

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED  
EXCEPT AS AUTHORIZED BY APPLICABLE RULES.  
See Ariz. R. Supreme Court 111(c); ARCAP 28(c);  
Ariz. R. Crim. P. 31.24



DIVISION ONE  
FILED: 01/24/2012  
RUTH A. WILLINGHAM,  
CLERK  
BY: DLL

IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION ONE

STATE OF ARIZONA, ) No. 1 CA-CR 11-0162  
)  
Appellee, ) DEPARTMENT A  
)  
v. ) **MEMORANDUM DECISION**  
) (Not for Publication -  
CHARLES STEVEN RAMBO, ) Rule 111, Rules of the  
) Arizona Supreme Court)  
Appellant. )  
)  
)

Appeal from the Superior Court in Mohave County

Cause No. CR2009-0068

The Honorable Steven F. Conn, Judge

**AFFIRMED**

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Thomas C. Horne, Attorney General Phoenix  
By Kent E. Cattani, Chief Counsel  
Criminal Appeals/Capital Litigation Section  
And Myles Braccio, Assistant Attorney General  
Attorneys for Appellee

Jill L. Evans, Mohave County Appellate Defender Kingman  
Attorney for Appellant

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**G O U L D**, Judge

¶1 Charles Steven Rambo appeals his convictions and sentences for two counts of sale of dangerous drugs and one count of possession of dangerous drugs for sale. He argues the trial

court erred when it denied his motion to suppress statements he made during a custodial interrogation. Specifically, Rambo contends he was not given *Miranda* warnings. For the reasons that follow, we affirm.

### ***Facts and Procedural History***<sup>1</sup>

¶2 In January 2009, Rambo was arrested as a result of an undercover narcotics investigation. Officer Williams advised Rambo of his *Miranda* rights at the scene of the arrest. Later that day, Officer Williams conducted a videotaped interview with Rambo at the Bullhead City Police Station. Prior to beginning the interview, Williams reminded Rambo that his *Miranda* rights still applied.

¶3 At trial, Rambo was convicted of all three counts charged and received three concurrent mitigated six-year sentences. Rambo now appeals, claiming he was never advised of his *Miranda* rights. We have jurisdiction pursuant to Article 6, Section 9 of the Arizona Constitution and Arizona Revised Statutes ("A.R.S.") sections 12-120.21(A)(1) (2003), 13-4031 (2010), and 13-4033(A) (2010).<sup>2</sup>

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<sup>1</sup> We view the evidence in the light most favorable to sustaining the convictions and resulting sentences. See *State v. Guerra*, 161 Ariz. 289, 293, 778 P.2d 1185, 1189 (1989).

<sup>2</sup> Rambo was sentenced on July 19, 2010. He attempted to file a notice of appeal on August 4, 2010, however the notice of appeal was signed by his wife. Rambo attempted to cure this defect by filing a signed notice of appeal on September 8, 2010

### ***Discussion***

¶4 Rambo argues the court improperly denied his motion to suppress the statements he made to the police. We review the court's denial of a motion to suppress for an abuse of discretion and will not disturb the ruling absent clear and manifest error. *State v. Stanley*, 167 Ariz. 519, 523, 809 P.2d 944, 948 (1991); *State v. Zamora*, 220 Ariz. 63, 67, ¶ 7, 202 P.3d 528, 532 (App. 2009). "[W]e consider only the evidence presented at the suppression hearing and view it in the light most favorable to upholding the trial court's factual findings." *State v. Fornof*, 218 Ariz. 74, 76, ¶ 8, 179 P.3d 954, 956 (App. 2008). We defer to the trial court's factual determinations and review its conclusions of law *de novo*. *Zamora*, 220 Ariz. at 67, ¶ 7, 202 P.3d at 532.

¶5 The State has the burden to show the defendant "understood his rights and intelligently and knowingly relinquished those rights before any custodial interrogation began." *State v. Rivera*, 152 Ariz. 507, 513, 733 P.2d 1090, 1096 (1987). In determining whether the State has carried that burden, we consider the particular facts and circumstances of each case. *Id.*

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and a motion for extension of time to file a notice of appeal. This court denied Rambo's motion and dismissed the appeal for lack of jurisdiction. However, the trial court granted Rambo's petition for post conviction relief and permitted him to file a delayed notice of appeal.

¶6 Viewing the totality of the circumstances, the trial court did not abuse its discretion in finding the State met its burden. The evidence presented at the suppression hearing shows that Rambo was advised of his *Miranda* rights prior to questioning. Officer Williams testified he recited the *Miranda* warnings to Rambo at the scene of the arrest and then subsequently documented this fact in his police report. Although Rambo denied that Officer Williams gave him any *Miranda* warnings, the court properly concluded that the videotaped interview at the police station corroborated Officer Williams' testimony. The videotaped interview evidences that Williams reminded Rambo that his rights still applied at the outset of questioning. As the court stated, the "context of the conversation certainly indicates that the defendant is acknowledging that he was previously advised of his rights, that he understood them, that he was still willing to talk to the police officer, and he proceeds to talk to the police officer."

***Conclusion***

¶7 For the reasons above, we affirm Rambo's convictions and resulting sentences.

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ANDREW W. GOULD, Judge

CONCURRING:

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MAURICE PORTLEY, Presiding Judge

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ANN A. SCOTT TIMMER, Judge