

SUPREME COURT OF COLORADO

People v. Gonzalez-Zamora

251 P.3d 1070 (Colo. 2011) · No. No. 10SA22 · Decided May 16, 2011

SUMMARY

The Colorado Supreme Court reviewed an interlocutory appeal from an order suppressing statements made by Cirilo Gonzalez-Zamora after he received Miranda warnings. The court held that his Miranda waiver and subsequent statements were voluntary, knowing, and intelligent, and reversed the suppression order.

CASE DETAILS

COURT	Supreme Court of Colorado
WRITING FOR THE COURT	Justice Eid
JURISDICTION	Colorado
DECIDED	May 16, 2011
DOCKET	No. 10SA22
DISPOSITION	reversed
PROCEDURAL POSTURE	The prosecution brought an interlocutory appeal under C.A.R. 4.1 from the Denver District Court's order suppressing statements made by Gonzalez-Zamora after he received Miranda warnings.
STANDARD OF REVIEW	The Supreme Court reviewed the suppression ruling and the record concerning the voluntariness of the Miranda waiver and statements.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	The People of the State of Colorado v. Cirilo Gonzalez-Zamora

TOPICS

miranda rights fifth amendment suppression of evidence criminal procedure appellate procedure

PRACTICE AREAS

criminal procedure constitutional law evidence appellate procedure

QUESTIONS PRESENTED

- Whether Gonzalez-Zamora knowingly, intelligently, and voluntarily waived his Miranda rights.

2. Whether Gonzalez-Zamora's post-waiver statements were voluntary and free from coercive governmental conduct.

HOLDINGS

1. The Miranda waiver was voluntary, knowing, and intelligent. The absence of audible affirmations, a direct question asking whether Gonzalez-Zamora wished to waive his rights, and a videotape did not invalidate the waiver where the record showed that he was advised in Spanish, sought clarification of two rights, received explanations, signed the advisement card, and proceeded to speak with police.
2. The statements were voluntary because the record did not show that coercive governmental conduct played a significant role in inducing them. The lack of a videotape, the short interval between the waiver and questioning, and the abrupt end of the interview did not establish involuntariness.

KEY QUOTATIONS

“The validity of defendant's waiver depends upon two elements: (1) whether the waiver was voluntary, that is, whether it was the product of a free and deliberate choice rather than intimidation, coercion, or deception; and (2) whether the waiver was made knowingly and intelligently.” (251 P.3d at 1074)

“A valid waiver is obtained if a defendant understands his rights and he proceeds to speak with police.” (251 P.3d at 1075)

“Before a statement may be suppressed for involuntariness, a court must find that coercive conduct played a significant role in inducing the statement.” (251 P.3d at 1076)

FACTUAL BACKGROUND

Gonzalez-Zamora was arrested in Palm Beach, Florida, for an open-container violation after authorities discovered an outstanding Denver murder warrant associated with a partially matching name and the same date of birth. At the police station, a Spanish-speaking sergeant read Gonzalez-Zamora his Miranda rights from a Spanish-language card, explained two rights after observing gestures or facial expressions suggesting confusion, and obtained his signature on the advisement card. Gonzalez-Zamora then made statements about having lived in Denver and striking a man during a physical altercation. The interview was audio-recorded but difficult to hear, was not videotaped, and ended shortly after questioning began.

PROCEDURAL HISTORY

Gonzalez-Zamora moved to suppress statements made during a police-station interview, arguing that his Miranda waiver and subsequent statements were involuntary. The Denver District Court granted suppression on both grounds and, after reconsideration, clarified that the prosecution had failed to prove voluntariness by a preponderance of the evidence. The People filed an interlocutory appeal, and the Colorado Supreme Court reversed the suppression order.

DISPOSITION

reversed

CASES CITED

- *Miranda v. Arizona*, 384 U.S. 436, 467, 478-79 (1966)
- *People v. Humphrey*, 132 P.3d 352, 356-62 (Colo. 2006)
- *People v. May*, 859 P.2d 879, 882-83 (Colo. 1993)
- *People v. Gennings*, 808 P.2d 839, 844 (Colo. 1991)
- *People v. Hopkins*, 774 P.2d 849, 851 (Colo. 1989)
- *People v. Al-Yousif*, 49 P.3d 1165, 1169-70 (Colo. 2002)
- *Berghuis v. Thompson*, 560 U.S. 370, 384 (2010)
- *Brown v. Illinois*, 422 U.S. 590, 600-01 (1975)
- *People v. Wood*, 135 P.3d 744, 748-49 (Colo. 2006)
- *People v. Medina*, 25 P.3d 1216, 1221-22 (Colo. 2001)
- *People v. McIntyre*, 789 P.2d 1108, 1110-12 (Colo. 1990)
- *People v. Valdez*, 969 P.2d 208, 211 (Colo. 1998)
- *People v. Taylor*, 41 P.3d 681, 694 (Colo. 2002)
- *People v. Mejia-Mendoza*, 965 P.2d 777, 780 (Colo. 1998)