleged transfer of the stolen items from Grover to the Defendant. Nor was there any evidence  
15 presented that the rifle and shotgun themselves were immediately incriminating, unlike the *Saddler*  
16 case, where the seized firearm was immediately recognized as a sawed-off shotgun. Both the .410  
17 gauge shotgun and .22 caliber rifle are not among the prohibited firearms in 6 CMC § 10208. Nor  
18 was there any evidence that the police officers observed in plain view that the firearms were not  
19 properly registered to the Defendant. Without such evidence, the incriminating character of the  
20 firearms and ammunition was not immediately apparent under the plain view doctrine to justify their  
21 seizure based on the firearm registration or the firearm owner identification card statutes.

22       As to the improper storage of both firearms, three disjunctive elements constitute proper  
23 storage or securing of firearms under 6 CMC § 10204: (1) the firearm must be stored in a locked  
24 container or disabled with a trigger lock; or (2) the firearm is carried on the person of an individual

1 over the age of 21, or (3) the firearm is under the immediate control of a person who is a law  
2 enforcement officer. The shotgun and rifle were found in the Defendant's bedroom. Because DPS  
3 had removed the Defendant from his residence and detained him during the search, the incriminating  
4 nature of the firearms in violation of Section 10204 was not immediately apparent from a plain view  
5 doctrine perspective.

6 Because the Commonwealth failed to meet its burden in providing sufficient facts, the seizure  
7 of firearms and ammunition fails the plain view doctrine and must be suppressed.

8 **D. READING OF MIRANDA RIGHTS**

9 Defendant was detained outside of his residence after the police search team executed the  
10 search warrant. While the Defendant was in the custody of the Perimeter team, Lt. Pangelinan testified  
11 that she read the Defendant his Miranda rights before questioning him. Later, Officer David  
12 questioned the Defendant about the location of his bedroom in the house after reading him his  
13 Miranda rights. Based on the testimony of both officers, the Commonwealth has established by a  
14 preponderance of the evidence that Defendant was read his Miranda rights before questioning. There  
15 is no basis for suppressing Defendant's responses to the officer's questions.

16 **IV. CONCLUSION**

17 For the reasons stated above, the Court hereby **GRANTS IN PART** Defendant's Motion to  
18 Suppress Evidence and **DENIES** the Defendant's Motion to Suppress Statements.

19 **IT IS SO ORDERED** this 17th day of January 2025.

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21  
22 /s/  
23 **LILLIAN A. TENORIO**, Associate Judge