

DISPOSITION STATEMENT

STATE OF FLORIDA
vs.
CALLIE EUDORA ADAMS

DATE: May 31, 2017
DIVISION: CR-C
S.A. CASE NO.: 11CF056643AD
OFFICER: R. A. McClain

Charges:
Disposition:
Police Officer Notification:

Second Degree Murder
Nolle Pros Code 4
Consented to any ASA decision at time of
filing. Investigator McClain has confirmed
consent to current decision.

Adams' Family Notification:

The undersigned met with Rodney Adams' mother and brothers on April 28, 2017 in Charleston, S.C. to convey decision and followed up by letter on May 30th, 2017.

Callie Adams ("Defendant") shot and killed her husband, Rodney Adams ("Adams") on July 22, 2011. The Defendant alleges that she shot Adams in self-defense. It is the opinion of the undersigned that a reasonable probability of conviction does not exist for the charge of Second Degree Murder and accordingly, the State of Florida hereby dismisses the case against the Defendant.

EVIDENCE REVIEWED

The undersigned has reviewed the following relevant pleadings, transcripts, evidence, and information:

- Homicide report;
- Audio recording of 911 call;
- Scene photographs;
- Toxicology report;
- Military records of Defendant;
- Video recorded interview of the Defendant;
- Transcript from Stand—Your—Ground proceedings dated April 3rd, 4th, and 25th, 2014;
- Written submissions of State and Defense closing arguments submitted on May 9th and May 14th, 2014 (defense) and June 3rd, 2014 (state).
- Order Denying the Defendant's 3rd Amended Motion for Determination of Immunity from Prosecution and Motion to Dismiss dated June 13, 2014;
- The Defendant's mitigation packet including sworn affidavits from family and friends.

MEETINGS

The undersigned has met with the following people to discuss the facts and disposition of the matter:

- Jeff Moody and Alan Mizrahi, Assistant State Attorneys;
- Rhonda Peoples Waters and Eric Friday, counsel for the Defendant;
- Janet Sims and Loretta Adams, Daughters of the Defendant and Rodney Adams;
- Mary Adams, mother of Rodney Adams; Ruben Potts, brother of Rodney Adams; Ramsey and Robert Adams, brothers of Rodney Adams;
- Barry Nelson, friend of the Defendant and Rodney Adams.

DEFENDANT'S BACKGROUND

At the time of Adams's death, Adams and the Defendant had been married for nineteen (19) years. They had two children in common. The Defendant was a Gunnery Sergeant in the United States Marine Corps and had been in the military for twenty one years. Defendant's military record revealed no corrective or disciplinary actions. The Defendant was honorably discharged on February 29, 2012, as a result of this incident.

The Defendant was arrested on July 22, 2011, and released from pretrial detention on July 27, 2011. Since that time, the Defendant has maintained steady and continuous employment, including at two law firms, and is raising her children. The Defendant has no criminal record preceding this incident. She has not been arrested since.

PROCEDURAL HISTORY OF CASE

The Defendant was arrested on July 22, 2011.

On September 21, 2011, the State of Florida filed an Information against the Defendant for the second degree murder of Adams.

On November 13, 2012, the Defendant filed a Motion for Determination of Immunity from Prosecution and Motion to Dismiss. After the initial motion was stricken, the Defendant filed a renewed motion as well as a second amended motion on February 14, 2014. The Defendant filed a third amended motion to dismiss on April 23, 2014.

Beginning the week of April 3, 2014, and continuing on April 25, 2014, the Court held a Stand—Your—Ground evidentiary hearing in which the Court heard testimony of lay and expert witnesses, including testimony from the Defendant. At the time the Defendant requested immunity, the Stand—Your—Ground law required the Defendant to prove her claim of self-defense by a preponderance of the evidence. Peterson v. State, 983 So.3d 27 (2008). See also Bretherick v. State, 170 So.3d 766 (Fla. 2015).

On June 13, 2014, the Court denied the Defendant's Motion for Immunity.¹

On July 14, 2014, the Defendant filed a notice of appeal to the First District Court of Appeal. The Defendant sought to overturn the trial court's denial of her motion to dismiss.

On August 17, 2015, the First District Court of Appeal affirmed the trial court's order.

On March 28, 2017, counsel for the Defendant met with the State Attorney to request the State dismiss the charges against the Defendant.

For the reasons set forth herein, the State hereby enters a *Nolle Prosequi* of the Information in case number 16-2011-CF-008215-AXXX-MA.

FACTUAL SUMMARY

On July 22, 2011, Adams and the Defendant went out to dinner and then to a local nightclub. At approximately 11:30 pm, Adams became upset with the Defendant, claiming that he had been looking for her for over an hour. Per the Defendant, Adams' sense of time was incorrect as she had only gone to the restroom and was gone for just minutes. The Defendant has testified that she had two alcoholic drinks over the course of the night. The Defendant was not intoxicated. Adams, however, was. Adams' blood alcohol level was .19--twice the legal limit to drive a vehicle. Based on the Adams' blood alcohol level, expert toxicological testimony has indicated that Adams had consumed between seven and eight alcoholic drinks.

The Defendant has testified that her attempts to convince Adams that he was mistaken and that she had only just gone to the restroom were unsuccessful. Angry, Adams declared that they would leave the club. The Defendant and Adams left the club and the Defendant intended to drive the couple home. For no apparent reason, Adams began to physically assault the Defendant at the driver's side door. During this altercation, the Defendant claims that Adams ripped her wig off of her head, tore her shirt, choked her, and slapped her in the face and about the chest. The evidence and injury to the Defendant are consistent with these claims. Evidence collected from the vehicle includes beads from the Defendant's shirt and a wig. Injuries sustained by the Defendant include scratches and bruising to the front of her body.

The Defendant was in lawful possession of a firearm. The Defendant has testified that in an effort to scare Adams away, she pulled her gun out of her center console, pointed it at Adams, and warned him to "back off." This threat worked momentarily, and Adams backed

¹ Of note, the Court stated "Viewing the evidence in its totality, the Court cannot conclude that the Defendant presented sufficient evidence to meet her burden of establishing by a preponderance of the evidence that she is entitled to immunity from prosecution under Florida's Stand Your Ground Law. Whether the totality of the evidence is sufficient for the State to meet its high burden of proving the Defendant guilty beyond a reasonable doubt, is an entirely different question -- and that question will belong to the jury."

away. The Defendant did not fire her gun. Instead, the Defendant put her car in reverse, in a self-admitted attempt to escape Adams. The Defendant was successful in closing the driver door and momentarily getting away from Adams. Almost simultaneously, Adams got into the back of the vehicle and per the Defendant, said "I'll kill us all." (SYG hearing, April 3, 2014, pg. 347 line 1). Adams began punching the Defendant in the back of her head and behind her left ear. The Defendant has a surgical plate behind her left ear. Adams is left handed. Additional injuries suffered by the Defendant are consistent with this claim. Specifically, the Defendant suffered bruising and swelling behind her left ear.

The Defendant alleges that she pled with Adams to stop hitting her. When he did not, she grabbed her gun, and fired twice. One bullet shattered the sunroof. The other hit Adams in the right side of the chest. Adams died at the scene.

An independent witness approached the Defendant and asked if the Defendant had called 911 for help and the Defendant indicated she did. The Defendant then got down on the ground and began "mashing" his chest with her hands like she was giving him CPR. The Defendant testified that she has no recollection of speaking to anyone at the scene.

The Defendant called 911 and reported that she had just shot her husband. She advised the 911 operator that "he jumped on me." More specifically, she stated "he jumped on me and I shot him. He shouldn't have jumped on me. I'm tired of it. I'm tired of being beaten."²

There are no independent eye witnesses to either the conflict preceding the shooting or the shooting itself. The Defendant agreed to speak to law enforcement without counsel. The interview was video recorded. The Defendant appears honest and sincere as she explained to the detectives what happened. When asked what was "going through her mind at the time she shot the gun," she states (as she did on multiple occasions) "I just wanted him to stop hitting me." To date, the Defendant has failed to accurately demonstrate how she shot her husband.

EVIDENCE OF PRIOR DOMESTIC ABUSE

If this case were to proceed to trial, the jury would hear testimony from Adams' and the Defendant's daughters, friends, and the Defendant herself, about a history of sporadic physical domestic violence by Adams.

Battered Spouse Syndrome

The Defendant testified under oath in the Stand—Your—Ground hearing ("SYG Hearing") and again explained what happened and provided testimony about the historical domestic violence she and her children had suffered. Before the SYG hearing, the Defendant met with psychologist Dr. Krop. Dr. Krop opined that the Defendant's extensive history of physical and emotional abuse by her husband is typical of Battered Woman Syndrome. The results of

² Callie Adams, 911 transcript, July 22, 2011 (See attached Exhibit A).

the psychological testing are consistent with a woman who has been traumatized by her history of abuse.³

The historical domestic violence is evidenced by the Defendant's self-reports to Dr. Krop as well as the testimony of the Defendant's family and friends. These witnesses, some who bore witness to a single violent incident, and others, to many—would be presented to a jury for their consideration in the context of any expert opinion regarding Battered Spouse Syndrome. Specifically, Adam's mother, Reverend Mary Adams, submitted a sworn affidavit on July 27, 2011, attesting that Adams "had a temper," and that she received several calls annually from the Defendant about Adams "physically abusing Callie."⁴

Reverend Adams also testified under oath on July 27, 2011, about her personal knowledge of her son's temper: "Rodney could go from 1 to 25 in a matter of two or three seconds, from cool and calm to hot and angry."⁵ In addition to Reverend Adams' testimony, other family and friends have confirmed the historical domestic violence. Adams' and the Defendant's daughters, Janet Sims and Loretta Adams, provided sworn testimony of the father's domestic violence.⁶ Friends of both Adams and the Defendant, Barry Nelson and Tanesha Howard, were also witnesses to an incident where they witnessed Adams choking the Defendant. During this incident, Nelson had to physically pull Adams off of the Defendant to prevent him from choking her.

ELEMENTS OF THE CHARGED OFFENSE

The Defendant is currently charged with Second Degree Murder. To prove the crime of Second Degree Murder, the State must prove the victim is dead, the death was caused by the criminal act of the defendant, and there was an unlawful killing of the victim by an act imminently dangerous to another and demonstrating a depraved mind without regard for human life. § 782.04 (2), Fla. Sta. (2011).

An act is imminently dangerous to another and demonstrates a depraved mind if the act is one that a person of ordinary judgment would know is reasonably certain to kill or do serious bodily injury to another, is done from ill will, hatred, spite, or an evil intent, and is of such a nature that the act itself indicates an indifference to human life.

³ Psychological Evaluation, Dr. Krop, 2011 (See attached Exhibit B).

⁴ Adams' Affidavit attached as Exhibit C.

⁵ Reverend Mary Adams, Bond Hearing transcript, July 27, 2011, pg. 15 lines 11-13. (see attached Exhibit D).

⁶ I have also discussed this matter with both Janet and Loretta Adams and have personally confirmed the historical violence that each witnessed.

LEGAL ANALYSIS

The Defendant claims she acted in self-defense because she was in reasonable fear of imminent great bodily harm at the time she shot her husband. Alternatively, the Defendant avers that she acted lawfully because she shot her husband to prevent the imminent commission of a forcible felony upon her; specifically aggravated battery.

In Florida, a person is justified in using deadly force if she reasonably believes that deadly force is necessary to prevent imminent death or great bodily harm to herself. Likewise, a person may use deadly force to prevent the imminent commission of a forcible felony. Forcible felonies are found in Section 776.08, Florida Statutes and include aggravated battery. § 776.012, Fla. Sta. (2011).

Adams' conduct would be an aggravated battery on his wife if the force he used from the backseat constituted the intentional and knowing infliction of great bodily harm, permanent disability, or permanent disfigurement. § 784.045, Fla. Stat. (2011). Accordingly, any factual analysis must take into consideration whether the victim was either actually using force that would cause great bodily harm to his wife or whether she reasonably believed that he would imminently do so and that deadly force was necessary to prevent it.

In 2011, a person acting in lawful self-defense pursuant to Section 776.012, Florida Statutes, had no duty to retreat and could stand her ground as long as she was in a place she had the right to be.⁷ In this case, the Defendant was in a place she had the right to be. The only question is whether the Defendant acted in lawful self-defense.

Though the trial court denied the Defendant's motion to dismiss and the First District Court of Appeal affirmed, the burden of proof now shifts. It will be the State of Florida—not the Defendant—that bears the burden of proof at trial.⁸ The State must prove the Defendant *did not* act in self-defense. Fields v. State, 988 So.2d 1185 (Fla. 5th DCA 2008); Fowler v. State, 921 So.2d 708, 711 (Fla. 2d DCA 2006).

⁷ Even though the Defendant had no legal duty to retreat, she apparently tried to do so. Before firing her weapon, she pointed it at Adams and then attempted to leave the parking lot. Despite her efforts, she was unsuccessful because Adams jumped in the back of her car and began to hit her in the back of her head.

⁸ On May 5, 2017, the Florida legislature passed Senate Bill 128. Senate Bill 128, which amends Section 776.032, Florida Statutes, legislatively overrules Peterson and Bretherick to the extent these decisions allocated the burden of proof to the defendant. The 2017 amendment provides that once a defendant raises a *prima facie* claim of "self-defense immunity" from criminal prosecution at a pretrial immunity hearing, the State bears the burden to prove, by clear and convincing evidence, the defendant is not entitled to immunity. The amendment will go into effect when the Governor signs it into law. The Defendant has raised the issue of whether the new amendment to Section 776.032 would entitle her to another hearing at which time the State would bear the burden. Given the disposition of this case, it is not necessary to determine whether the amendment would apply retroactively to cases in which the hearing has already been held.

The Defendant would be entitled to a judgment of acquittal if the State cannot overcome its burden to disprove her claim of self-defense. Andrews v. State, 577 So.2d 650, 652 (Fla. 1st DCA 1991)(Defendant entitled to judgment of acquittal because State did not prove beyond a reasonable doubt that defendant did not act in self-defense when she stabbed victim who was choking her during a fight which he had initiated).

The Defendant has testified that she tried to deescalate the conflict by leaving; by threatening Adams with a gun; and by attempting to drive away. She also claims that she was in fear of imminent and great bodily harm. There is no evidence to overcome the Defendant's claim.

Importantly, there is no evidence of a motive—other than fear—to kill her husband. There is no evidence of jealousy or infidelity. To the contrary, the Defendant has admitted that she loved Adams and by all accounts, on the particular night in question, they had enjoyed a fine night together.

Neither the Defendant's purported inconsistencies regarding intent,⁹ nor her statements to the 911 operator,¹⁰ disprove the Defendant's stated claim of self-defense. Nor do they affirmatively prove that the Defendant acted with hatred, ill will, spite or an evil intent as a jury must find in order to convict the Defendant.

Apart from insufficient evidence negating the Defendant's claim of self-defense; the physical evidence actually corroborates the Defendant's claim of self-defense. The testimonial evidence would be that Adams, with a blood alcohol level of .19 hit, pushed, choked, and punched the Defendant on the night of this incident. The Defendant suffered injuries to the front of her body and the back of her head. Her shirt was torn. Her wig was located on the floor in the backseat on the passenger side. Her left earring was missing from her ear. Blood evidence in the vehicle confirms that Adams was in fact in the back of the car when he was shot, corroborating the Defendant's claim that Adams had jumped in the back seat as she tried to leave.

This evidence supports the Defendant's claims that Adams initiated the conflict, escalated the conflict, and prevented the Defendant from escaping the conflict.

Moreover, testimonial evidence of family and friends of both Adams and the Defendant corroborates the Defendant's statements of historical violence. Though Reverend Adams.

⁹ The State has previously argued that the Defendant's claim to Dr. Krop that she "accidentally" killed her husband was inconsistent with her claim of self-defense. (State of Florida's Closing Argument, June 2014, Page 4). Even if a jury were to agree, this inconsistency is insufficient to prove the requisite element that the Defendant killed her husband because of hatred, ill will, spite or evil intent.

¹⁰ The State has previously argued that the Defendant's tone and demeanor on the 911 call sounded "angry," rather than fearful. Even if a jury were to similarly interpret the Defendant's tone, this is insufficient to prove the requisite element that the Defendant killed her husband because of hatred, ill will, spite or evil intent. (State of Florida's Closing Argument, June 2014, page 7).

testified during the SYG hearing that her son and daughter-in-law both abused one another, her previous sworn testimony regarding her knowledge of her son's violent temper would inevitably be presented to the jury.

Based on the above facts, the historical violence, the Defendant's claim, and the law, the State of Florida cannot prove beyond, and to the exclusion of every reasonable doubt, that the Defendant did not act in self-defense.

CONCLUSION

This case has been pending for almost six years. Upon taking office in January, I met with the Assistant State Attorneys handling the matter and subsequently, counsel for the Defendant. Since that time, I have personally undertaken a thorough review of the facts and analyzed the relevant law. Based on this review, it is my opinion that a reasonable probability of conviction does not exist and accordingly, I am dismissing the case against the Defendant.



Melissa Williamson Nelson
State Attorney
Fourth Judicial Circuit

Exhibit

A

DEFENDANT NAME: CALLIE EUDORA ADAMS

SA# 11CF056643AD

911 CALL

Total time on tape 00:02:02 (Transcription begins 00:00:01 – 00:01:51)

911 OPERATOR: Jacksonville 911, Emory, hello.

ADAMS: Yo'.

911 OPERATOR: This is 911. Do you need police, fire, or Rescue?

ADAMS: Yes, ma'am. I need an ambulance to, ah, University at the, ah, Soho.

911 OPERATOR: Where?

ADAMS: The Soho's, it's a club.

911 OPERATOR: I need an address, ma'am. I need an address.

ADAMS: I don't know an address, baby. I'm on University.

911 OPERATOR: Anybody know the address for Soho's?

ADAMS: No. He's not breathing.

911 OPERATOR: Alright, stay on the phone. What happened to him?

ADAMS: He jumped on me and I shot him.

OTHERS: (inaudible voices) (background noise)

00:00:30

ADAMS: He jumped on me and I shot him.

911 OPERATOR: Alright, hold on a second, ma'am.

ADAMS: Thank you. He shouldn't have jumped on me. I'm tired of it. I'm tired of being beaten.

UNK. PERSON: (in background) Are you okay?

ADAMS: Yeah, I'm okay. He jumped on me. Rodney, please baby, wake up.

911 OPERATOR: Ma'am. Ma'am, ma'am, listen to me. Somebody get Rescue for this 18.

00:01:02

911 OPERATOR: Franklin, get me Rescue for the 18.

ADAMS: Oh, my God.

911 OPERATOR: Thank you. Okay, ma'am. Ma'am, what is your name? Ma'am.

ADAMS: He jumped on me and I shot him.

911 OPERATOR: Ma'am, ma'am, what is your name?

ADAMS: I'm just being honest. My gun, my gun is in there on the god-damn, ah, seat. Okay.

911 OPERATOR: Ma'am, where is the guy at?

00:01:29

911 OPERATOR: Is he outside or inside? Talk to me. Ma'am. Ma'am, ma'am. Ma'am, talk to me. Hello.

ADAMS: Okay. I got 'cha.

911 OPERATOR: Hello. Hello. (call ended / busy tone)

END OF TRANSCRIPTION

Exhibit

B

Exhibit

C

WITNESS STATEMENT

I, Rev. Mary L. Adams, hereby state that I am the mother of Rodney Adams. Rodney and Callie Adams were very much in love. They were always together. Callie was very outgoing and organized. She was a good wife, mother, and daughter-in-law. She was very family oriented. Rodney was a good son. He was a great provider. He loved his wife and children, but he had a temper.

Throughout the course of Rodney and Callie's marriage, I received several phone calls every year from Callie regarding Rodney physical abusing Callie. Rodney would also call me to attempt to talk him out of an enraged state. Janet and Loretta, their daughters, have also called me on numerous occasions in reference to physical abuse between Rodney and Callie.

I truly believe that Callie did not intend to kill my son. I am certain Callie responded in self-defense. I do not desire for Callie to be prosecuted. She loved him and he loved her.

STATE OF FLORIDA

COUNTY OF DUVAL

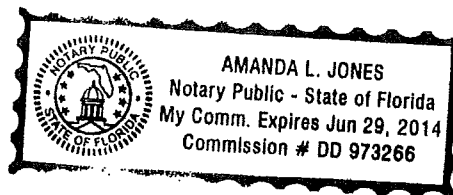
Sworn to or affirmed and signed before me on July 27, 2011, by Mary L. Adams.

Mary L. Adams

Mary L. Adams

Amanda L. Jones

NOTARY PUBLIC - STATE OF FLORIDA



[Print, type, or stamp commissioned name of notary.]

☐ Personally known

☒ Produced identification

Type of identification produced

FL ID

Exhibit

D

1 IN THE CIRCUIT COURT, FOURTH
2 JUDICIAL CIRCUIT, IN AND FOR
 DUVAL COUNTY, FLORIDA.

3 CASE NO.: 16-2011-CF-008215-AXXXMA
4 DIVISION: CR-C

5 STATE OF FLORIDA

6 vs.

7 CALLIE EUDORA ADAMS,

8 Defendant.

9 _____ /

10 TESTIMONY AND PROCEEDINGS before the
11 Honorable Adrian G. Soud, Circuit Judge, Courtroom No.
12 8, at the Duval County Courthouse, 330 East Bay Street,
13 Jacksonville, Duval County, Florida, on Wednesday, July
14 27th, 2011, commencing at 12:00 p.m., reported by
15 Sharron A. McLendon, Court Reporter.

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A P P E A R A N C E S

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and
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Attorney for the Defendant.

1 I N D E X

2 WITNESSES:

3 **LORETTA ADAMS**

Direct Examination by Ms. Peoples-Waters Page 14

4 Cross-Examination by Mr. Moody Page 18

5 **COURTNEY ADAMS**

Direct Examination Ms. Peoples-Waters Page 27

6 Cross-Examination by Mr. Moody Page 29

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11 E X H I B I T S

12 EXHIBIT NOS.

FOR IDENT.

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(No Exhibits)

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P R O C E E D I N G S

3 July 27th, 2011

12:00 p.m.

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THE COURT: State versus Callie Adams, the top
of Page 1, case 2011-8215. I thought I saw
Mr. Moody come in.

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MS. PEOPLES-WATERS: Your Honor, actually he
stepped outside to call Ms. Corey, so.

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THE COURT: Well, I'm just going to --
let's -- Ms. Adams, if you'll just -- you can have
a seat at the primary table there with Ms. Waters.
Let me give Mr. Moody, if he's on the phone with
Ms. Corey, presumably about this case, let me give
him a couple of minutes --

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MS. PEOPLES-WATERS: Thank you.

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THE COURT: -- to make the phone call. Then
when he is done, if you-all will just let Linda
know and she will call me and then I'll come right
back out to handle it. After that, for the benefit
of the courtroom staff, this is my final case
before a recess before I begin my afternoon
calendar, and so I would anticipate this same
schedule we discussed in chambers, which I will
again go over on the record, will remain in effect,

1 unless you-all tell me differently at the outset.

2 MS. PEOPLES-WATERS: Yes, Your Honor.

3 THE COURT: We'll be in recess for five
4 minutes.

5 MS. PEOPLES-WATERS: Thank you.

6 THE COURT: Yes, ma'am.

7 (A short recess was had, after which the
8 proceedings were resumed as follows:)

9 THE COURT: All right. Let me call the case
10 of State versus Adams, Page 1 of my add-on
11 calendar, case 2011-8215. Ms. Adams is present
12 before the Court, represented by
13 Ms. Peoples-Waters. The people of the State of
14 Florida is represented by Mr. Jeff Moody. All are
15 present before the Court.

16 At this point, for purposes of the
17 defendant's benefit, who is present, as well as the
18 interested family members who have been in court
19 now for three and a half hours, and I believe all
20 of you have been here all day, at this point I
21 discussed in chambers with counsel whether or not
22 there was an agreement as to a recommendation on
23 the defendant's motion for reduction of bail which
24 has been filed in case 2011-8215, and if there is a
25 recommended agreement, that this Court be provided

1 an opportunity to review the agreement and consider
2 the aspects of the agreement, as well as review
3 again the arrest and booking report, the sworn
4 affidavit contained in that report, et cetera.

5 My contemplation at this point, although,
6 Ms. Peoples-Waters, you all are passing back and
7 forth a yellow piece of paper, which is somewhat
8 unanticipated.

9 MR. MOODY: It is, Judge, and I didn't want to
10 interrupt you while you were speaking, but as I was
11 walking into the courtroom, it appears as though
12 the defense, and I just want to review this,
13 basically would be agreeing to a \$250,000 bond, she
14 would be put on community control level two, which
15 is house arrest, basically meaning she has to
16 remain in her home and would not be free to go
17 anywhere. That is -- that is what the State is
18 willing to agree to at this time, so as long as
19 that is, in fact, what the defense is stipulating
20 to, then the -- at this point the State is willing
21 to agree to that.

22 MS. PEOPLES-WATERS: And, Your Honor, that's
23 correct. I've conferred with my client. The only
24 issue we really had remaining was work, and I think
25 that we can work on that maybe at a later point,

1 after she's established maybe good behavior, based
2 on this point, but based on this point we would
3 rather her have those bond conditions, and then
4 even though --

5 THE COURT: There would be no attendance of a
6 funeral in South Carolina.

7 MS. PEOPLES-WATERS: Right.

8 THE COURT: And no attendance of a viewing.

9 MS. PEOPLES-WATERS: Right.

10 MR. MOODY: It would be, in essence, house
11 arrest, cannot leave her home.

12 MS. PEOPLES-WATERS: Yes, Your Honor.

13 THE COURT: Well, the same schedule is going
14 to hold. You all have been living with this case
15 since it occurred, since the shooting and the death
16 occurred, I have not. I now want the benefit of
17 the next hour and 15 minutes to read, think. Let
18 me, may I have the yellow form.

19 I'm going to ask you to come back at two
20 o'clock, and then it's a matter of I may hand you
21 the yellow form, if there is an agreement. I just
22 want time to consider it. On charges such as this,
23 with facts such as this, requests of victim's
24 family, which is unusual, I want a moment to
25 consider.

1 I'm going to pass the matter until two
2 o'clock. I know you each have very busy calendars,
3 I appreciate that very much, but I'm going to pass
4 it until two o'clock, and ask you all to come back
5 at two o'clock.

6 If I am going to agree, I'll sign the
7 document and you'll have it and you can proceed
8 forward, and this document obviously is in the
9 court file. If I'm not going to agree, then I will
10 alert you at that time what I'm going to require
11 and what I'm going to do. So I know we're in a
12 little bit of a flowing pattern, but you're going
13 to have to bear with me just a moment.

14 Yes, sir.

15 MR. MOODY: Judge, candidly for the Court, I
16 don't think you have access to anything more than
17 one paragraph in that report and if, in fact, to be
18 forthright with the Court so that you can learn the
19 facts that I think you want to learn and I endeavor
20 to want to provide to you, I think the only way
21 you're going to be able to do that is I can provide
22 my lead detective and some information. There are
23 no other reports that you're going to have access
24 to, other than that.

25 THE COURT: Well --

1 MR. MOODY: What's in the --

2 THE COURT: -- both counsel were present and
3 present in chambers and discussed the facts of this
4 case.

5 MR. MOODY: Some of them. The State was not
6 allowed to discuss all of the facts that it wanted
7 to because we were not on the record and we were
8 not having a full blown hearing, so I can tell you
9 that there are some facts that the State would have
10 put forward.

11 THE COURT: Well, the unusual posture is the
12 State is making -- agreeing to and making a
13 recommendation for bond.

14 MR. MOODY: I've been instructed to, yes, sir.

15 THE COURT: And so, that being said, if there
16 are facts that I don't know yet, if I'm comfortable
17 with what I do know and you can agree, I'll agree;
18 if not, then the facts you would provide me, I
19 would anticipate would only further to strengthen
20 that denial of granting what you all were jointly
21 requesting.

22 So if you'll just give me the courtesy and
23 let me have an hour and 15 minutes to look at it,
24 and if it's a short -- and like I told you in
25 chambers, any time I have a motion to respond to my

1 secretary gives me the arrest and booking report
2 and prints it off Showcase and I have it and I
3 review it, so I know it's not terribly lengthy, but
4 just let me digest it for a minute.

5 And so we'll be back, if you all will just
6 come to chambers at approximately two o'clock, when
7 I believe Ms. Corey is due to be here for a
8 swearing of an attorney on an unrelated matter, so
9 she may be here or may not be here, that's fine,
10 but I'll address you all at two o'clock.

11 For purposes of the courtroom staff, we will
12 be back on the calendar at 2:30 this afternoon for
13 our 2:30 hearing.

14 Anything else you think I need to know?

15 MR. MOODY: Judge, I was just going to say,
16 and I only offer that because, as you know, when I
17 stand before the Court I always want to make sure
18 that I can provide you with everything that you
19 need, and that's all that State wanted to say.

20 THE COURT: I know, and I appreciate it very
21 much and I know, I just -- let me -- I need a
22 minute --

23 MR. MOODY: Yes, sir.

24 THE COURT: -- to digest it.

25 Ms. Peoples-Waters, from your client's

1 perspective, is there anything I need to know?

2 MS. PEOPLES-WATERS: Actually, I was just a
3 little concerned as to whether or not the arrest
4 and booking report that you had from Showcase
5 included the paragraph, because when I saw it was
6 blacked out. Now, it may be different in the --
7 it's not blacked out. Okay.

8 THE COURT: Not what I read this morning. I
9 don't know. Maybe she came and made a copy.

10 MS. PEOPLES-WATERS: No, I was just going to
11 give you a copy if you didn't have it.

12 THE COURT: I have it. My secretary often
13 works magic that I don't understand.

14 MS. PEOPLES-WATERS: Great. Thank you.

15 THE COURT: So I will read all of this and
16 then we'll be in touch. We'll be in recess until
17 2:30 in court. I'll see you-all at two o'clock.

18 MS. PEOPLES-WATERS: Thank you.

19 THE COURT: Thanks very much.

20 (A lunch recess was had, after which the
21 proceedings were resumed as follows:)

22 THE COURT: All right. We will go back on the
23 record in the case of the State of Florida versus
24 Adams, case 16-2011-CF-8215. The defendant is
25 again present before the Court.

1 Prior to the Court taking a recess for the
2 afternoon, the State of Florida and the defendant
3 jointly recommended in response to the defendant's
4 motion for reduction of bail, recommended a bond of
5 \$250,003, with level two community control, ankle
6 monitoring, which is essentially house arrest, and
7 that the defendant is not permitted to leave her
8 home for any reason at all as a special condition
9 of her release.

10 Mr. Moody, from the State's perspective, have
11 I summarized accurately the recommendation to the
12 Court from the State?

13 MR. MOODY: Yes, sir.

14 THE COURT: Have I accurately summarized from
15 the defendant's perspective the joint
16 recommendation to the Court?

17 MS. PEOPLES-WATERS: Yes, Your Honor.

18 THE COURT: And I said, at the time that I
19 received the recommendation I wanted to have an
20 opportunity to review again the sworn affidavit
21 contained within the arrest and booking report. I
22 have had the opportunity to review that. Also, at
23 the time prior to our brief hearing before lunch,
24 counsel jointly approached chambers to indicate
25 what the posture was and to request scheduling

1 considerations and also an initial evaluation.

2 Certain representations were made to the
3 Court as it pertains to the request of the victim's
4 family, including the victim's mother and perhaps
5 the oldest of her three daughters. After having an
6 opportunity to consider what has been presented,
7 the Court does want to, even though there is a
8 joint recommendation, I do want to hear from the
9 defendants, excuse me, from the victim, Rodney
10 Adams' mother.

11 Ms. Peoples-Waters, who is -- who do you wish
12 to call in that vein?

13 MS. PEOPLES-WATERS: Your Honor, next we --
14 first we would call Ms. Loretta Adams, that is
15 Rodney Adams, the deceased, his mother.

16 THE COURT: Loretta Adams.

17 MS. PEOPLES-WATERS: Yes.

18 THE COURT: Ma'am, if you would kindly come
19 forward please. And, ma'am, good afternoon to you.
20 If you would, please raise your right hand to be
21 sworn.

22 **LORETTA ADAMS,**
23 having been produced and first duly sworn as a witness,
24 testified as follows:

25 THE CLERK: Thank you.

1 THE COURT: You may proceed.

2 MS. PEOPLES-WATERS: Thank you, Your Honor.

3 DIRECT EXAMINATION

4 BY MS. PEOPLES-WATERS:

5 Q Ms. Adams, would you state your full name for
6 the record?

7 A Mary Loretta Adams.

8 Q And your address?

9 A 208 Smith Street, Fort Miller, South
10 Carolina.

11 Q And, Ms. Adams, what is your relationship to,
12 first of all, the defendant, Ms. Callie Adams?

13 A She's my daughter-in-law.

14 Q And your son, as it relates to Mr. Callie --
15 Ms. Callie Adams?

16 A Rodney Adams is my son.

17 Q Okay. And would you explain to the Court,
18 just briefly, your position as to the release of
19 Ms. Callie Adams?

20 A Our family would love for her to be released
21 to come home. We don't want to see her prosecuted.

22 Q Are you --

23 THE COURT: Why is that?

24 THE WITNESS: Because I don't feel this was
25 done -- this was nothing done out of premeditation

1 or whatever. I -- it was something that --
2 freakish that just happened. It wasn't
3 intentionally done.

4 BY MS. PEOPLES-WATERS:

5 Q And let me ask you this, because the Court
6 would like to know, are you familiar with Rodney's
7 temper or any incidents that you have been able to see
8 or account for?

9 A Yes, I'm familiar with his temper.

10 Q What can you tell the Court about that?

11 A Well, Rodney could go from 1 to 25 in a
12 matter of two or three seconds, from cool and calm to
13 hot and angry. Did it happen all the time, no, but he
14 had a temper.

15 Q And, overall, would you describe him as a
16 loving husband?

17 A Yes, he was, very, and a good father.

18 Q Okay.

19 A And a wonderful son.

20 Q And I gave you the example that the
21 prosecutor spoke briefly to me about. Just, for
22 example, if in this circumstance Rodney had been
23 holding up his hands or saying, you know, listen, I
24 want to end this and there might have been an
25 opportunity for Ms. Callie to get away, do you see that

1 as something that, based on you knowing your son,
2 Rodney would have just left alone and said, no, I'm
3 going to just end this?

4 MR. MOODY: Objection. Speculation.

5 THE COURT: Sustained.

6 THE WITNESS: So what do I do?

7 THE COURT: You don't answer, ma'am. She's
8 going to ask you another question.

9 THE WITNESS: Okay.

10 BY MS. PEOPLES-WATERS:

11 Q Okay. And specifically, have you ever seen
12 Rodney go off the handle or his temper flare up
13 specifically with Callie?

14 A Yes, I've seen it, but I was in the home and,
15 you know, I just told them stop, shut up, I don't want
16 to hear it, cool it, but I've received phone calls in
17 the middle of the night from Callie asking me to talk
18 with him, I need to come down here, or my grand kids
19 call, grandma, you need to talk to daddy. Rodney
20 called and told me, I just need to talk, I mean, many
21 times, and he would, you know, kind of settle down
22 once -- once you talked him down.

23 THE COURT: Let me ask you this: The arrest
24 and booking report that this Court has reviewed,
25 which has a very brief description of what occurred

1 that night, not in any sort of detail, references
2 that the defendant in this case told the police
3 that Rodney, or her husband, your son was hitting
4 her, striking her in the head, things of that sort.
5 Had you heard of those sorts of allegations in the
6 past?

7 THE WITNESS: That happened within the home?

8 THE COURT: Yeah, that happened between your
9 son --

10 THE WITNESS: Yes.

11 THE COURT: -- and your daughter-in-law?

12 THE WITNESS: Yeah, yes, sir.

13 THE COURT: Go ahead.

14 BY MS. PEOPLES-WATERS:

15 Q And just, overall, do you believe that it is
16 important for your daughter-in-law to be at home to
17 handle the affairs of the house, as far as taking care
18 of his children and their children?

19 A I do.

20 Q Do you feel that there would be any other
21 incidents of violence or do you feel any danger as it
22 relates to Callie?

23 A No, I don't, no.

24 MS. PEOPLES-WATERS: Your Honor, I don't have
25 anything further.

1 THE COURT: Mr. Moody, do you have any
2 questions?

3 MR. MOODY: I do.

4 CROSS-EXAMINATION

5 BY MR. MOODY:

6 Q Ms. Adams, as I stated earlier, I know we
7 haven't had an opportunity to speak before, and I do
8 apologize that this has to be the first time that we
9 meet, and actually this is the first time I've really
10 had a chance to ask you any questions or talk to you.

11 A Uh-huh.

12 Q But you stated something a minute ago that I
13 wanted to make sure that I understand is very clear,
14 you stated that you didn't think it was premeditated.
15 So my question to you would be, would you agree with
16 me, first, you were not there on Friday night when this
17 occurred?

18 A No, I was not.

19 Q Would you agree with me that you did not
20 speak with any witnesses who may or may not have been
21 there on Friday night when this occurred?

22 A I have not.

23 Q Would you agree with me that you haven't seen
24 one shred of physical evidence in regards to the crime
25 scene, in regards to the vehicle, in regards to how

1 your son was killed that Friday night, you've not seen
2 one bit of that, have you?

3 A I have not, no.

4 Q Okay. I don't even know if you've had a
5 chance, but have you even had a chance to speak with
6 the defendant herself?

7 A We spoke, but we haven't spoken about
8 anything that happened.

9 Q Okay. So, based on the fact that you would
10 agree with me that you know absolutely unequivocally
11 nothing about what happened Friday night, how do you
12 think -- how would you know if it was premeditated or
13 not?

14 A Oh, now that was a word I used, I mean --

15 Q Yes, ma'am.

16 A -- I'm not in the legal field.

17 Q No, no, no.

18 A And if it was used out of context, then, you
19 know, correct me, but all I'm saying is I don't think
20 she meant to -- to kill him.

21 Q Okay.

22 A That's what I mean.

23 Q And that's fine. Well, I was trying to
24 clarify because you made a statement.

25 A Okay.

1 Q I just wanted to make sure that --

2 A Well, I --

3 Q -- there wasn't some other evidence that you
4 have.

5 A Oh, no, no, no. I just don't think she meant
6 to kill him.

7 Q Okay. And you're just basing that off of --

8 A They were --

9 Q -- hoping that she wouldn't because you don't
10 know anything about what happened that night?

11 A I'm basing it on the fact that I know him --
12 know her.

13 Q Okay. Well, if you know her, before Friday
14 night did you ever think she'd take a gun out and shoot
15 your son?

16 A No, I didn't, I wouldn't.

17 Q Okay. So would it be fair to say that even
18 though we think we know people we don't always know
19 what they're capable of?

20 A Yes, we can say that.

21 Q Okay. You talked a minute ago about that he
22 had a temper. I want to be very specific. At any
23 point in time did you ever actually see your son
24 physically lay hands on Ms. Adams?

25 A I saw him reach for her, and I got in the

1 way.

2 Q Okay. He reached for her how many times?

3 A He didn't reach for her but one time because
4 I was in the way.

5 Q No, I'm sorry. How many different occasions?

6 A Occasions, well, I don't live here. I live
7 in South Carolina.

8 Q I understand that, and that wasn't my
9 question.

10 A Uh-huh.

11 Q My question was, how many times did you see
12 your son reach for her?

13 THE COURT: How many occasions?

14 Q How many different --

15 THE COURT: How many separate occasions.

16 Q How many separate occasions?

17 A Well, that was the only time I saw it.

18 Q And when was that?

19 A A few years ago.

20 Q Okay. So would it be fair to say then in the
21 last few years you never actually saw your son be
22 physical with her?

23 A No, but in those years I got phone calls from
24 the kids, from her and him.

25 Q Okay. So, and you got phone calls you said?

1 A Yes.

2 Q Do you know approximately how many in the
3 last couple years?

4 A I would say -- in the last couple of years?

5 Q Yes, ma'am. Let's just keep it within the
6 last five years.

7 A Maybe five.

8 Q Okay. Would it be once a year maybe?

9 A I mean, I didn't count.

10 Q I don't know. I'm asking.

11 A I mean.

12 Q I mean was it five in one year because they
13 had a rough patch or was it?

14 A Well, maybe -- maybe once a year or twice a
15 year or something, but it, you know, it wasn't a lot,
16 but...

17 Q Did you ever actually see any bruises, marks,
18 scars, cuts, any type of injuries on Ms. Adams
19 whatsoever caused by your son, at any point in time?

20 MS. PEOPLES-WATERS: Objection, Your Honor.
21 Speculation.

22 THE COURT: Overruled.

23 The question is did you ever see, correct?

24 BY MR. MOODY:

25 Q Right. Had she ever seen any injuries on Ms.

1 Adams --

2 A I saw --

3 Q -- allegedly caused by your son?

4 A I saw scratches on her arm.

5 Q Okay. When did you see those?

6 A When he reached at her (demonstrating), and I
7 was there.

8 Q Okay. So it was that one incident that we're
9 talking about then?

10 A Yeah.

11 Q Aside from -- would it be fair to describe
12 them as fingernail scratches?

13 A Yeah.

14 Q Aside from those fingernail scratches on her
15 arm, and you were indicating your wrist, so aside from
16 those, had you ever seen any other injuries on her?

17 A Yes. She came home and she had bruises on
18 her face and her neck.

19 Q Okay. When was this?

20 A I don't remember.

21 Q Can you give me a year?

22 A A couple of years ago they got into it and
23 she came up to my house.

24 Q Okay. She came up to South Carolina?

25 A Yes.

1 Q Did she come up to South Carolina by herself?

2 A No, the kids came.

3 Q Okay. Did Mr. Adams come?

4 A He had to work.

5 Q Did he eventually follow up there?

6 A No, she came back home.

7 Q Did she describe to you that he was, in fact,
8 the individual who had given her those injuries?

9 A I asked her what happened.

10 Q Yes, ma'am, and what did she say?

11 A She said, your son.

12 Q Okay. Is that all she said?

13 A I really didn't want to hear no more, I mean,
14 I'm not being short with you, but.

15 Q Oh, I understand, and I think you can tell
16 I'm trying my hardest not to be short with you.

17 A Yes, sir.

18 Q Aside from that -- again, so that would have
19 been separate from the incident, aside from that, were
20 there any other injuries? You said you saw some
21 bruising.

22 A No, I didn't see any, but they kept things
23 away from me.

24 Q At any point in time did you ever recommend
25 that they go to some type of counseling?

1 A I did. I told them they needed counseling.

2 Q To your knowledge, did they ever follow up on
3 that?

4 A I don't know. I didn't follow up on it
5 either, so I don't know if they did it or not.

6 Q Did you ever confront your son or approach
7 your son about whether or not he caused the injuries
8 that she said when she said your son?

9 A Yes, I did.

10 Q And what did he say?

11 A He said she just made him mad and he grabbed
12 her, and I told him, you know, by no means should he be
13 putting his hands on her.

14 Q Are you aware -- was there any point in time
15 over their marriage of the last 19 or 20 years that
16 they would have been together of him ever injuring her
17 to the point where she needed any type of medical
18 treatment, go to the hospital?

19 A Not that I know of.

20 Q Report it to anybody or along those lines?

21 A Not that I know of.

22 Q Are you aware of any incident over the past
23 20 years where they would have reported it to any law
24 enforcement agency whatsoever?

25 A They were very private.

1 MR. MOODY: I have no further questions, Your
2 Honor. Thank you.

3 THE COURT: Ma'am, I appreciate your
4 testimony. You're welcome to return to your seat.

5 MS. ADAMS: Thank you.

6 THE COURT: Thank you very much.

7 Ms. Peoples-Waters.

8 MS. PEOPLES-WATERS: Your Honor, we would next
9 call Ms. Courtney Adams.

10 THE COURT: Ms. Courtney Adams, if you would
11 please come forward. If you would please come this
12 way, ma'am. If you would please raise your right
13 hand to be sworn.

14 **COURTNEY ADAMS,**
15 having been produced and first duly sworn as a witness,
16 testified as follows:

17 THE CLERK: Thank you.

18 THE COURT: Ma'am, please come -- before I let
19 you ask any questions, please tell me your full
20 name.

21 THE WITNESS: Courtney Michelle Adams.

22 THE COURT: Ms. Adams, how old are you?

23 THE WITNESS: I'm 20. I'll be 21 this year.

24 THE COURT: You'll be 22 this year?

25 THE WITNESS: Twenty-one.

1 THE COURT: Twenty-one this year.

2 And you've heard us discuss Rodney Adams. Is
3 that your biological father?

4 THE WITNESS: Yes, sir.

5 THE COURT: Is the defendant, Mrs. Adams, who
6 is seated behind you, is she your biological
7 mother?

8 THE WITNESS: No, sir.

9 THE COURT: All right. You may proceed with
10 the questions.

11 DIRECT EXAMINATION

12 BY MS. PEOPLES-WATERS:

13 Q I know it's hard, so if you need to take a
14 moment just let us know.

15 Ms. Adams, where do you live?

16 A I live in Tampa, Florida.

17 Q And what's your address?

18 A 3813 North Green Avenue.

19 THE COURT REPORTER: I can't hear you.

20 Q You have to speak up for everyone.

21 A 3813 North Green Avenue, Apartment 3302.

22 Q And, Ms. Adams, have you ever lived in the
23 house with your dad and your stepmother, or Ms. Callie
24 Adams?

25 A Yes.

1 Q Are -- is it your -- would you tell the Court
2 what your position is as far as do you believe that
3 this was accidental?

4 A Yes, ma'am.

5 Q Okay. Is there anything more that you can
6 tell the Court about your father?

7 A They just had a -- they had such a great
8 relationship. Like, in my eyes, I'm sorry, they had a
9 relationship that I envied, like the kind of
10 relationship that I would like to have when I got
11 older. They were like so perfectly like meshed
12 (demonstrating), like it was just something I looked up
13 to. This isn't anything that I would have ever
14 expected to have happened.

15 Q And is it your opinion, Ms. Adams, that
16 your -- your stepmother, Ms. Callie Adams, had any ill
17 will or intentions to harm or kill your father?

18 A No, ma'am.

19 Q Are you certain of that?

20 A Very, positive.

21 Q And I'm sure the Court and the State wants to
22 know, have you ever personally witnessed any incidents
23 of violence?

24 A No, ma'am.

25 Q Have you ever seen your dad in any type of

1 rage or seen him lose his temper?

2 A I've seen him get angry, but I've never seen
3 him...

4 THE COURT: Did you ever see any kind of abuse
5 between him and this defendant?

6 THE WITNESS: No, sir.

7 MS. PEOPLES-WATERS: I don't have anything
8 further, Your Honor.

9 THE COURT: Any cross?

10 CROSS-EXAMINATION

11 BY MR. MOODY:

12 Q Ma'am, I just wanted -- I wasn't sure, and
13 you may have answered and I just didn't hear it because
14 you have been a little bit soft spoken, did you
15 actually live with --

16 A I have.

17 Q -- the victim in this case, your father, and
18 Ms. Adams?

19 A At the time that it happened, no.

20 Q Not at the time that it happened, but did you
21 live with them?

22 A Uh-huh.

23 Q For how long?

24 A About six months.

25 Q Okay. You were inside their residence for

1 only six months?

2 A I would -- I do believe so, yes.

3 Q Okay. When would that have been?

4 A When they lived in Pittsburgh, Pennsylvania.

5 I was probably around nine or ten maybe.

6 THE COURT: You were nine or ten years of age?

7 THE WITNESS: Yes.

8 THE COURT: So back in the early '90s?

9 THE WITNESS: Yes.

10 BY MR. MOODY:

11 Q How often would you say that you were around
12 them on a typical basis?

13 A Ever?

14 Q I'm sorry?

15 A Ever?

16 Q Well, since you moved out.

17 A Well, they moved often and, of course, I
18 lived with my mom, and I also lived in Charlotte, North
19 Carolina for most of my life and they moved around
20 more, so every couple of years, so I didn't get to see
21 them very often.

22 Q Okay. Would you say -- would you come --
23 let's do visitation. How was your visitation set up?
24 Were you there every other weekend? Were you there
25 every -- once a month? I'm just trying to get an idea

1 of how much you were actually around them to be able to
2 talk about the fact that you say they had such a
3 wonderful marriage, they were wonderful and she has
4 absolutely no ill will towards him whatsoever, but it
5 sounds like you were never around them, and I'm just
6 trying to figure that out.

7 A Well, I'd say for about probably the last --

8 Q Let me make this easy for you. It's July
9 27th, 2011.

10 A Uh-huh.

11 Q How many times did you actually -- how many
12 times were you actually around your father and her this
13 year?

14 A This year?

15 Q Just this year.

16 A I haven't.

17 Q None?

18 A No, sir.

19 Q How about last year?

20 A I was finishing high school last year. My
21 mother had moved to Tampa, so.

22 THE COURT: To the extent she describes the
23 nature of their relationship over the course of
24 years, that's not going to be -- to the extent she
25 describes the wonderful nature of their

1 relationship, that's not going to be directly
2 relevant to me on the decision I'm being asked to
3 make.

4 THE WITNESS: All right. Well, let me narrow
5 it down.

6 BY MR. MOODY:

7 Q Well, actually what he just said was
8 basically we don't need to worry about it at this
9 point.

10 A Okay.

11 MR. MOODY: I don't have any more questions,
12 Judge.

13 THE COURT: Ma'am, I appreciate your
14 testimony. You're welcome to return to your seat.
15 Thank you for being here.

16 Is there anything else you wish to present,
17 Ms. Peoples-Waters?

18 MS. PEOPLES-WATERS: Your Honor, I have
19 several other witnesses that I could call, and if
20 the Court would just allow me to put on the record
21 that I don't think I need to call them, but they
22 are certainly here, several rows of persons in
23 support of both Rodney and Callie Adams, friends of
24 both and --

25 THE COURT: Are any of Mr. Adams' other

1 children here?

2 MS. PEOPLES-WATERS: Yes, Your Honor.

3 Actually I've learned that Loretta and Janet Adams
4 are here and --

5 THE COURT: Raise your hands for me.

6 MS. PEOPLES-WATERS: Okay. And Janet Adams,
7 although she was raised by Rodney Adams, because I
8 believe she's 19, she is not his biological child.

9 THE COURT: Okay.

10 MS. PEOPLES-WATERS: But she has lived in the
11 house with them the entire time.

12 THE COURT: Okay.

13 MS. PEOPLES-WATERS: And Loretta is his
14 biological child, and she is here as well.

15 THE COURT: Okay.

16 MS. PEOPLES-WATERS: And, additionally, Your
17 Honor, Sergeant Major Jose Santiago is here on
18 behalf of the United States Marines, and I just
19 wanted to make sure that I apprise the Court that
20 he is here. He was willing to speak to the Court
21 as it relates to Ms. Adams' employment history and
22 the availability of her to return if --

23 THE COURT: This is the defendant's
24 supervisor --

25 MS. PEOPLES-WATERS: He is.

1 THE COURT: -- at work? Okay.

2 MS. PEOPLES-WATERS: He is.

3 THE COURT: And, sir, raise your hand please.

4 All right. Thank you.

5 MS. PEOPLES-WATERS: And that is --

6 THE COURT: Anything further?

7 MS. PEOPLES-WATERS: That is it, Your Honor.

8 THE COURT: Mr. Moody, is there anything you
9 want the Court to know from the State's perspective
10 as it pertains to the joint recommendation that
11 this Court grant the defendant's motion and
12 establish a \$250,003 bond with the special
13 conditions that were previously discussed?

14 MR. MOODY: Judge, I think the State's
15 position has been pretty -- pretty well stated and
16 at this point there is nothing further I intend to
17 add.

18 THE COURT: All right. The Court has
19 considered the defendant's motion, which I read
20 prior to coming to the bench this morning for
21 purposes of the Court's calendar, I have read the
22 motion in its entirety, as well as the sworn
23 affidavit, as I mentioned, contained in the arrest
24 and booking report.

25 The State of Florida has recommended, jointly

1 with the defense, but has recommended that the
2 Court grant the motion for reduction of bail and
3 has agreed with the defense to recommend to the
4 Court \$250,003, with the special condition the
5 defendant be placed on level two community control,
6 which is ankle monitoring. She is to be under
7 house arrest and is for no reason to leave the
8 home.

9 To grant bond in a case involving the death
10 of a human being when a shooting is involved is
11 extraordinary and it is not, in all candor with
12 you, it's not something this Court has done before,
13 and the reason for that is obvious; given loss of
14 life, given factors for this Court to consider to
15 protect the community, but this Court agrees with
16 the State and with Mr. Moody and Ms. Corey and with
17 the defense that, under the unique factors of the
18 case, this Court, and I want it very clear on the
19 record, is not intending to forecast as can often
20 be tried to perceive, is in no sense forecasting
21 later motions, later arguments, later
22 determinations I may have to make, and I would
23 assume I would have to make on stand your ground
24 motions, et cetera, those are totally different in
25 criteria then what I am presented with and,

1 frankly, what governs the Court at this stage of
2 the proceedings is what threat is this defendant to
3 the community.

4 Ms. Adams, I don't know if it came out in
5 testimony or if it was discussed in chambers or if
6 it was in the motions or if it was in the arrest
7 and booking report, I believe she's 40.

8 Are you 40 years old, ma'am?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: She has been married to the victim
11 in this case for 19 years.

12 THE DEFENDANT: Yes, sir.

13 THE COURT: She is a Marine recruiter and has
14 been actively employed with the Marines for 20
15 years, if I recall correctly.

16 THE DEFENDANT: Twenty-one years.

17 THE COURT: Twenty-one years.

18 And she has never before had any criminal
19 history of any kind, no prior arrests, that being
20 the State or this Court are aware of anywhere in
21 the world at her age.

22 The reason the Court was asking questions of
23 the witnesses as it pertains to what experience
24 they have with prior domestic violence is not to
25 use or depend on prior violence some years or

1 months previous as a justification, if there be
2 any, for the conduct that occurred that night, but
3 rather to allow this Court an opportunity to
4 evaluate the allegations within the arrest and
5 booking report that there was a physical
6 altercation taking place because, as I am told,
7 there is no eyewitnesses, there is no video
8 surveillance, there is no other manner to confirm
9 what was taking place, other than the testimony of
10 Ms. Adams, so the only vehicle this Court has was
11 to listen to and hear from witnesses who would
12 enjoy the highest of credibility because they are
13 the victim's mom and daughter and things of that
14 sort, not people affiliated with the defendant
15 directly.

16 This is a little bit unusual because you have
17 a husband and wife scenario, but these -- this is a
18 biological child of the victim in this case and the
19 mother of the victim in this case, both expressing
20 a desire that this Court grant bond, which is
21 extraordinary, and all of those factors that this
22 Court has to consider to determine and evaluate not
23 an ultimate resolution of the case, but the
24 immediate threat, if there is any, that is posed to
25 this community if this Court grants bonds, and

1 under the unique factors of this case, this Court
2 feels as though the State is reasonable in its
3 recommendation and appropriate in its
4 recommendation, and the Court will agree to set
5 bond, as recommended, at \$250,003.

6 Should the defendant make bond, she is placed
7 under level two community control house arrest with
8 ankle monitoring. She is not to leave her home for
9 any reason. It goes without saying, I'm sure you
10 will fully advise your client, even the smallest of
11 violations of this release will result in an
12 immediate return to the Duval County Jail.

13 Are there any other conditions you believe
14 need to be -- even though I'm going to give you an
15 opportunity and you-all can talk about it, but are
16 there any other conditions the State believes
17 appropriate?

18 MR. MOODY: Judge, obviously, one of the
19 conditions which I think is a general condition of
20 community control level two anyways, but one that
21 we would like to make sure and state it on the
22 record, is that clearly there should be no firearms
23 at the home. She apparently has a number of either
24 friends or relative who are in the military or law
25 enforcement. They can't come to the house with

1 firearms either. There just needs to be absolutely
2 no firearms around that home whatsoever.

3 THE COURT: I will agree to put that -- I will
4 agree to that condition. Any firearms that are in
5 the home are to be removed, and the defendant is at
6 no time to be in the presence of firearms, that
7 includes, I mean you're not allowed at this point
8 to leave your home for work, but if you are
9 permitted or if you have a gun for work related
10 purposes you need to tender it to your employer or
11 your supervisor or somebody until a time to be
12 determined in the future.

13 Are there any other conditions you believe
14 appropriate?

15 MR. MOODY: Judge, I think also, based on the
16 situation, absolutely no alcohol would be another
17 condition, since there were allegations that some
18 drinking had occurred, both by the victim and the
19 defendant. I think no alcohol should be a
20 condition of it as well.

21 THE COURT: All right. I'll agree to that. I
22 am, and the State hasn't recommended it, but I
23 think I'm going to require, because of the unique
24 factors of this case and the fact that bond is
25 being granted, I'm requiring no contact, for the

1 time being, with her mother-in-law. She can have
2 contact with her biological child but, for the time
3 being, no communication between the mother-in-law
4 or the other children who are not her biological
5 children, because this Court wants to ensure there
6 is no communication between this defendant and any
7 other witnesses that may or may not become relevant
8 that have any bearing on this case and so, to
9 ensure that, to the extent possible, I'm going to
10 require that as a condition as well.

11 Is there anything, Ms. Peoples-Waters, from
12 your perspective, you believe I need to address?

13 MS. PEOPLES-WATERS: Your Honor, and I'm not
14 sure if the Court is aware, but the mother-in-law,
15 Ms. Adams or Reverend Adams is here, and I know
16 since I've been affiliated with the case she lives
17 at the house or she is residing there and the
18 children are all residing there, so I guess we --

19 THE COURT: With the defendant?

20 MS. PEOPLES-WATERS: Well, yeah, at the home
21 where the defendant would reside. So I just want
22 to be honest with this Court, that would pose a
23 huge problem as it relates to how they're trying to
24 adjust dealing with things right now.

25 THE COURT: Are there any other family members

1 here in town or any other arrangements that can be
2 made?

3 MS. PEOPLES-WATERS: Actually, my
4 understanding is that Ms. Callie Adams' mother also
5 lives at the house or she moved here to
6 Jacksonville.

7 THE COURT: They all live together.

8 MS. PEOPLES-WATERS: So I don't know of any
9 other relatives.

10 THE COURT: All right. Well, maybe -- then
11 maybe that's why the State didn't make the
12 recommendation, but then, if that be the case,
13 there is to be no communication about the facts of
14 this case or anything related to this case for any
15 reason whatsoever.

16 MS. PEOPLES-WATERS: Yes, Your Honor.

17 THE COURT: Mr. Moody, anything further?

18 MR. MOODY: No, sir. I had actually thought
19 about that but, candidly, I know the situation and
20 I didn't think it was realistic because I don't
21 know how we would have enforced it to begin with,
22 to be honest with you.

23 THE COURT: And perhaps I should --

24 MR. MOODY: And they're --

25 THE COURT: Perhaps I should have asked first.

1 MR. MOODY: They're going to communicate no
2 matter what.

3 THE COURT: Anything from your -- Ms. Corey,
4 can you think of anything?

5 MS. COREY: No, Your Honor. Thank you, sir.

6 THE COURT: All right. That will resolve the
7 matter. For purposes of today, the defendant's
8 motion to reduce bond is granted by consent.

9 MS. PEOPLES-WATERS: Thank you, Your Honor.

10 THE COURT: Bond is set as required.

11 The information has not been filed; is that
12 correct?

13 MR. MOODY: It has not, Your Honor. This only
14 occurred on Friday.

15 THE COURT: Yes.

16 MR. MOODY: So at this point the officers
17 haven't even been required to come in and file on
18 it.

19 THE COURT: That's fine. Thank you.

20 (Whereupon the proceedings were concluded.)

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1 C E R T I F I C A T E

2 STATE OF FLORIDA)

3 COUNTY OF DUVAL)

4

5 I, Sharron Ann McLendon, certify that I was
6 authorized to and did stenographically report the
7 foregoing proceedings and that the transcript is a true
8 and complete record of my stenographic notes.

9 DATED this 31st day July, 2011.

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Sharron A. McLendon
Court Reporter

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