

**IN THE MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

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**COMPLETE TITLE OF CASE**

STATE OF MISSOURI,

Appellant,

v.

CLIFTON S. SPARKLING,

Respondent.

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**DOCKET NUMBER WD73737**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**DATE:** November 29, 2011

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**APPEAL FROM**

The Circuit Court of Cole County, Missouri  
The Honorable Jon E. Beetem, Judge

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**JUDGES**

Division Two: Pfeiffer, P.J., and Ellis and Howard, JJ.

CONCURRING.

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**ATTORNEYS**

Mark A. Richardson, Cole County Prosecuting Attorney  
Anji Gandhi and Sarah V. Hamilton, Assistant Prosecuting Attorneys  
Jefferson City, MO

Attorneys for Appellant,

Margaret M. Johnston, Assistant State Public Defender  
Columbia, MO

Attorney for Respondent.

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**MISSOURI APPELLATE COURT OPINION SUMMARY**  
**MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

STATE OF MISSOURI, )  
)  
) **Appellant,** )  
v. ) **OPINION FILED:**  
) **November 29, 2011**  
CLIFTON S. SPARKLING, )  
)  
) **Respondent.** )

**WD73737**

**Cole County**

**Before Division Two Judges:** Mark D. Pfeiffer, Presiding Judge, and  
Joseph M. Ellis and Victor C. Howard, Judges

The State of Missouri filed this interlocutory appeal from an order of the Circuit Court of Cole County, Missouri, granting Clifton S. Sparkling’s motion to suppress statements. During a custodial interview, the detective read Sparkling his *Miranda* rights and asked Sparkling if he understood them. Sparkling made no audible reply or physical gesture indicating his understanding. Similarly, when the detective told Sparkling to sign the Statement of Rights form, Sparkling did not appear to read the form, and he did not review and initial beside each enumerated right to indicate his understanding thereof. The trial court found that the evidence did not establish that Sparkling’s custodial statements were made as a result of a knowing and intelligent waiver of his *Miranda* rights.

**AFFIRMED.**

**Division Two holds:**

Only where the State proves that a *Miranda* warning was given and that it was *fully understood* by the accused, does an accused’s uncoerced statement during custodial interrogation establish an implied waiver of the right to remain silent.

**Opinion by: Mark D. Pfeiffer, Presiding Judge**

November 29, 2011

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THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.