OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI,	)	No. ED109736
	)	
Appellant,	)	Appeal from the Circuit Court
	)	of St. Charles County
vs.	)	
	)	Honorable Deborah J. Alessi
CADEN N. YBARRA,	)	
	)	
Respondent.	)	Filed: November 23, 2021

The State of Missouri brings this interlocutory appeal after the Circuit Court of St. Charles County sustained, in part, the motion of Defendant, Caden N. Ybarra, to suppress statements he made and physical evidence revealed during and after a traffic stop.

REVERSED IN PART, AFFIRMED IN PART, AND REMANDED.

DIVISION THREE HOLDS: We reverse in part, and affirm in part.
Point I: We reverse the trial court's suppression of Defendant's statements made during the traffic stop because Defendant was not "in custody" for purposes of *Miranda*, so warnings were not required.
Point II: We reverse the trial court's suppression of the cocaine Defendant voluntarily revealed during the traffic stop because we find no violation of Defendant's Fourth or Fifth Amendment rights, in that he was not unlawfully seized or in custody.
Point III: We affirm the trial court's suppression of Defendant's pre-*Miranda* statements made at the hotel because Defendant at that point was in custody and subjected to custodial interrogation, and thus entitled to *Miranda* warnings.

We remand to the trial court for further proceedings consistent with this opinion.

Opinion by: Angela Turner Quigless, J.

Philip M. Hess, P.J. and Colleen Dolan, J., concur.

Attorney for Appellant: Daniel N. McPherson, Assistant Attorney General

Attorney for Respondent: Kenneth R. Schwartz

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.