DIVISION ONE
FILED: 02/08/2011
RUTH WILLINGHAM, ACTING CLERK
BY: GH

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

STATE OF ARIZONA,	)	
	)	No. 1 CA-CR 09-0727
Appellee,	)	
	)	DEPARTMENT D
v.	)	
	)	**MEMORANDUM DECISION**
SHELTON WILLIAM BRIGHAM, JR.,	)	(Not for Publication –
	)	Rule 111, Rules of the
Appellant.	)	Arizona Supreme Court)
	)	

Appeal from the Superior Court in Maricopa County

Cause No. CR2007-181289-001 DT

The Honorable Sally S. Duncan, Judge
The Honorable Janet E. Barton, Judge
The Honorable F. Pendleton Gaines, Judge

AFFIRMED

Thomas C. Horne, Arizona Attorney General — Phoenix
By Kent E. Cattani, Chief Counsel,
Criminal Appeals/Capital Litigation Section
Liza-Jane Capatos, Assistant Attorney General
Attorneys for Appellee

James J. Haas, Maricopa County Public Defender — Phoenix
By Stephen R. Collins, Deputy Public Defender
Attorneys for Appellant

W I N T H R O P, Presiding Judge

¶1 Shelton William Brigham, Jr. ("Appellant") appeals his convictions for one count of armed robbery, two counts of

attempted first degree burglary, and three counts of misconduct involving weapons. Appellant maintains the trial court erred when it denied his motion to suppress statements he made during interrogation based on a detective's failure to comply with his request for an attorney. For the reasons set forth below, we affirm.

FACTS AND PROCEDURAL HISTORY[1]

¶2 On December 20, 2007, Appellant, wearing a cloth over his face and armed with a black handgun, approached the door of Advance America, a "payday loan" business located at 67th Avenue and Peoria in Peoria, Arizona. He tried to open the door, but because it was locked, he was unable to enter. The store's manager watched him walk to his car and saw his face when he pulled the cloth off and looked back toward the store. The manager called 9-1-1. Approximately one week later, she identified two photographs in a photographic lineup, Appellant's and another person's, as similar to the man she had seen.

¶3 That same day, Appellant went to another payday loan/check cashing business, Loan Mart, located near 91st Avenue and West Olive in Peoria. This time he entered the store wearing "something black on his face" and holding a small black

[1] We view the evidence in the light most favorable to sustaining the convictions and resolve all reasonable inferences against Appellant. *See State v. Manzanedo*, 210 Ariz. 292, 293, ¶ 3, 110 P.3d 1026, 1027 (App. 2005).

handgun. He pointed the handgun at a loan processor and told her to "stay calm" and give him the money in her cash drawer. She gave Appellant approximately $600, and he asked her about "the safe in the back." When she explained that it was a "time safe" and they would have to wait fifteen minutes to open it with two sets of codes, Appellant decided to leave. The loan processor immediately called 9-1-1 and described Appellant as an African American wearing black clothing, approximately 5'11" or 6' tall, and weighing approximately 170-180 pounds. A "grainy" store videotape taken at the time of the incident showed a subject approaching the counter with a plastic bag and "pointing an object at the employees," and the loan processor transferring money from the cash register to the subject, who then left. Police searched the area for Appellant but did not find him.

¶4 On December 21, 2007, Peoria Police Sergeant Smith visited several other Peoria check cashing businesses, including a Check 'n Go store located near 75th Avenue and Peoria, to forewarn them about a rash of robberies at similar businesses. As a result, the manager of the Check 'n Go decided to keep the front door of her store locked.

¶5 At approximately 10:15 a.m., Sergeant Smith responded to a call from the Check 'n Go. The manager and another employee had observed a "dark-colored car" with tinted windows drive slowly by the store, with the driver leaning out the

window and looking into the store. They next saw Appellant walk past the store "with his hand up by his face," turn around, and come back. The manager called 9-1-1, and while on the phone, she saw Appellant pull a stocking or ski mask over his face and put what appeared to be a black gun under his shirt. The manager described Appellant as "African-American medium tone skin tone. Muscular. Probably around six foot tall." She told the dispatcher Appellant was "pulling on the door" but could not get in.

¶6 When Sergeant Smith arrived at the Check 'n Go, he spotted Appellant, who matched the radio description of the suspect, walking in a parking lot aisle east of the store. The sergeant arrested Appellant, who had a nine millimeter handgun tucked in the front of his pants, a plastic Hi-Health bag and latex gloves in his pockets, and panty hose on his head.

¶7 That same day, Appellant was interviewed at the Peoria Police Department by Detective Hickman, and he confessed to the three offenses.[2] He acknowledged going to the site of his arrest that morning with the intent to rob the Check 'n Go. He further admitted having a handgun and the plastic bag "to put the money in," using "female stockings" as a mask, and walking by the store to see who was inside before trying to enter.

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[2] The interview was videotaped and later played for the jury at trial.

¶8 Appellant also described his activities at Advance America and Loan Mart the previous day. He admitted finding himself in "the same situation" at 67th Avenue and Peoria when he "walked up, the door was locked, and [he] turned around and walked away." He also admitted obtaining slightly more than six hundred dollars by doing "one other" near 91st Avenue and Olive, in which he wore the "same mask" and used and displayed the "same gun."

¶9 A grand jury issued an indictment, charging Appellant with one count of armed robbery, a class two dangerous felony; two counts of attempted first degree burglary, each a class four dangerous felony; and three counts of misconduct involving a weapon,[3] each a class four felony. A jury found Appellant guilty of all charged offenses and, in a separate proceeding, found the armed robbery and attempted burglaries were committed for pecuniary gain.

¶10 After finding that Appellant had two prior felony convictions, including one prior dangerous conviction, the trial court sentenced him to presumptive, concurrent sentences of 15.75 years' imprisonment in the Arizona Department of Corrections for the armed robbery and 10 years' imprisonment for the remaining offenses. Appellant timely appealed. We have

[3] At trial, the State presented evidence indicating that Appellant was a prohibited possessor whose civil rights had not been restored when he committed the charged offenses.

jurisdiction pursuant to the Arizona Constitution, Article 6, Section 9, and Arizona Revised Statutes sections 12-120.21(A)(1) (2003), 13-4031 (2010), and 13-4033 (2010).

ANALYSIS

¶11 Before trial, Appellant moved to suppress certain statements he made to Detective Hickman during his December 21, 2007 custodial interrogation on the basis that the detective had violated his rights pursuant to *Miranda*[4] and disregarded his request for an attorney. Appellant argued he had unequivocally requested an attorney during the interview when he uttered, "At this point can I ask for an attorney?" . . . "'Cause I don't know how much trouble I'm getting myself in." He further argued that, even if his words could be viewed as an "ambiguous" or "equivocal" request for counsel, the detective was obliged under Arizona law to cease all questioning until he had clarified the nature of the statement. Appellant maintained that, because the detective neither honored his request nor attempted to clarify any ambiguity in it, any statements he made in response to the detective's questions after it must be suppressed.

¶12 At the October 3, 2008 trial management conference, the trial court found that Appellant's "can I ask for an attorney" query was not an unequivocal request for an attorney and denied the motion to suppress as it had been framed by the

[4] *Miranda v. Arizona*, 384 U.S. 436 (1966).

parties. After reviewing the transcript of the December 21 interview, however, the court was troubled by subsequent responsive statements made by the detective, and wondered whether those statements arose "to any kind of promise that would somehow impact the voluntariness of [Appellant's] statements." Accordingly, the court asked each side to address the issue of voluntariness in supplemental briefing, and the parties complied. Later, at the October 22, 2008 oral argument and after having reviewed a DVD of the interview, the court opined that it believed Detective Hickman's exchange with Appellant was "right at the line," but did not cross it. Nonetheless, the court postponed a final decision on suppression and scheduled a supplemental evidentiary hearing on the issue.

¶13 After hearing additional testimony[5] and "re-review[ing] all of the information that had been presented," including the supplemental briefing, the trial court found that Appellant's statements made to Detective Hickman after the "can I ask for an attorney" exchange were "voluntary" and therefore admissible. In reaching its decision, the court relied on our supreme court's decision in *State v. Blakley*, 204 Ariz. 429, 65 P.3d 77

[5] The court heard testimony from Detective Hickman again; from Appellant; and from Peoria Police Officer Karaloff, who had been present at an exchange between Appellant and Detective Hickman at the Boswell Hospital emergency room, had transported Appellant to the Peoria Police Department, and had observed at least some of the detective's interview of Appellant.

(2003). Appellant's statements to the detective about the December 20 and 21 armed robbery and attempted burglaries before and after his "can I ask for an attorney" query were subsequently admitted into evidence at trial.

¶14 On appeal, Appellant argues that the trial court erred in denying his motion to suppress when the court found his "can I ask for an attorney" query was not an unequivocal request for counsel and when it found that the detective's response was not a promise of "leniency" that rendered involuntary additional statements he made upon subsequent questioning.

¶15 Our review of a trial court's ruling on a motion to suppress is based solely on the evidence presented at the suppression hearing. *State v. Newell,* 212 Ariz. 389, 396, ¶ 22, 132 P.3d 833, 840 (2006) (citing *State v. Spears*, 184 Ariz. 277, 284, 908 P.2d 1062, 1069 (1996)). Further, we review the evidence presented in the light most favorable to sustaining the ruling. *State v. Wyman*, 197 Ariz. 10, 12, ¶ 2, 3 P.3d 392, 394 (App. 2000). We review the factual findings underlying the court's determination for an abuse of discretion, but we review the court's legal conclusions *de novo*. *Newell*, 212 Ariz. at 397, ¶ 27, 132 P.3d at 841.

¶16 We will not disturb a trial court's ruling on a motion to suppress absent a clear abuse of the court's discretion. *Spears*, 184 Ariz. at 284, 908 P.2d at 1069. An abuse of

discretion occurs when "the reasons given by the court for its action are clearly untenable, legally incorrect, or amount to a denial of justice." *State v. Chapple*, 135 Ariz. 281, 297 n.18, 660 P.2d 1208, 1224 n.18 (1983) (citation omitted).

I. Failure to Suppress Based on Request for Counsel

¶17 Before questioning Appellant after his arrest on December 21, Detective Hickman advised Appellant of his rights pursuant to *Miranda*. Appellant then admitted the attempted burglary of the check cashing store where he was arrested and the armed robbery and attempted burglary of the two check cashing stores the previous day. As the detective began to question Appellant about "another" incident, the following exchange occurred:

> Q: There's another one.
>
> [Appellant]: At this point can I ask for an attorney?
>
> Q: You can.
>
> [Appellant]: 'Cause I don't know how much trouble I'm getting myself in.
>
> Q: Well here's what I told you.
>
> [Appellant]: How much more trouble I'm getting in.
>
> Q: You're not getting yourself in any worse trouble, but what you're doing is uh, you're clarifying things so when we do go to court, everybody knows that we talked truthfully. That's – I wouldn't be saying there's another one if I didn't know there was another one, right? And that's – like I said, you're trying to make your bills, and all I'm trying to do is confirm what you did. So – two reasons, one, I don't

hang this on someone else, okay. And two – well three reasons. We clear everything up today so you don't have nothing hanging over your head next week. I book you today on these, and then soon as everything's – looks like it's going okay on these, and then everything comes together on something else with the DNA or whatever we're gonna do, and then I got to come back and throw more charges on you. Do you see where I'm coming from?

[Appellant]: Yeah.

Q: That's – that's where my concerns are here. Okay. That's why I'm saying there's another one. If you want to talk about it, we can talk about it. It's one that you did twice.

[Appellant]: One that I did twice?

Q: Yeah, did you do it twice?

[Appellant]: Mm-mm.

Q: Okay.

[Appellant]: I've never done one twice.

Q: Okay. Well then maybe there were two people that did it, and see, that's what I'm trying to figure out. Rather than try to hang both of them on you – do you see what I'm saying?

[Appellant]: Yeah.

Q: You want to talk about that? Get it out in the open, get it done with?

[Appellant]: Mm, yeah.

¶18 Appellant argues that his "can I have an attorney" query,[6] made after previously being advised he could have an

[6] As the State notes, Appellant incorrectly asserts in his opening brief that he queried, "[C]an I have an attorney?" Appellant's actual words were "can I ask for an attorney?"

attorney, was "an unequivocal request for an attorney," and the trial court erred in not suppressing all statements made after it. "A trial court's ruling on the admissibility of a confession will not be reversed on appeal unless there has been clear and manifest error." *State v. Eastlack*, 180 Ariz. 243, 251, 883 P.2d 999, 1007 (1994) (citation omitted).

¶19 In *Miranda*, the United States Supreme Court held that an individual who is subjected to custodial interrogation has the right to consult with an attorney and have counsel present during questioning, and police are required to explain this right before interrogation begins. 384 U.S. at 469-73. In *Edwards v. Arizona*, 451 U.S. 477, 484-85 (1981), the Supreme Court held that when an accused person expresses the desire to deal with police only through counsel, the person may not be subjected to further interrogation by the authorities until counsel has been made available, unless he or she initiates further communication, exchanges, or conversations with police.

¶20 In *Davis v. United States*, 512 U.S. 452, 458 (1994), the Supreme Court subsequently held that, if a suspect effectively waives his or her right to counsel after being advised of it, law enforcement officers may continue to question the suspect. Nonetheless, if the suspect requests counsel at any point during an interview, the suspect cannot be subjected to further questioning until either a lawyer has been made

available or the suspect reinitiates the conversation. *Id*. The Court, however, specified that the suspect's request for counsel must be "unambiguous," such that a "reasonable police officer in the circumstances would understand the statement to be a request for an attorney." *Id*. at 459. The Court also clarified that anything less than that - i.e., a statement that "*might* be a request for an attorney" - did not trigger the requirement to cease all questioning. *Id*. at 461-62.

¶21 Affirming the lower court's suppression ruling, the Supreme Court in *Davis* found that the remark "[m]aybe I should talk to a lawyer" was not an unequivocal request for counsel. 512 U.S. at 462. In *Eastlack*, our supreme court acknowledged the reasoning of *Davis* and found the suspect's statement during questioning - "I think I better talk to a lawyer first" - was equivocal, and the suspect could have clearly and unequivocally requested a lawyer had he so desired. 180 Ariz. at 250-51, 883 P.2d at 1006-07.

¶22 We agree with the trial court's finding that Appellant's statement in this case was not an unequivocal request for an attorney. As the State recognizes, Appellant did not ask for an attorney; instead, he merely asked whether he *could* ask for an attorney at that point. This inquiry is not unlike the "[m]aybe I should talk to a lawyer" surmise voiced by the defendant in *Davis*, which the Supreme Court found not to be

an "unequivocal" request for counsel. Further, despite the fact that Detective Hickman responded, "You can," indicating that Appellant *could* do so, Appellant never replied that he therefore wanted an attorney or otherwise indicated to the detective that he no longer wished to speak without an attorney present.

¶23 Cases in which courts have found that statements arguably less ambiguous than Appellant's were not unequivocal requests for counsel lend support to the trial court's conclusion here. *See, e.g., Eastlack*, 180 Ariz. at 250-51, 883 P.2d at 1006-07 (deeming ambiguous the defendant's "I think I better talk to a lawyer first" statement); *Paulino v. Castro*, 371 F.3d 1083, 1087-88 (9th Cir. 2004) (finding the questions "Where's the attorney?" and "You mean it's gonna take him long to come?" were not unambiguous requests for counsel); *Lord v. Duckworth*, 29 F.3d 1216, 1220-21 (7th Cir. 1994) (determining that the defendant's query "I can't afford a lawyer but is there any way I can get one?" lacked "the clear implication of a present desire to consult with counsel").

¶24 In *Lord*, the Seventh Circuit found further support for its conclusion from the fact that, after the officer in that case "gave an affirmative response to [the defendant's] question about obtaining a lawyer," the defendant did not pursue the matter further. 29 F.3d at 1221. The same reasoning applies in this case where Detective Hickman responded to Appellant's "At

this point can I ask for an attorney?" query by stating, "You can." Despite this response, Appellant never stated a "present desire" to have counsel present before he spoke further with the detective.

¶25 Appellant also argues that, even if we view his words as ambiguous, the detective was required to stop the interview and clarify their import. Although the Supreme Court in *Davis* found it would be good practice for officers to clarify whether a defendant actually wanted an attorney in the face of an ambiguous statement, the Court specifically declined to adopt a rule requiring officers to do so. 512 U.S. at 461-62. Instead, the Court concluded that, unless a suspect's statement was an unambiguous or unequivocal request for counsel, there was no obligation on law enforcement to stop questioning him or her. *Id*. Contrary to Appellant's argument, in *State v. Ellison*, 213 Ariz. 116, 127, ¶ 29, 140 P.3d 899, 910 (2006), our supreme court expressly acknowledged that *Davis* found no constitutional requirement for officers to either clarify a suspect's ambiguous statement or stop all questioning.[7] Under the circumstances of this case, we cannot say that the trial court erred in finding

[7] As the State notes, the cases Appellant relies on for this argument - *State v. Staatz*, 159 Ariz. 411, 768 P.2d 143 (1988), *disapproved on other grounds by State v. LeBlanc*, 186 Ariz. 437, 440, 924 P.2d 441, 444 (1996), and *State v. Finehout*, 136 Ariz. 226, 665 P.2d 570 (1983) - were decided before the *Davis* and *Ellison* decisions.

that Appellant's statement to Detective Hickman was not an unequivocal or unambiguous request for an attorney.[8]

II. Failure to Suppress Based on Voluntariness

¶26 Appellant also contends that his statements to Detective Hickman were involuntary because the detective's statement that Appellant was not getting himself "in any worse trouble" was a "promise" by the detective that he would get concurrent sentences "if he cleared other crimes for the police by confessing to them." According to Appellant, this "promise"

[8] Appellant cites several cases in which courts have found a statement to be an unequivocal request for an attorney. The cases, however, are factually distinguishable from this case. In three cases, the requests for counsel came immediately after the defendants were advised of their rights pursuant to *Miranda* and were couched in language that was an indication of a "present desire to consult with counsel," *Lord*, 29 F.3d at 1221, unlike in the present case. *See Alvarez v. Gomez*, 185 F.3d 995, 996-97 (9th Cir. 1999) (stating that, immediately after being advised of his rights pursuant to *Miranda*, the defendant asked the following: "Can I get an attorney right now, man?"; "You can have [an] attorney right now?"; and "Well, like right now you got one?"); *United States v. Hughes*, 921 F. Supp. 656, 657 (D. Ariz. 1996) (stating that, immediately after being advised of his rights pursuant to *Miranda*, the defendant asked, "Can I call a lawyer?"); *Commonwealth v. Hilliard*, 613 S.E.2d 579, 582 (Va. 2005) (noting that, before signing a waiver form, the defendant asked, "Can I have someone else present too . . . like a lawyer like y'all just said?" and after signing the waiver, the defendant stated, "I would like to have somebody else in here" and "Can I get a lawyer in here?"). In two cases, the courts found that the language used appeared to express unequivocal requests. *See United States v. Lee*, 413 F.3d 622, 626 (7th Cir. 2005) (recognizing that the defendant's "Can I have a lawyer?" query was similar to statements previously recognized by the court as proper invocations of the right to an attorney); *Kyger v. Carlton*, 146 F.3d 374, 379 (6th Cir. 1998) (concluding that the defendant's statement that he would "just as soon have an attorney" was a request for counsel).

was a significant inducement to get him to confess, and the trial court thus erred in finding that his subsequent incriminating statements were "voluntary." Finding no support for Appellant's characterization of the detective's statement, we find no error in the court's ruling.

¶27 In Arizona, confessions are *prima facie* involuntary, and the State bears the burden of proving otherwise by a preponderance of the evidence. *State v. Lacy*, 187 Ariz. 340, 346, 929 P.2d 1288, 1294 (1996). In determining whether a confession is involuntary, we consider whether, under the totality of the circumstances, a defendant's will was overcome. *State v. Boggs*, 218 Ariz. 325, 335, ¶ 44, 185 P.3d 111, 121 (2008). "To find a confession involuntary, we must find both coercive police behavior and a causal relation between the coercive behavior and the defendant's overborne will." *Id*. at 336, ¶ 44, 185 P.3d at 122 (citation omitted). A statement is involuntary, therefore, if we find that "under the totality of the circumstances, the statement was the product of coercive police tactics." *State v. Lee*, 189 Ariz. 590, 601, 944 P.2d 1204, 1215 (1997) (citations omitted).

¶28 "A voluntary confession is one not induced by a direct or implied promise, however slight. A confession resulting from a promise is involuntary if (1) police make an express or implied promise and (2) the defendant relies on the promise in

confessing." *Blakley*, 204 Ariz. at 436, ¶ 27, 65 P.3d at 84 (quoting *State v. Ross*, 180 Ariz. 598, 603, 886 P.2d 1354, 1359 (1994)); *accord Hutto v. Ross*, 429 U.S. 28, 30 (1976) (stating that the test for voluntariness is whether a confession was extracted by threats or violence; by a direct or indirect promise, however slight; or by the exertion of any improper influence). On appeal, we will not disturb a trial court's determination of voluntariness absent a finding that the court committed clear and manifest error. *Blakley*, 204 Ariz. at 436, ¶ 26, 65 P.3d at 84.

¶29 Appellant focuses on Detective Hickman's "You're not getting yourself in any worse trouble" statement and contends that, by it, the detective "promised leniency by agreeing to preclude any consecutive sentences for other crimes to which [Appellant] confessed." Our review of the record shows that simply is not the case.

¶30 The detective's remark was made after Appellant admitted to an armed robbery and two attempted burglaries in the first degree and, viewed in context, appears to be nothing more than a comment that discussing "another" incident would not necessarily get Appellant "in any worse trouble" at that point. As the State notes, even if inaccurate, it was by no means a "promise" of leniency, let alone of any specific sentences. *See State v. Huerstel*, 206 Ariz. 93, 106, ¶ 55, 75 P.3d 698, 711

(2003) (stating that, although erroneous, detectives' advice that it would be "better" for the defendant if he told the truth, when unaccompanied by either a threat or promise, did not render a subsequent confession involuntary); *Blakley*, 204 Ariz. at 436, ¶ 27, 65 P.3d at 84 ("Advice to tell the truth, unaccompanied by either a threat or promise, does not make a confession involuntary." (quoting *Ross*, 180 Ariz. at 603, 886 P.2d at 1359)).

¶31 Further, we find nothing in the response given by Detective Hickman that could be interpreted as promising "leniency," "preclud[ing] consecutive sentences," or "threatening harsher sentences" based on whether Appellant confessed to additional crimes. The only "promise" we find in the detective's comments is that they would "clear everything up today" and get Appellant "book[ed] [] today on these" so he would not have anything "hanging over [his] head next week."

¶32 In *Blakley*, on which the trial court in this case relied in reaching its decision, our supreme court found there had been "no specific mention of a 'deal'" if the defendant confessed even though the interrogating officers in that case had suggested "leniency might be an option" and implied the defendant might receive counseling if he "told the truth." 204 Ariz. at 435-36, ¶¶ 23, 28, 65 P.3d at 83-84. We agree with the State that the statements in *Blakley* were significantly more

specific than Detective Hickman's indefinite comment that Appellant would not get himself "in any worse trouble" by discussing "another" incident.

¶33 Appellant maintains that our supreme court's decision in *State v. Thomas*, 148 Ariz. 225, 714 P.2d 395 (1986), "is on point to the present case." *Thomas*, however, is readily distinguishable. In *Thomas*, the defendant denied any involvement in the crime until the interviewing deputy told him that the lack of a confession would have a detrimental effect on his sentence and actually discussed the probabilities of what his sentence might be. *Id*. at 227, 714 P.2d at 397. In the present case, Appellant had already confessed to the Peoria crimes before the exchange with Detective Hickman occurred. More importantly, the detective did not discuss sentencing or the probabilities of sentencing with Appellant in any fashion. Nor did the detective indicate, either directly or indirectly, that a confession, or lack thereof, would affect the resolution of Appellant's offenses.

¶34 The State also argues that, even assuming *arguendo* that Appellant's post-exchange comments to Detective Hickman were improperly admitted by the trial court, any error would be harmless because Appellant had already confessed to the Peoria crimes. *See generally State v. Montes*, 136 Ariz. 491, 496-97, 667 P.2d 191, 196-97 (1983) (concluding that the admission of a

defendant's pre-*Miranda* statements was harmless beyond a reasonable doubt given that the subsequent confession recounted the events in detail and was properly admitted). Although the trial court appears not to have specifically considered this factor when rendering its decision, we find it lends further support to the court's finding that Appellant's post-exchange statements were voluntary. Here, Appellant had been advised of his rights pursuant to *Miranda* and had already confessed to and provided sufficient details to connect him with the three Peoria offenses before his exchange with Detective Hickman. His post-*Miranda* admissions prior to his query were voluntarily made, and he does not argue otherwise. The statements he made after the exchange with the detective simply fleshed out details regarding the crimes.[9] We find no possibility that the detective's statements "coerced" the additional statements Appellant made regarding these crimes or that these additional statements were anything other than harmless beyond a reasonable doubt. *See State v. Davolt*, 207 Ariz. 191, 205, ¶ 39, 84 P.3d 456, 470 (2004).

¶35 Based on the totality of the circumstances, the trial court committed no "clear and manifest error" in finding

[9] A new piece of information that Appellant provided was the fact he had spent some of the money he obtained during the armed robbery, but the remainder was in his vehicle. Appellant, however, had already admitted obtaining approximately "$600" from the Loan Mart before the exchange with Detective Hickman.

Appellant's additional statements to Detective Hickman were voluntary and not induced by any promise. *See Blakley*, 204 Ariz. at 436, ¶ 26, 65 P.3d at 84 (citation omitted). Therefore, the trial court did not abuse its discretion in denying Appellant's motion to suppress. *See Spears*, 184 Ariz. at 284, 908 P.2d at 1069.

CONCLUSION

¶36 Appellant's convictions and sentences are affirmed.

_____/S/_____
LAWRENCE F. WINTHROP, Presiding Judge

CONCURRING:

_____/S/_____
PATRICIA K. NORRIS, Judge

_____/S/_____
PATRICK IRVINE, Judge