

IN THE CIRCUIT COURT OF COLE COUNTY, MISSOURI
DIVISION IV

*filed
6-21-11
Rz*

STATE OF MISSOURI,)
)
 Plaintiff,)
)
 vs.)
)
 ALYSSA D. BUSTAMANTE)
)
 Defendant.)
)

Case No. 09AC-CR03516

ORDER

In accordance with the Findings of Fact and Conclusions of Law filed herewith under Seal, this Court hereby orders that the Defendant's Motion to Suppress is SUSTAINED in part. In so ruling, the Court finds as follows:

1. The interrogation of the Defendant was custodial in nature and, as such, triggered the provisions of §211.271(3) RSMo. making the statements of the defendant to the juvenile officer inadmissible in the subsequent adult criminal proceeding.
2. Tobie Meyer (hereinafter Ms. Meyer), the juvenile officer present during questioning of defendant, disregarded the requirement that she not participate in the questioning. Ms. Meyer engaged actively in the questioning and made numerous statements to defendant despite the fact that she knew that defendant was a suspect in the murder of Elizabeth Olten.
3. Ms. Meyer used deceptive tactics during the interrogation of defendant by telling defendant that she was there as the defendant's "advocate". This deception likely misled the defendant into believing that Ms. Meyer was there


to look after her best interests when, in fact, this was not her role.

4. Ms. Meyer suggested that there was an alliance between herself and Detective Rice when there was none, thereby making the atmosphere of the interrogation insufficiently adversarial.
5. Ms. Meyer misled the defendant by referencing the fact that the Juvenile Court's only focus is "treatment" thereby implying that the defendant would receive treatment for her criminal behavior instead of an adult criminal sentence.
6. Ms. Meyer's participation in the interrogation of defendant went far beyond her statutory role as juvenile officer which is limited to observation and protection of the juvenile's rights.

WHEREFORE, it is hereby ordered that Defendant's Motion to Suppress is SUSTAINED in part, in that all statements made after *Transcript of Video Statement* page 71, line 14, are deemed inadmissible and are hereby suppressed.

SO ORDERED

6-21-11
DATE



Judge Patricia S. Joyce