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5 Attorneys for Defendant

6 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
7 **IN AND FOR THE COUNTY OF COCONINO**
8

9 STATE OF ARIZONA,
10

11 Plaintiff,

12 vs.
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14 ELIZABETH DESIREE ARCHIBEQUE,
15

16 Defendant

) Case No.: CR2020-00633

) **REQUEST FOR**
) **VOLUNTARINESS/MIRANDA**
) **COMPLIANCE HEARING**

) (Judge Ted Reed, Division 1)

17 Pursuant to the Fifth and Fourteenth Amendments to the
18 United States Constitution, and Article 2, sections 4, 10 and 24 of the
19 Arizona Constitution, Ms. Archibeque requests that this court hold a
20 hearing to determine if her statements were voluntarily and knowingly
21 made. All confessions are presumed to be involuntary, and the State
22 bears the burden of proving by a preponderance of the evidence that any
23 confession is voluntary and freely given. *Miranda v. Arizona*, 384 U.S.436
24 (1966) *State v. Lopez*, 174 Ariz. 131, 137, 847 P.2d 1078, 1084 (1992)
25 (citing *State v. Arnett*, 119 Ariz. 38, 579 P.2d 842 (1978)); *State v.*
Strayhand, 184 Ariz. 571, 579, 911 P.2d 577, 585 (Ariz. App. 1995). "In

1 determining whether the state has met that burden, courts must look to
2 the totality of the circumstances surrounding the giving of the
3 confession. *State v. Mincey*, 115 Ariz. 472, 566 P.2d 273 (Ariz. 1977),
4 held that before statements can be used, they must first be found to be
5 both voluntary and trustworthy.

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7 RESPECTFULLY SUBMITTED this 29 April 2022

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Christine M. Brown
Attorney for Defendant

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13 Original/Copies of the foregoing emailed/efiled
delivered this 29th day of April,
2022 to:

14 Honorable Ted Reed
15 Judge of the Coconino County Superior Court
Division 1

16 Michael Tunink
17 Deputy County Attorney

18 Ryan Stevens
Greg Parzych
19 Counsel for codefendant Martinez

20 Taylor Fox
Joseph Carver
Counsel for codefendant Martinez

21 Robert Swinford
22 Counsel for the juvenile victims

23 Defendant
CCDF

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