

IN THE CIRCUIT COURT OF COLE COUNTY  
STATE OF MISSOURI

*filed*  
*pp*  
*3-16-11*

STATE OF MISSOURI,	)	Cause No. 09AC-CR03516-01F
Plaintiff	)	
	)	Division No.
v.	)	
	)	
ALYSSA D BUSTAMANTE,	)	
Defendant	)	
	)	

MOTION TO SUPPRESS STATEMENTS

COMES NOW Alyssa Bustamante, through undersigned counsel, moves this Court to suppress evidence of any and all statements taken from the accused by law enforcement agents that the state intends to introduce into evidence against her at trial. The statements were obtained in violation of Alyssa's rights against self-incrimination, right to counsel, and due process of law as guaranteed by Article I, Sections 10, 18(a), and 19 of the Missouri Constitution; the Fifth, Sixth and Fourteenth Amendments to the United States Constitution; and Sections 211.011, 211.059, and 211.271 RSMo. As grounds, Movant states.

A. Defendant's statements were not voluntary.

The length and nature of defendant's custody and the duration and nature of defendant's interrogation and the conditions under which it was conducted, were inherently coercive as applied to a person of defendant's age, education, background, and physical and mental condition at the time such interrogation occurred.

Defendant was subjected to mental and physical duress prior to and during the interrogation, and the statement obtained was the direct result of promises made to defendant prior to and during the interrogation by the interrogating officials.

Defendant was not presented to a judicial or juvenile officer "as soon as practicable".

B. Defendant's statements were made without the movant first being advised of her constitutional rights, including but not limited to:

Movant was not advised in clear and unequivocal terms of her right to remain silent prior to her interrogation.

Movant was not advised that anything she said could and would be used against her in Court.

Movant was not advised of her rights to consult with a lawyer and to have a lawyer present with her during the interrogation.

Movant was not advised that a lawyer would be appointed for her if he was indigent.

Movant did not knowingly and intelligently waive her right to remain silent or her right to counsel, or her right to have counsel appointed for her.

The interrogation by police officers did not cease when Movant indicated she wished to remain silent.

A Juvenile Officer was not provided for the interrogation.

A parent or guardian was not permitted to be present.

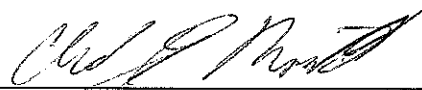
C. Any alleged statements are the result of an unlawful arrest in violation of defendant's rights under the Fourth, Fifth and Fourteenth Amendments to the Federal Constitution and Article I, Section 15 of the Missouri Constitution.

WHEREFORE, Movant moves this Court to suppress any evidence concerning any oral, written or recorded statements alleged to have been made to law enforcement officials or other witnesses in connection with her case, for a hearing and for such other relief as the Court deems just.

Respectfully submitted,



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### Certificate of Service

I certify that a true copy of the above and foregoing was personally served on all parties  
the 17<sup>th</sup> day of February, 2011.



Donald Catlett