

SUPREME COURT OF GUAM

People of Guam v. Jared John Santos

2025 Guam 15 · No. CRA23-015 · Decided December 30, 2025

SUMMARY

The Supreme Court of Guam affirmed Jared John Santos’s convictions for aggravated assault and possession of a firearm without a license arising from a drive-by shooting. The court held that Santos preserved his objection under the best evidence rule and that testimony about unavailable surveillance footage was admissible because the original was destroyed by a third party, not by the government in bad faith. The court also concluded that the destruction of the only duplicate did not create a hierarchy of secondary evidence and that any potential error was addressed by an adverse inference instruction.

CASE DETAILS

COURT	Supreme Court of Guam
WRITING FOR THE COURT	Katherine A. Maraman; Robert J. Torres, Chief Justice; F. Philip Carbullido, Associate Justice; Katherine A. Maraman, Associate Justice
JURISDICTION	Supreme Court of Guam
DECIDED	December 30, 2025
DOCKET	CRA23-015
DISPOSITION	affirmed
PROCEDURAL POSTURE	Santos appealed his convictions for aggravated assault and possessing a firearm without a license, challenging the admission of police testimony concerning the contents of unavailable surveillance video.
STANDARD OF REVIEW	Preservation is governed by Guam Rule of Evidence 103(a)(1); preserved evidentiary rulings are reviewed for abuse of discretion. A nonconstitutional evidentiary error requires reversal unless the prosecution proves harmlessness by a preponderance of the evidence.
PRECEDENTIAL VALUE	published and precedential
PARTIES	Jared John Santos v. People of Guam

TOPICS

- best evidence rule
- evidence
- preservation of error
- standard of review
- harmless error

PRACTICE AREAS

criminal law

evidence

appellate practice

QUESTIONS PRESENTED

1. Whether Santos preserved a best-evidence objection when he objected to the general testimony about the unavailable surveillance video without expressly citing Guam Rule of Evidence 1002.
2. Whether Guam Rule of Evidence 1004(1) permitted testimony about the contents of the surveillance video when the original was automatically destroyed by a third party and the government failed to obtain it.
3. Whether the destruction of the only duplicate by a police officer required exclusion of the officers' testimony under the best evidence rule.
4. Whether any evidentiary error was harmless in light of the adverse-inference instruction given to the jury.

HOLDINGS

1. The objection was sufficiently specific and preserved because, in context, it reasonably identified the best evidence rule as the basis for objecting to testimony about the contents of the unavailable surveillance video.
2. Under Guam Rule of Evidence 1004(1), secondary evidence of the video's contents was admissible because the original was destroyed by a third party rather than by the government in bad faith.
3. The destruction of the only duplicate did not trigger the best evidence rule or require exclusion of the officers' testimony because Guam's evidentiary rules impose no hierarchy of secondary evidence and do not require production of a duplicate instead of oral testimony.
4. Any potential error in admitting the officers' testimony was harmless because the trial court gave an adverse-inference instruction allowing the jury to infer that the lost surveillance video was unfavorable to the government.

KEY QUOTATIONS

“There is no hierarchy of secondary evidence.” (2025 Guam 15 ¶ 23)

“The proper analysis under GRE 1004(1) is whether the government destroyed the originals, and whether it did so in bad faith.” (2025 Guam 15 ¶ 27)

“Thus, if the requirements of Rule 1004(1) are met, a proponent ‘may offer testimony describing content by a witness who saw the original, even if the proponent also has in his possession a typewritten ‘copy’ made from the original, which would arguably be more reliable proof of content.’” (2025 Guam 15 ¶ 31)

“In cases where the original is destroyed, secondary evidence is admissible unless the government destroyed the original in bad faith.” (2025 Guam 15 ¶ 37)

FACTUAL BACKGROUND

A verbal confrontation involving Santos and occupants of another vehicle occurred at a Hågat Mobil gas station and was captured by the station's security cameras. The government never obtained the original footage before the surveillance system automatically deleted it, and Detective Camacho later deleted a phone recording he had made of the footage. Two officers who had viewed the security video testified about its contents at trial. The jury received an adverse-inference instruction concerning the government's failure to preserve the footage and convicted Santos of aggravated assault and possessing a firearm without a license.

PROCEDURAL HISTORY

Santos was tried jointly with a codefendant in the Superior Court of Guam. The jury acquitted him of attempted murder but convicted him of the remaining charged offenses, and the trial court sentenced him to eight years' incarceration with one year suspended. Santos timely appealed, arguing that testimony about the surveillance video violated Guam's best evidence rule and that the issue was preserved despite the absence of a specifically labeled GRE 1002 objection.

DISPOSITION

affirmed

CASES CITED

- People v. Bosi, 2022 Guam 15 ¶¶ 15, 72
- People v. Kusterbeck, 2024 Guam 3 ¶ 14
- Nat'l Union Fire Ins. Co. of Pittsburgh v. Cyfred, Ltd., 2015 Guam 7 ¶ 31
- People v. Sharpe, 2024 Guam 12 ¶¶ 14, 18 n.5, 59
- People v. Jesus, 2009 Guam 2 ¶ 18
- People v. Pinaula, 2025 Guam 6 ¶ 10
- People v. Roten, 2012 Guam 3 ¶ 41
- United States v. Cummings, 858 F.3d 763, 772 (2d Cir. 2017)
- United States v. Gordon, 875 F.3d 26, 30 (1st Cir. 2017)
- Dyer v. State, 26 So. 3d 700, 704 (Fla. Dist. Ct. App. 2010)
- Shorehaven Corp. v. Taitano, 2001 Guam 16 ¶ 10
- Baker v. State, 2022 WY 106, ¶¶ 19, 21, 516 P.3d 479, 483 (Wyo. 2022)
- People v. Robinson, 38 N.Y.S.3d 601, 602 (App. Div. 2016)
- State v. Nelsen, 183 P.3d 219, 223-24 (Or. Ct. App. 2008)
- People v. Smith, 2021 IL App (5th) 190066, ¶ 54
- United States v. McGaughey, 977 F.2d 1067, 1071 (7th Cir. 1992)
- People v. Smith, 2022 IL 127946, ¶ 54
- Vodusek v. Bayliner Marine Corp., 71 F.3d 148, 156 (4th Cir. 1995)
- Arizona v. Youngblood, 488 U.S. 51, 58 (1988)
- People v. Superior Court (Laxamana), 2001 Guam 26 ¶ 50

- People v. Ojeda, 2025 Guam 5 ¶ 35

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