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Support

This project was supported by Grant No. 15JOVW-22-GK-03987-MUMU awarded by the U.S. Department of Justice, Office on Violence Against Women (OVW). The opinions, findings, conclusions, and recommendations expressed in this presentation are those of the authors and do not necessarily reflect the views of the OVW.

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Objectives

- Make charging decisions after reviewing all sources of information.
- Evaluate the context within which an act of violence occurs.
- Analyze evidence supporting 404(b) motions as well as motions *in limine*.

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State v. Adams


Memo: Phone Call Received by On-Call Domestic Violence Prosecutor, 5/19/23



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Show of Hands

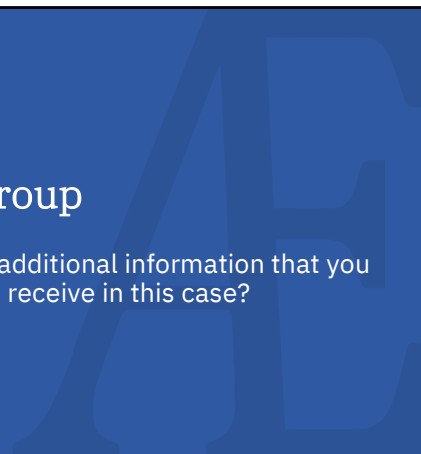
- Who would charge:
 - Anthony?
 - Eva?
 - Neither?
 - Both?
- Why?



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Small Group

Is there any additional information that you would like to receive in this case?



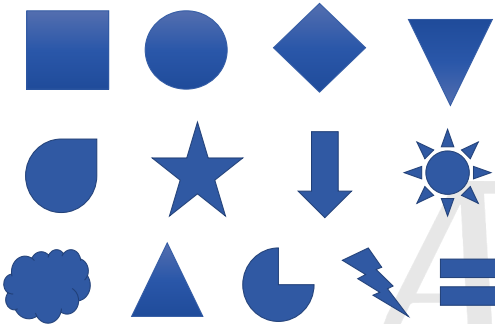
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Large Group Discussion

- What additional information would you like access to in this case?
- How would you go about obtaining it?

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Additional Information



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Body Worn Camera

Officer Young: Body cam shows distressed female, tears running down her cheeks. She slurs when responding to questions and looks at her feet and her hands as she speaks.

Officer Stanton: Body cam shows calm male with visible injuries to his face. Male is standing in front of two children on the porch, blocking their view. He maintains eye contact and allows officers to enter the home. BWC deactivated.



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Interview with Neighbor

On 5/20/23, Officer Young interviewed Anthonia Roberts, who had called 911 on 5/19/23 after hearing yelling coming from the Adams' house. She told Officer Young that she also heard yelling the night before on 5/18/23 but did not call the cops. Roberts stated that over the five years she has lived next door to the Adams' family, there have been more than ten occasions when she has heard a "man yelling, a woman crying, and banging noises" coming from the Adams' residence. She said that in September of last year, she had called the police because she had heard the children crying while the parents were fighting.



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Conversation with Victim Advocate

Anna Alvarez, Victim Advocate with the Prosecutor's Office Victim-Witness Unit got into contact with Eva Adams on 5/20/23 by dialing her mother's home phone. When Anna asked Eva if she felt safe, Eva sounded nervous and said, "There are times when I don't feel safe," and "I'm scared." Eva then interrupted herself, saying, "It will only make things worse if I do this—please don't call here again." She then hung up.



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Interview with Donna Rice

(1/2)

On 5/23/23 Investigator Jones went to the residence of Donna Rice, Eva's mother. Donna confirmed that Eva and the children had stayed with her a couple of days following the arrest of Anthony Adams. She said that Eva had admitted to her that, on the evening of 5/19/23, Anthony pinned her up against the wall and held her up by her throat. For a few seconds, Eva couldn't breathe. When Anthony let Eva go, he said, "Next time, I won't stop."

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Interview with Donna Rice

(2/2)

Donna stated that she does not get along with her son-in-law and that he has told her to stay away from Eva and the kids. She said that the only way she was typically able to see Eva and the children was to coordinate grocery shopping schedules. Donna stated that she saw bruises on Eva several times, but Eva would just shake her head when asked how she got the injuries. Donna said that once, when she called Eva, she heard Anthony threaten to “kick her ass” if Eva did not get off the phone.



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Jail Calls

(1/3)

On 5/20/23, defendant Anthony Adams made a call to the home telephone number of Donna Rice (victim’s mother). In pertinent part, the conversation included the following exchange:

Anthony Adams: *Baby, I miss you.*

Eva Adams: *I miss you too. Please don’t be mad.*

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Jail Calls

(2/3)

Anthony Adams: *I’m stuck babe. I can’t work from here. I can’t help you from here. Did my lawyer call? You can talk to him, you don’t need to talk to the prosecutor about anything.*

Eva Adams: *But I’m scared. I don’t want to get in trouble.*

Anthony Adams: *You won’t get in trouble, just listen to my lawyer. Let me talk to Maggie.*

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Jail Calls

(3/3)

Maggie Adams: *Hi Daddy, where are you?*

Anthony Adams: *I'm okay baby. Just listen. If a lady asks you about Daddy, tell her that you want to see your daddy—you miss him. All right?*

Maggie Adams: *I know.*



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Forensic Interview with Child

(1/3)

On 5/26/2023 Investigator Jones responded to the Children's Advocacy Center for a scheduled Forensic Interview (FI) of Maggie Adams. Investigator Jones watched the FI from another room via closed circuit television and observed the following:

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Forensic Interview with Child

(2/3)

- Maggie was asked if she knew why she was at the CAC today. Maggie stated that she did and stated it was because of the things that her dad does to her mom.
- When asked what “things” her dad does to her mom, Maggie stated that “Daddy hits her... sometimes he makes it so she can't speak. I hear Mommy crying a lot.”

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Forensic Interview with Child

(3/3)

The FI asked what “things” happened the last time the police came. Maggie stated, “Mommy tried to leave again, but Daddy wouldn’t let her. Daddy gets mean when Mommy leaves. He pulled her shirt and she pushed him away. Daddy saw me looking and yelled at me.” Maggie began to cry. She said her daddy told her not to tell and he would be mad.



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AirTag Incident

(1/2)

On 5/17/23 Officers Melendez and Jackson was dispatched to Flanagan’s Bar and Grill after receiving a 911 call from the hostess, Cathy Hontar reporting two people fighting in the restaurant. Upon arrival, a male ran out the front door of the restaurant. Officer Jackson gave chase as Melendez entered the restaurant and observed a female (later identified as Eva Adams) sitting by the hostess stand, visibly shaken and crying.

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AirTag Incident

(2/2)

Next to her was a purse with the contents scattered on the floor. Eva was holding what appeared to be a microchip and cried, “what is this?” The item was later determined to be an Air Tag. Eva stated, “I was just getting lunch with my mom. He kept asking me who I was on a date with. I’ve never seen this microchip thing before. He’s following me again.” Officer Jackson was unable to locate the male subject.



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Facebook Post

(1/2)

On 6/3/2023, Investigator Jones examined Anthony Adams' public profile page on Facebook, a social media platform where members can create text and/or multimedia posts of personal interest to the creator. Investigator Jones examined the history of posts for the profile and recognized numerous photos depicting Anthony, Eva, their children, and their residence. Investigator Jones discovered the following post that was updated on 5/29/2023:

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Facebook Post

(2/2)

I just found out my bitch of a wife let our little girl be dragged into a police station and interviewed by the police about a fight she started! If this doesn't stop, I am going to let the whole world know what a crappy mother she is. She neglects our kids and she brought women home for us to have sex with. I have pictures to prove this!

Investigator Jones saved screenshots of the available posts from the Facebook profile page referenced above from January 1, 2019 through to June 3, 2023.



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Anthony Adams NCIC

(1/2)

- 2006 Violation of Protective Order (different jurisdiction and different victim)
 - Convicted/adjudicated
 - Sentence: 10 days jail
- 2010 Aggravated Battery Pregnant Person (victim: Eva Adams)
 - Charges reduced to misdemeanor assault
 - Adjudication withheld
 - Sentence: 12 months supervised probation, anger management classes, contact with victim permitted

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Anthony Adams NCIC

(2/2)

- 2019 Misdemeanor Assault Charges reduced to disorderly conduct
 - Convicted/adjudicated
 - Sentence: time served
- 2020 Violation of Protective Order (victim: Eva Adams)
 - Charges withdrawn, case dismissed
- 2022 Terroristic Threats; Strangulation; Misdemeanor Assault; Cruelty to Children
 - Charges withdrawn, case dismissed



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Eva Adams NCIC

- 2014 Misdemeanor Assault (victim: Anthony Adams)
 - Charges withdrawn, case dismissed
- 2020 DUI
 - Adjudicated/guilty
 - 1 year deferred sentence, license revoked
- 2022 Misdemeanor Possession of Drug Paraphernalia
 - Adjudication withheld
 - Sentence: 12 months supervised probation to begin July 1, 2022. Weekly attendance at Alcoholics Anonymous, random drug and alcohol testing



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Prior Police Report

(September 2022 incident) (1/4)

A summary of the police report is as follows (The full police report will be distributed along with the rest of the case file following this session):

- On 9/30/22 Officers Smith and Peterson were dispatched to the Adams' residence following a report of a domestic disturbance.

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Prior Police Report

(September 2022 incident) (2/4)

- Anthony reported to Officer Smith that he came home from work to find his wife had packed her and their two children's belongings. He reported that he told his wife that she was "not leaving with the kids".
- Officer Smith observed two dented boxes in the driveway.
- Officer Peterson entered the house and encountered a boy later identified as Brandon Adams (DOB 9/26/2010), son of Anthony and Eva. Brandon said, "There's no problem here" and kept nervously looking outside at his father.

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Prior Police Report

(September 2022 incident) (3/4)

- Eva was standing near Brandon and her younger daughter, Maggie (DOB 3/05/2016). Eva refused to answer any questions but Maggie said, "My daddy was beating up my mom! He was choking her!" Brandon "shushed" his sister.
- Once additional officers arrived for backup to care for the children, Officer Peterson spoke to Eva alone. Eva initially denied that anything happened but eventually stated that there had been a "fight" over her wanting to bring the children over to her mother's.
- Eva stated that Anthony pushed her against the wall, "choked" her, and said, "I can kill you right now". Officer Peterson did not observe any injuries to Eva's neck.

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Prior Police Report

(September 2022 incident) (4/4)

- Eva became very agitated when Anthony was arrested and stated that she was "scared to death" about what Anthony would do when he got out of jail.
- Eva was treated by Fire/Rescue but declined further medical treatment.
- Detective Jones responded to the scene and made arrangements to meet with Eva the next day. Eva took the children to stay with her mother, Donna Rice.

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EMT Report

(September 2022 incident)

On 09/30/2022, emergency medical technician William Backer observed that Eva was crying and had what appeared to be a broken nose. William Backer also observed vertical scratches on the front of her neck and bruising on the right side.



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Photographs from House

(May 2023) (1/2)

[MEDIA OMITTED]

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Photographs from House

(May 2023) (2/2)

[MEDIA OMITTED]



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Considerations

At what stages of the prosecution can you use the additional information you have received? How?

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Considerations

cont'd

- Based on the additional information you received, does the use of violence by one person differ from the other? How?
 - Groups 1, 2, and 3
 - How do these differences affect the self-defense analysis?
 - Groups 4, 5, and 6
 - How do these differences affect the predominant aggressor analysis?

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At this stage, who would you charge?

What would you charge them with?

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New Case Information:

Anthony Adams is charged with

- (1) count of Assault (for 5/20/23 incident at the Adams' residence)
- (1) count of Stalking (for course of conduct surrounding 5/20/23 assault, including Air Tag incident)
- (2) counts of Witness Tampering (for jail phone calls to Eva and Maggie)

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Going Forward

Avoid dual arrests.

Make charging decisions after reviewing all sources of information.

Apply a contextual analysis to determine a just result.

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