

THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF COCHISE

STATE OF ARIZONA, )  
 Plaintiff, )  
 vs. )  
 LEIZZA ALCANTARA ADAMS, )  
 Defendant. )

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No. CR-201700425

BEFORE: THE HONORABLE WALLACE R. HOGGATT  
 Judge of the Superior Court  
 Division 3

PRESENTENCE HEARING AND SENTENCING

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13 AUGUST 2018

BISBEE, ARIZONA

Reported By: SUSAN P. AULETTA, OFFICIAL REPORTER  
 RMR, AZ CERTIFIED REPORTER NO. 50257

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THE COURT: State of Arizona against Leizza Adams, CR-2017-425. Time for continuation of the presentence hearing with sentencing to follow. I know there's a motion to continue. We'll take that up shortly. The record may show that Ms. Adams, the defendant, is present, not in custody, represented by Mr. Hicks, who is here; Ms. Ransom is here for the state. Detective Borquez is here as well. And do we have, Ms. Ransom, any victim representatives whose presence should be noted?

MS. RANSOM: Yes, Your Honor. Shean Dailey, the guardian ad litem for the minor victims, I believe, is present. Yes, she is present.

THE COURT: The record may so show. All right. Well, this is the time to which the resumption of the presentence hearing and sentencing has been continued. There is a motion to continue further. Do we have the file?

THE CLERK: No.

THE COURT: We don't have the file. Okay. I have the file. Sorry about that. Let me note what I have. I have the defendant's Motion to Continue Presentence Hearing and Sentencing. The state has

1 responded thereto. I did obtain copies. I was gone  
2 most of last week, as I think counsel know, but my  
3 judicial assistant made sure I got copies of the motion  
4 and the response, so I was able to read those.

5 And also I have now received, in addition  
6 thereto, a sentencing memorandum. There is also a  
7 supplemental notice of filing letter of recommendation.  
8 I've read those. There were reports submitted under  
9 seal. I have to say I just got those before I had to  
10 start court on another couple of matters this morning,  
11 so I have not finished reading those items. I will, of  
12 course, read those in their entirety prior to  
13 concluding the hearing but haven't had the opportunity  
14 to do so yet.

15 But there is the motion to continue. Let's  
16 hear about that, and I'll rule on whether we go forward  
17 today or not.

18 Mr. Hicks, your motion, you may proceed.

19 MR. HICKS: Your Honor, at 3:45 on Friday we  
20 received Nurse Practitioner Yates' report. That was  
21 one of the main reasons that I wanted to continue  
22 because she'd done the exam on Tuesday, and I was  
23 advised it wasn't going to be possible to get the  
24 report in. We received it. It's short. It's brief.  
25 But it does cover the things I need to cover. And so

1 as long as the prosecutor is not going to object to  
2 late disclosure, I'm willing to go ahead.

3 THE COURT: Ms. Ransom, is the State going to  
4 object to late disclosure?

5 MS. RANSOM: I haven't even seen the report at  
6 all. I would certainly like the opportunity to review  
7 the report before Ms. Yates is called to the stand, but  
8 I think that we can accommodate that, Your Honor.

9 THE COURT: Mr. Hicks, you have a copy of that  
10 report to be provided to Ms. Ransom?

11 MR. HICKS: I do. And, Your Honor, I would  
12 remind the court this is a sentencing hearing.  
13 Ms. Yates won't be called. I will simply be submitting  
14 her report.

15 MS. RANSOM: The State reserves the right to  
16 call her.

17 THE COURT: Well, it appears that a copy has  
18 been provided now to Ms. Ransom.

19 MR. HICKS: Your Honor, I faxed it to her  
20 office on Friday.

21 MS. RANSOM: I don't have the item that  
22 Mr. Hicks just walked away with. I do have the item  
23 that's been put in front of me.

24 MR. HICKS: The sentencing memorandum, well, I  
25 think --

1 MS. RANSOM: I do have this.

2 THE COURT: How about Dr. Sparrold's parenting  
3 evaluation?

4 MR. HICKS: I received that from the  
5 prosecutor, Your Honor, so I'm assuming she's got a  
6 copy.

7 THE COURT: Let me find out. You have Nurse  
8 Practitioner Yates' report, very brief report, but it  
9 looks like two pages. And how about the sentencing  
10 memorandum, Ms. Ransom, do you have that?

11 MS. RANSOM: I received the sentencing  
12 memorandum close to close of business at 5:00 p.m. on  
13 Friday.

14 THE COURT: Okay. So I'm not sure if you're  
15 missing anything at this point.

16 MS. RANSOM: If this Easter Seals Blake  
17 Foundation two-page document is the Yates' report,  
18 then, yes, I do have that.

19 THE COURT: Okay. Well, I received Dr.  
20 Sparrold's report in the same envelope as Nurse  
21 Practitioner Yates' two-page report, so that's why I  
22 asked about Dr. Sparrold's report but apparently --

23 MS. RANSOM: I do not have Dr. Sparrold's  
24 report. I have Yates'.

25 THE COURT: Okay. Mr. Hicks, do you have an

1 extra --

2 MR. HICKS: Absolutely.

3 THE COURT: Okay.

4 MR. HICKS: Your Honor, for the record, Dr.  
5 Sparrold's report I received last week. In reviewing  
6 for this hearing, I realized that the information that  
7 was provided by the probation officer I didn't have the  
8 report, so I e-mailed the prosecutor and said I want  
9 the report. She said she didn't have it, she had to  
10 get it from the CPS, and I told her I had to have it.  
11 She got it and provided me a copy.

12 THE COURT: Now a copy has been provided --

13 MR. HICKS: I received it last week sometime.

14 THE COURT: Now a copy has been provided to  
15 Ms. Ransom. Well, since, as I've indicated, I haven't  
16 had yet the opportunity to finish reading Dr.  
17 Sparrold's report and haven't read Nurse Practitioner  
18 Yates' two-page report, and the State didn't receive  
19 those items until just now, perhaps we should take a  
20 recess to allow both the State and the court an  
21 opportunity to read or finish reading, as the case may  
22 be, those reports.

23 Ms. Ransom, how much time would you like?

24 MS. RANSOM: It looks like Ms. Sparrold's  
25 report is 12 single-spaced pages, Your Honor, and so I

1 would like a half-hour.

2 THE COURT: All right. That's what we'll do.  
3 Then we will start up again at 9:40 this morning and  
4 proceed with -- actually, before we take that recess,  
5 my notes indicate that the state is going to call its  
6 next witness; is that correct?

7 MS. RANSOM: Yes, Your Honor.

8 THE COURT: Whom would you like to call?

9 MS. RANSOM: It would be Agent Robert Edwards.

10 THE COURT: Agent Edwards. And is Agent  
11 Edwards your only remaining witness?

12 MS. RANSOM: Yes, unless new issues are raised  
13 by the defense in any sort of rebuttal, I'd reserve the  
14 right to examine; however, I do anticipate that Mr.  
15 Edwards is our last witness.

16 THE COURT: Thank you. And, Mr. Hicks, what  
17 other witnesses do you propose to call?

18 MR. HICKS: I'm going to call Adam Alcantara.

19 THE COURT: Okay.

20 MR. HICKS: His wife, Eneida Alcantara. I'm  
21 going to call Elise Gray, who's a counselor for Leizza,  
22 and I'm going to call Leizza.

23 THE COURT: All right. And depending on --  
24 yes, I'm sorry.

25 MR. HICKS: Possibly I may call Ms. Prudhomme,

1 the probation officer.

2 THE COURT: And depending on what those  
3 witnesses say, the State may seek surrebuttal. We'll  
4 find out. We'll take half an hour and then resume this  
5 proceeding. Thank you.

6 (Recess held from 9:09 to 9:46 a.m.)

7 THE COURT: Continuing with State of Arizona  
8 against Leizza Adams, Case Number CR-2017-425. And,  
9 excuse me, the defendant is present, represented by  
10 Mr. Hicks; Ms. Ransom is here for the State. Detective  
11 Borquez is here, and we also have Ms. Dailey and  
12 Ms. Scott, the victim representatives, and apparently a  
13 number of witnesses who are here as well.

14 I have now had the opportunity to finish  
15 reading the forensic parenting evaluation submitted by  
16 Brenda M. Sparrold, S-p-a-r-r-o-l-d, PhD, and the  
17 two-page report of Nurse Practitioner Rebecca Yates.

18 Ms. Ransom, you had an opportunity to read  
19 those reports, have you not?

20 MS. RANSOM: Yes, Your Honor.

21 THE COURT: All right. And I believe where we  
22 had left things we were talking about the defendant's  
23 motion to continue. The defendant is willing to  
24 withdraw her motion to continue this hearing so long as  
25 the state would not object to late disclosure of the

1 reports. Is the State prepared to address that?

2 MS. RANSOM: The State does not object to late  
3 disclosure, Your Honor, as to the nurse practitioner's  
4 report that was attached I think to the sentencing  
5 memorandum, Your Honor. The State objects on  
6 foundation grounds. This individual is a nurse  
7 practitioner, there's no indication whatsoever that she  
8 has any qualifications necessary to provide the  
9 diagnoses that are listed in this report, which the  
10 state notes differ markedly from the reports of the  
11 actual psychologist from back in February 2018.

12 There's the mention of a pervasive affective  
13 disorder or developmental disorder, Your Honor, which  
14 could include Asperger's, conveniently comes for this  
15 defendant after Ms. Prudhomme in her presentence  
16 report, opined that perhaps Ms. Adams suffered from  
17 that. Ms. Prudhomme previous, as far as the State  
18 understands, before Ms. Prudhomme opined and thought  
19 potentially this was an issue, there's no record  
20 whatsoever of this defendant having Asperger's, and now  
21 she's coming to the court with this nurse practitioner  
22 two-page document without any attachments claiming to  
23 have Asperger's. Absent any qualifications whatsoever,  
24 the state objects to the court's reliance upon this  
25 document. So we're not doing it on dilatory

1 disclosure, we're doing it on foundation grounds.

2 THE COURT: Let's take one thing at a time.  
3 The matter before me now is the defendant's motion to  
4 continue.

5 Mr. Hicks, you heard the substantive  
6 objection -- we'll take that up later on -- but you  
7 also heard that the state does not object to either  
8 report based on late disclosure. So are you willing to  
9 withdraw your motion to continue the hearing?

10 MR. HICKS: Your Honor, it depends. If I  
11 can't get Yates, Nurse Practitioner Rebecca Yates'  
12 nurse practitioner's report in, which was commissioned  
13 not by me but by the Blake Foundation, and I do have  
14 Leizza's counselor here to testify. She's the one that  
15 asked for a report. It was originally set up, I  
16 believe, for a PhD psychologist or a psychiatrist in  
17 September; however, that doesn't benefit Leizza as far  
18 as this hearing goes, and so they had Nurse  
19 Practitioner Yates do a eval last Tuesday. I got it  
20 Friday at 5:00 o'clock, I'm sorry, Friday at 3:45, and  
21 disclosed it. That was originally part of my reason to  
22 continue.

23 It's very important. I have tried to get  
24 psychologicals done of Leizza. I have not had any  
25 luck, and so this is what it is. And it's critical

1 that the report come in. The court can use it to the  
2 extent the court hears it -- hears information that  
3 comes in that corroborates it. And if the court  
4 doesn't hear that information, then the court can  
5 reject it. But I will avow to the court that this was  
6 commissioned by the Blake Foundation, that Nurse  
7 Practitioner Yates is a psychiatric nurse practitioner,  
8 that she is a person who does psychological type  
9 reports for the Blake Foundation, and they would not  
10 use someone who was not qualified to do so. At least I  
11 believe I can avow that to the court.

12 So the answer is if I have to get Dr. Yates or  
13 Nurse Practitioner Yates here, then I want to continue  
14 the hearing. If I don't have to get her here and I can  
15 proceed with the report and with her diagnoses, they're  
16 not provisional, they're not anything, they're  
17 diagnoses, then I'm more than willing to proceed. So  
18 that's my position.

19 THE COURT: All right. Thank you.

20 Reply?

21 MS. RANSOM: Your Honor, the State most  
22 certainly can't withdraw its foundation objection.  
23 They haven't been addressed, and we still don't know,  
24 other than Mr. Hicks' avowal that he thinks he can  
25 provide the court, he doesn't know for certain, what

1 the qualifications of this individual are that they're  
2 asking this court to rely upon, and this happens to  
3 contain the state's first sighting of an individual  
4 purporting to have expertise giving the defendant the  
5 diagnoses that she wishes to have in order to escape  
6 the ramifications of her conduct, and so foundation  
7 hasn't been cured. It is a bar to admitting the  
8 exhibit.

9 And we continued these proceedings back in  
10 June and have continued them repeatedly. I don't  
11 understand why knowing for more than a month that we  
12 had a hearing date of August 13, defense didn't have a  
13 psych eval completed previously. I certainly haven't  
14 heard anything to that effect otherwise and any  
15 explanation as to why this couldn't have been done  
16 before. And the state's reasoning in its response and  
17 objection continues to exist where the state is the  
18 party that will be prejudiced by continued delays in  
19 this case, having to schedule witnesses' testimony, and  
20 because lead counsel for the state is unavoidably  
21 unavailable in the near future. So the state would ask  
22 that we proceed today, and the state would maintain its  
23 foundation objection.

THE COURT: Thank you.

25 Mr. Hicks, go ahead and then I need to rule on

1 this.

2 MR. HICKS: Okay. First off, Your Honor, this  
3 is a sentencing hearing. The rules of evidence are not  
4 the same as they would be in a trial or if they were in  
5 the suppression hearing. This is a sentencing hearing.  
6 The court considers all sorts of things that the court  
7 may or may not have foundation for it. Letters from  
8 people who opine things, statements from the CASA, who  
9 has no qualifications technically to make the  
10 recommendations that she makes.

11 So I can -- so, number one, I don't think -- I  
12 think it's a red herring. I think the foundation  
13 objection is nonsense. We don't have to provide CVs  
14 for everybody that makes recommendations to the court  
15 that are experts.

16 Secondly, if the court feels like that there  
17 needs to be a foundation, it hasn't been met, I would  
18 suggest letting me briefly put on Elise Gray, who works  
19 for the Blake Foundation, and who can tell the court  
20 who Rebecca Yates is. I don't believe she was present  
21 for the evaluation. My secretary was, so I could bring  
22 her over here if I need to, if that'll help, but I can  
23 do that and maybe that'll satisfy the foundational  
24 position that needs to be made. But I repeat, this is  
25 a sentencing hearing; this is not some trial.

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THE COURT: All right. Well, there are two things here. We got off on the second one because of the discussion regarding the first. The first issue is the motion to continue the defendant has filed. The defendant offered to withdraw the motion to continue if the State would not object to the reports by Dr. Sparrold and by Nurse Practitioner Yates on grounds of late disclosure. The State is not offering such an objection as to either one of those reports, although the State is offering a foundational objection to Nurse Practitioner Yates' report.

I have read both those reports as, pardon me, I mentioned. It's, unfortunately, impossible to talk about the motion to continue and rule on it without saying something about the foundational objection. This is, as Mr. Hicks correctly points out, a sentencing hearing. The rules of evidence are relaxed, to put it mildly, in connection with sentencing proceedings, and oftentimes the court receives materials without any indication of what otherwise would be required foundation. Letters from people about a particular defendant and oftentimes doctors' reports. Of course, I will say that rarely is there an objection offered based on lack of foundation to such materials.

1           But at this point here's what I will say based  
2 on Mr. Hicks' statements, which I take to be, in  
3 effect, avowals that he can lay a foundation for the  
4 fact that Ms. Yates is a nurse practitioner, and that  
5 this report was done by Nurse Practitioner Yates for  
6 the Easter Seals Blake Foundation, and that was done  
7 for the purposes, I take it, I'll hear about.

8           I will overrule the state's foundational  
9 objection to Nurse Practitioner Yates' report. I will  
10 say that it's pretty bare bones and simply lists  
11 categories, and as it stands it's not the most helpful  
12 report I've ever seen. But with that, for whatever  
13 value it may have, the foundational objection will be  
14 overruled at this point.

15           I will, therefore, deny or, well, either the  
16 defendant's motion to continue has been withdrawn, or  
17 if not withdrawn I'll rule on it. It's denied. We  
18 will go ahead today with the completion of the  
19 presentence hearing and with sentencing to proceed  
20 thereafter today. So with that, we will go ahead.

21           Ms. Ransom, you would like to call your next  
22 witness; is that correct?

23           MS. RANSOM: Yes, Your Honor. The State calls  
24 Agent Robert Edwards.

25           THE COURT: Agent Edwards, come forward

1 please. The clerk will administer the oath or  
2 affirmation.

3 (Witness sworn.)

4 THE COURT: Take the witness stand, please,  
5 sir. And, Agent Edwards, I'd like to make sure that we  
6 can all hear your answers when you give them, so when  
7 you answer, please speak into the microphone. You can  
8 adjust it, you can pull it towards you if you need to.

9 Ms. Ransom, you may proceed.

10  
11 AGENT ROBERT EDWARDS,

12 having been first duly sworn to state the truth, the  
13 whole truth, and nothing but the truth, testified as  
14 follows:

15 DIRECT EXAMINATION

16 BY MS. RANSOM:

17 Q. Good morning, sir.

18 A. Good morning. How are you?

19 Q. Can you please state your full name?

20 A. My name is Robert Edwards.

21 Q. And where do you work?

22 A. I am a special agent with Immigration and  
23 Customs Enforcement, Department of Homeland Security  
24 Investigations.

25 Q. And how long have you worked there?

1 I joined Homeland Security Investigations approximately  
2 three years ago, I got advanced training in sex crime  
3 investigations and child exploitation investigations.

4 Q. Thanks. Sorry. I misunderstood.

5 And, if you know, approximately how many sex  
6 crimes involving children have you investigated over  
7 the past three years?

8 A. Cases? Dozens. As far as viewing images and  
9 child pornography videos, I've seen thousands.

10 Q. Were you involved in an investigation  
11 involving Leizza Adams?

12 A. I was.

13 Q. Is she present in the courtroom today?

14 A. She is.

15 Q. Would you please point to where she is and  
16 describe her clothing?

17 A. Yes. She's right behind you. She's wearing a  
18 long skirt with blue stripes and a maroon tank top, and  
19 she's got a ponytail.

20 MS. RANSOM: Your Honor, note identification  
21 for the record?

22 THE COURT: Yes, the record may so show.

23 Q. When did you become involved in an  
24 investigation involving Leizza Adams?

25 A. My agency received a tip in February 8th of

1 2017. It was a tip involving a video that was uploaded  
2 to the internet out of New Zealand. That tip was  
3 forwarded to the National Center for Missing and  
4 Exploited Children in Washington, DC, which then they  
5 started looking into the tip in order to send it out to  
6 the appropriate agency and geographical region. They  
7 were able to match the photo of the offender in the  
8 child pornography video to be that of Paul Adams,  
9 residing in Bisbee, Arizona. That's where we got the  
10 tip that day.

11 Q. And when you say video, is this a clip or a  
12 long video?

13 A. It's a long video. It runs approximately 9 --  
14 9 minutes and 17 seconds, I believe.

15 Q. Based upon your knowledge of the length, have  
16 you seen it?

17 A. I have seen it.

18 Q. And remind me how many videos and pictures  
19 have you seen in the course of your HSI involvement?

20 A. Thousands. Thousands.

21 Q. Is it easy to jumble things up based upon that  
22 volume?

23 A. It certainly is.

24 Q. Do you remember this video?

25 A. Specifically.

1 Q. Why?

2 A. So this video is one of the worst I've ever  
3 seen. There's a specific -- the act itself is  
4 difficult. There's also dialogue that goes along with  
5 the act, which had it stand out in my mind and  
6 continues to stand out in my mind.

7 Q. How -- what is the video depicting? Is it  
8 focused upon the perpetrator or the victim?

9 A. Predominantly the victim. The video, again,  
10 it runs approximately 9 minutes and 20 seconds in  
11 length. It shows the Adams' oldest daughter, M-1,  
12 laying there with no clothes on her bottom half. The  
13 camera is focused on the child's vagina, which you can  
14 also see the perpetrator, who is Paul Adams, rubbing  
15 his penis and rubbing his penis on M-1's vagina.

16 He attempts numerous times to insert his penis  
17 into M-1's vagina. At one point he then goes and  
18 attempts to orally stimulate the child. Approximately  
19 a minute and a half, two minutes Paul Adams is seen  
20 orally stimulating M-1. Once Paul Adams is done doing  
21 that, the rest of the video is turned over to M-1. M-1  
22 takes the cell phone from Paul Adams, and she records  
23 her own sexual assault at the hands of Paul Adams.

24 Q. And while the victim was forced to record her  
25 own sex assault, was she able to capture Paul Adams'

1 face?

2 A. She was. And screen shots were taken of Paul  
3 Adams' face from the video, and that's how the positive  
4 identification of Paul Adams was made.

5 Q. What did you do after identifying Paul Adams?

6 A. After -- so we received the tip. We  
7 identified Paul Adams through his Visa application  
8 picture on his passport, and then we also, there was an  
9 investigator familiar with Paul Adams from a previous  
10 investigation who had personal knowledge of Paul Adams  
11 during the investigation. He was also able to  
12 positively identify Paul Adams that day.

13 Q. Did you secure a search warrant?

14 A. We did.

15 Q. Did you personally go execute it immediately?

16 A. Myself, no. We had a team of agents go to the  
17 residence of Paul Adams and Leizza Adams. And then  
18 myself and a small team went to the Naco Border Patrol  
19 Station where we arrested Paul Adams on sight.

20 Q. Was Paul Adams working for Border Patrol at  
21 the time of his arrest?

22 A. He was, ma'am.

23 Q. Did you interview Paul Adams?

24 A. We did, extensively. During the interview,  
25 which took place inside the United States Border Patrol

Abuse started  
when MI  
5 or 6 yr

m-2 - 3-6  
weeks

1 station in Naco and then directly thereafter in my  
2 service vehicle, Paul Adams made some statements about  
3 the video, admitted to knowledge of the video, that he  
4 had made the video, and that he had been sexually  
5 assaulting not only M-1 but M-2 over the course of  
6 their life.

7 Q. How old was M-1 in February 2017 when all this  
8 came to light?

9 A. She was approximately a year old, however --

10 Q. I'm talking about M-1 right now.

11 A. I'm sorry. M-1. M-1, she was 11 years old at  
12 the time, if memory serves me correctly.

13 Q. And Paul Adams admitted to abusing her  
14 throughout the duration of her life?

15 A. He explained that he started abusing her  
16 approximately five years from the date that we put him  
17 in handcuffs.

18 Q. Okay.

19 A. So she was six, seven years old when the abuse  
20 started for her.

21 Q. And then how about M-2; how old was M-2?

22 A. M-2, again, when we served the search warrant,  
23 I believe she was approximately a year old at the time.  
24 However, videos and pictures I was able to find during  
25 the course of my search warrant show that her abuse

1 started approximately three to six weeks old.

2 Q. And did Paul Adams admit what he was doing to  
3 M-2 specifically, or did the photographs make that  
4 explicit?

5 A. A little bit of both.

6 Q. Okay.

7 A. So a lot of the videos and photographs that we  
8 found of M-2, it was Paul Adams' penis, erect penis,  
9 and then M-2's -- he was attempting to have oral sex  
10 with M-2, he was also attempting to have vaginal sex  
11 with M-2, and through Paul's own admissions during our  
12 interview after his arrest he said that he found it  
13 hard to have vaginal sex with M-2 because her body was  
14 so small, and his penis would not fit into her vagina.

15 Q. Did Mr. Adams admit as to where this abuse  
16 took place?

17 A. He did. He said it happened at the home in  
18 Bisbee, Arizona.

19 Q. Were his statements consistent with the video  
20 evidence you ultimately collected and viewed?

21 A. Yes.

22 Q. Did Paul Adams admit to any sexual misconduct  
23 with any other children in the household?

24 A. No.

25 Q. Was he asked?

1 A. He was.

2 Q. Were all the other children male?

3 A. They were. Four males and two females.

4 Q. Was there any discussion as to whether or not  
5 the children ever witnessed their siblings being  
6 abused?

7 A. There was. To my knowledge, the children were  
8 all forensically interviewed by child forensic  
9 interviewers. And the children were not aware of each  
10 other's abuses.

11 Q. Did Paul Adams say whether his wife knew what  
12 he was doing?

13 A. He said that -- and this is to quote Paul  
14 Adams during the interview -- he said that he has the  
15 perfect lifestyle. He was boasting on a chat group  
16 that he has the perfect lifestyle where he can have sex  
17 with his two daughters and his wife doesn't care and  
18 she knows.

19 Q. Was Paul Adams arrested at the conclusion of  
20 his interview?

21 A. He was.

22 Q. Did you then proceed to the Adams residence?

23 A. I did.

24 Q. Do you know about what time you arrived?

25 A. I must have got there maybe 7 or 8:00 o'clock

1 at night. I'm sorry, go ahead.

2 Q. This was in Bisbee, Arizona?

3 A. It was. I believe the address was 1625 Vista  
4 Grande in Bisbee.

5 Q. Can you recall the house, what it looked like?

6 A. I do, specifically.

7 Q. Okay.

8 A. As I got there, the house was already under  
9 search. There was stuff everywhere. It was very  
10 cluttered, disorganized. I had thought my agents had  
11 started to make that mess, and in reality that's how  
12 they found the home.

13 Q. What was the size of the home?

14 A. Approximately 1,600 square foot.

15 Q. Was it single-story, two-story?

16 A. A single-story ranch, standard Arizona style  
17 construction, thin walls, two-by-fours, drywall.

18 Q. What's the layout?

19 A. It was a very open concept style home. The  
20 living area, the dining area, and the kitchen were all  
21 open. The bedroom doors, you could see the bedroom  
22 doors from almost anywhere in the center of the house,  
23 very open concept.

24 Q. And did anyone involved in the investigation  
25 prepare a sketch of the layout?

1 A. They did.

2 Q. And did you provide that to my office for use  
3 at this hearing?

4 A. Yes, ma'am.

5 MS. RANSOM: I'll note for the record I'm  
6 handing a copy to defense counsel.

7 THE COURT: Thank you.

8 Q. I'm handing you what's been marked State's  
9 Exhibit 2. Can you please look at that document and  
10 let me know if you recognize it.

11 A. I do.

12 Q. And what is that document?

13 A. This is the standard Homeland Security  
14 Investigation sketch that we complete on every search  
15 warrant we conduct.

16 Q. Did you prepare this?

17 A. I did not. This was prepared by Special Agent  
18 Neal Wildgen, as notated in the top left corner.

19 Q. Did you or Neal save this in HSI records?

20 A. We did.

21 Q. Did you provide it to the State for use in  
22 these proceedings?

23 A. I did.

24 Q. And this is a true and correct copy of the  
25 sketch you provided to the State?

1 A. That is correct.

2 MS. RANSOM: Your Honor, I move to admit  
3 State's Exhibit 2.

4 THE COURT: Any objection?

5 MR. HICKS: No, Your Honor.

6 THE COURT: Exhibit 2 shall be marked and  
7 received.

8 Q. You mentioned the walls were thin. Why did  
9 you make that comment?

10 A. Well, we made that -- we noticed when we were  
11 there that while we were conducting our search warrant,  
12 we break into teams to tackle different areas of the  
13 house, and being since the house was so cluttered, it  
14 took an extensive amount of agents. We noticed that  
15 while we were searching, we could hear what was going  
16 on on the other side of the house while we were inside  
17 the other bedroom.

18 Q. All right. And were you able to communicate  
19 with agents during the search without radios?

20 A. We were.

21 Q. How did you do that?

22 A. Just by speaking; not yelling, just speaking  
23 to each other.

24 Q. Were any members of the household present  
25 during the search?

1 A. Yes, they were.

2 Q. Who was present?

3 A. Leizza Adams was present, as well as the six  
4 children. The six children were sequestered in one of  
5 the Homeland Security vehicles away from the house, but  
6 Leizza Adams was going about the house gathering things  
7 for the children.

8 Q. Did you know whether she had already been  
9 interviewed by the time you arrived?

10 A. I did. And she was.

11 Q. Did you know whether she was aware of why you  
12 were all there?

13 A. She was made aware at that time.

14 Q. And did you know what she was advised as to  
15 why agents were searching the home?

16 A. As far as I know, FBI agents spoke with her,  
17 and they explained to her that we were here on a tip of  
18 child exploitation being taken at the house.

19 Q. Okay. Do you know whether she knew it was her  
20 own children?

21 A. At that point she did.

22 Q. What was her demeanor when you were there?

23 A. Her demeanor was different than I expected it  
24 to be. I would expect, and in my previous occasions  
25 and past experiences the other parent is oftentimes

1 emotionally distressed, charged, sometimes combative  
2 with agents. Leizza Adams was not like that. She took  
3 it as this was normal, she took it as she was not  
4 surprised by the fact. In fact, I noticed that she was  
5 worrying more about trying to find where the children's  
6 backpacks were and where their instruments were for  
7 school the next day than actually comforting her  
8 children.

9 Q. Was she interacting with any of the children?

10 A. Very minimally. She was kind of ordering them  
11 around the house. When she couldn't find something,  
12 she would bring them in and kind of yelled at them to  
13 find where it was, and then they were being ushered  
14 back out of the house.

15 Q. Did you arrest Leizza Adams that night?

16 A. We did not.

17 Q. And why not?

18 A. At that time we did not have probable cause  
19 for arrest.

20 Q. Did you have any further interactions with  
21 Leizza Adams thereafter?

22 A. I did on a previous -- on a next occasion I  
23 was asked to serve subpoenas to her for the federal  
24 case against her husband, Paul Adams. I served her  
25 subpoena, she acknowledged her subpoena, and that was

1 it.

2 Q. You said you did not have probable cause to  
3 arrest Leizza Adams.

4 A. Correct.

5 Q. If she had admitted she knew the abuse was  
6 going on to agents, would you have arrested her?

7 A. Absolutely.

8 Q. What was your understanding as to what she had  
9 been asked about the abuse by agents at the scene?

10 A. It was, to my knowledge, she was asked if she  
11 had any idea that the abuse of the children was going  
12 on, to which she answered no.

13 Q. Okay. Aside from the subpoena, did you have  
14 any further interactions with Leizza Adams?

15 A. We conducted a free talk on behalf of the  
16 State on August 31st, and that was my next interaction  
17 with Leizza Adams.

18 Q. And that was approximately a year ago, 2017?

19 A. Actually almost a year ago, yes.

20 Q. What is a free talk?

21 A. A free talk is a situation where we bring in a  
22 defendant in a case, and we give them an opportunity to  
23 tell us the truth, you know, the whole truth, with  
24 certain safeguards. Those safeguards being that if the  
25 truth is told, the information will not be used against

1 you in a court of law. It kind of goes to the  
2 principle of a free talk. In that case we were very  
3 much interested in what Paul Adams, what his role was,  
4 what further information needed to be taken for the  
5 case against Paul Adams himself.

6 Q. And you were present for the whole free talk?

7 A. Yes, ma'am.

8 Q. And did you hear Ms. Adams receive the rules  
9 that she had to tell the truth in order to obtain the  
10 benefits of the free talk?

11 A. Yes, ma'am.

12 Q. Had you reviewed any of Leizza Adams'  
13 statements to other authorities before the free talk?

14 A. Before the free talk, no. I'm sorry, yes, I  
15 shared my reports with FBI agents and also Detective  
16 Borquez with CCSO.

17 Q. Were you able to familiarize yourself  
18 personally with her prior statements to the police  
19 before participating?

20 A. Yes.

21 Q. Did you understand her statements during the  
22 free talk to be generally consistent with what she had  
23 previously told authorities?

24 A. Again, I did not have a lot of knowledge on  
25 the interviews of Leizza Adams. I did read the

1 reports. There were some inconsistencies.

2 Q. What inconsistencies can you remember?

3 A. Specifically, she explained that she had  
4 certain rules regarding the children, specifically the  
5 daughters, how they were not allowed to be left alone  
6 with Paul Adams. As the free talk went on, an  
7 inconsistency grew within the free talk itself, where  
8 that was expanded to the scope of all the children,  
9 after being asked why that was specifically for only  
10 just the female children. She said that later in the  
11 free talk that that was actually for all the kids and  
12 not necessarily just the children -- not just the  
13 female daughters.

14 Q. Were there any inconsistencies regarding why  
15 she had this rule in the first place?

16 A. Inconsistencies?

17 Q. Was she ever asked why she had these rules  
18 about her own husband not being allowed around his  
19 kids?

20 A. She explained that she was a victim of sexual  
21 abuse herself, she did not want the same thing  
22 happening to her daughters that was -- that had  
23 happened to her as she grew up.

24 She also explained that there was an incident  
25 at what they refer to, the Adams family referred to as

1 the Dojo, which I believe was a karate place the kids  
2 participated in. There was an incident at the Dojo  
3 where Paul Adams was giving piggy back rides to some of  
4 the other children in the class, and some of the  
5 parents and even the instructor noticed that his hands  
6 were farther up the legs, more cupping the buttocks of  
7 the children more so than what was necessary, and they  
8 asked that he not return to the Dojo because of that  
9 incident.

10 Those are some of the reasons why Leizza Adams  
11 told us that she didn't allow Paul Adams to be around  
12 specifically her daughters.

13 Q. Did Leizza Adams report that she had been  
14 sexually abused by her own father?

15 A. At the time, no, she did not, not when talking  
16 to the FBI agents.

17 Q. So was it ever asked of her "If your father  
18 didn't abuse you, why would you keep Paul Adams away  
19 from his own children due to you being abused by a  
20 stranger?"

21 A. Correct. And her answers continued to change.  
22 At first it was it's just not right for a man to be  
23 touching a little girl like that. Again, we explained  
24 that it's their father. She said, no, it's not  
25 allowed. To the point where we specifically asked --

Leizza Knew

1 she brought up the fact that she wouldn't let the girls  
2 specifically sit on Paul Adams' lap. Paul Adams would  
3 let M-1 sit on his lap while they drove the vehicle  
4 into the property. She was 11 or so at the time, and  
5 she was more concerned with the fact that he was  
6 breaking -- he was allowing her to break the law. And  
7 then she also went back and said, well, now it's  
8 because I didn't want her sitting on his lap, it's not  
9 right for a girl to be sitting on the lap of a man.  
10 The inconsistencies went around that.

11 Q. During the free talk was she asked if she knew  
12 anything about sexual abuse in the home?

13 A. She was.

14 Q. Did she have an answer for that?

15 A. She said she had no knowledge of it.

16 Q. Were there any inconsistencies there?

17 A. There were inconsistencies. We later found  
18 out that she did have knowledge of the sexual abuse of  
19 at least one of the daughters. I believe Leizza Adams  
20 herself referenced that she knew in 2010.

21 Q. Did she tell you that during the free talk?

22 A. No.

23 Q. Was she ever equivocal at all about not  
24 knowing about the abuse during the free talk?

25 A. No.

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1 Q. Just adamant denials?

2 A. Yes.

3 Q. Any stories or versions of events with respect  
4 to her own personal knowledge?

5 A. Not to my knowledge.

6 Q. Okay. Did Mrs. Adams discuss anything that  
7 she had done personally during the free talk that gave  
8 you any concern?

9 A. She explained that shortly after we arrested  
10 Paul Adams that she was cleaning the house, as she  
11 said. During her cleaning of the house she dropped her  
12 cell phone, which became inoperable and was destroyed.  
13 She also found numerous documents and pornographic  
14 images. Basically she shredded that stuff, and she  
15 said herself she would shred anything that had Paul  
16 Adams' name on it and anything that had pornographic  
17 images on it.

18 Q. And she made clear this was after Paul Adams'  
19 arrest?

20 A. That is correct.

21 Q. Did you show anything to Leizza Adams during  
22 the free talk?

23 A. We did. So the original -- when we served the  
24 search warrant, we were able to find thousands of  
25 pieces of child pornography, many of it to include M-1

1 and M-2. We showed redacted images of some of the  
2 pieces of the child pornography to Leizza Adams in that  
3 free talk situation. Redacted photos meaning that we  
4 blur out any sexual organs; however, you can still see  
5 what's going on just by the position of the bodies.

6 Q. And did you show Leizza Adams photos, redacted  
7 photos, of both M-1 and M-2?

8 A. Yes.

9 Q. What was her reaction?

10 A. Again, her reaction was not what I would have  
11 expected. Again, when we do this, most parents become  
12 enraged, upset, emotionally unstable. Leizza Adams  
13 didn't even bat an eye. She didn't move. I thumbed  
14 through approximately five to seven pictures that were  
15 redacted of M-1 and M-2. She really didn't have any  
16 questions, she didn't say anything, she just looked at  
17 them and kept moving on. It was emotionless.

18 Q. Any surprise even?

19 A. No, nothing.

20 Q. Okay. Were you present during the first day  
21 of this mitigation hearing?

22 A. I was.

23 Q. Did you hear any information during the first  
24 day of this mitigation hearing that surprised you?

25 A. Yes. I heard, I believe it was Border Patrol

1 Agent Warr, she explained that Leizza knew the abuse of  
2 one of her daughters as early 2010.

3 Q. And why did that surprise you?

4 A. Well, for numerous reasons. We've been asking  
5 since February of 2017 what she knew about the abuse of  
6 her daughters. Up to that point we were of the  
7 understanding she didn't know.

8 Q. Okay. After the first day of the mitigation  
9 hearing in this case were you asked to conduct any  
10 additional investigation?

11 A. I was.

12 Q. And have you, in fact, completed some  
13 additional investigation?

14 A. I have. I spoke to Bishop John Herrod, who  
15 was the Bishop at the ward in Bisbee where Paul and  
16 Leizza Adams went to church.

17 Q. Who provided you with the name of Bishop John  
18 Herrod?

19 A. That was, again, Agent Warr. She explained  
20 that he was there at that time.

21 Q. And this was based upon her testimony at the  
22 hearing?

23 A. Correct.

24 Q. And why did you want to speak with Mr. -- Dr.  
25 Herrod?

1           A. Dr. Herrod. I was curious as to what he knew,  
2 maybe where he could point us in the direction if there  
3 were additional victims. Basically we were curious to  
4 see what he knew about what Leizza knew about the abuse  
5 of M-1 and M-2.

6           Q. And that was because he was the bishop in  
7 2010?

8           A. That's correct.

9           Q. Were you able to locate Bishop Herrod?

10          A. We were.

11          Q. Was he surprised that you were speaking with  
12 him?

13          A. No, he wasn't. He later told me at the  
14 conclusion of my consensual interview with him that he  
15 expected me, and that Border Patrol Agent Warr had  
16 explained to Dr. Herrod that I'd likely be coming by to  
17 talk to him.

18          Q. Had you told Agent Warr to convey that  
19 information to Dr. Herrod?

20          A. Absolutely not.

21          Q. Would you have wanted her to?

22          A. No.

23          Q. Why not?

24          A. Well, there's an element of surprise that  
25 criminal investigators take when coming to speak with

1 people who may have information. The element of  
2 surprise helps that investigator get the real truth at  
3 onset versus a tale that has been conjured up in their  
4 head to minimize their involvement in said criminal  
5 activity.

6 Q. Did Bishop Herrod speak with you?

7 A. He did.

8 Q. Did he know Paul and Leizza Adams?

9 A. Yes, he did.

10 Q. How did he know them?

11 A. Again, Mr. Herrod explained that he was the  
12 bishop at the Bisbee ward from approximately 2010  
13 through 2012.

14 Q. Okay. Actually was he back to 2004 a bishop?

15 A. He was, correct.

16 Q. Okay. So definitely from the 2010 to 2012  
17 period?

18 A. For sure, yes.

19 Q. Did you ask him about the Adams family's  
20 reputation at the church?

21 A. I did. I asked, you know, what were they like  
22 at church, and he said that they were described by many  
23 people in the congregation as being off and weird.  
24 There was no indication of any sexual abuse from any of  
25 the church members, but they all had a feeling

1 something was off, as he described it.

2 Q. Did Bishop Herrod know of any actual  
3 misconduct between Paul Adams and his children?

4 A. He did.

5 Q. Okay. Did he talk to you about it?

6 A. He did. He explained to me that Paul Adams  
7 was taking a sort of counseling session, as Mr. Herrod  
8 explained. The counseling session described by him  
9 being that the bishop speaks with a member of the  
10 church about topics to see if they need any help.  
11 During one these sessions, Paul Adams admitted to  
12 Mr. Herrod that he had been sexually assaulting his  
13 oldest daughter M-1.

14 Once Mr. Herrod heard this, he had brought  
15 Leizza Adams into the same counseling session, so there  
16 were three of them in the counseling session at this  
17 point, and then Mr. Herrod had Paul turn and explain to  
18 Leizza exactly what he had just told him, to which Paul  
19 did, he explained his sexual molestation of M-1 to  
20 Leizza Adams in that counseling session.

21 Q. Did Bishop Herrod tell you approximately when  
22 this took place?

23 A. He described it to me it was between 2011,  
24 2012. It was on the tail end of his tenure in Bisbee  
25 as a Bishop.

1 Q. Okay. Did the Bishop, aside from actual  
2 sexual molestation or assaulting of M-1, did the Bishop  
3 have any further detail about what Paul Adams was doing  
4 with M-1?

5 A. He did. During the counseling session Paul  
6 Adams explained to Bishop Herrod that Paul Adams was  
7 visually -- he was taking video of M-1 orally  
8 stimulating Paul Adams. He said that he had taken  
9 video of this, and he's done it numerous times.

10 Q. And that information was conveyed to Leizza  
11 Adams?

12 A. Yes, it was.

13 Q. Did Bishop Herrod recall Leizza Adams'  
14 reaction to this news?

15 A. Again, Bishop Herrod had the same thought on  
16 it as I did. He said that she appeared emotionless; in  
17 fact, I believe he called her "emotionally dead" was  
18 his term for it.

19 Q. Did she express surprise?

20 A. No.

21 Q. Did Bishop Herrod explain why he brought  
22 Leizza Adams in the room?

23 A. He brought Leizza Adams into the room because  
24 he wanted, you know, he wanted the children to be safe,  
25 and he thought if he -- if Paul Adams told Leizza Adams

1 while Bishop Herrod was observing, that Leizza would  
2 either remove the children from the situation or at  
3 least, very least, keep the kids away from Paul.

4 Q. Did Bishop Herrod consider calling the police?

5 A. He did not. He did not.

6 Q. Did he give Leizza Adams the option of having  
7 Paul Adams turn himself in?

8 A. Yes.

9 Q. Did Leizza Adams respond as to what she  
10 planned to do?

11 A. Again, she responded that she will just do her  
12 best to keep the children away from Paul.

13 Q. Did Bishop Herrod understand that Leizza Adams  
14 was successful thereafter in keeping her kids away from  
15 him?

16 A. He believes that he was not. The counseling  
17 sessions continued with Paul Adams, to which Paul  
18 continued to explain that he was sexually assaulting  
19 his oldest daughter, M-1.

20 Q. And did Bishop Herrod bring Leizza Adams in  
21 again?

22 A. Yes. He didn't have a count but he said there  
23 were numerous times that he brought her in.

24 Q. So it wasn't just one time Leizza Adams heard  
25 this?

1 A. No. And he couldn't tell me the count. He  
2 said it was over numerous counseling sessions.

3 Q. Did Bishop Herrod say how long, the amount of  
4 time these counseling sessions transpired with Paul  
5 Adams where he would bring Leizza in?

6 A. As far as duration of the counseling session  
7 of minutes or --

8 Q. No.

9 A. -- over years?

10 Q. Yes.

11 A. It was over years. He said that when he left  
12 the Bisbee ward in 2012 he turned over the situation to  
13 the next bishop coming in, who I believe is Kim Mauzy,  
14 Bishop Kim Mauzy, who started in 2012 and was there  
15 through 2017.

16 Q. Okay. Did Bishop Herrod do anything after he  
17 was learning of all the these incidents with M-1 and  
18 Paul Adams?

19 A. Bishop Herrod explained to me that he  
20 consulted, as he referred to it -- and I mean no  
21 disrespect -- he called Mormon headquarters in Salt  
22 Lake City, Utah, and asked for legal advice as to what  
23 to do. The church conveyed that he needs to continue  
24 counseling sessions, and that there's no duty to report  
25 to authorities due to the clergy-penitent privilege.

1 Q. So Bishop Herrod, in bringing Leizza Adams  
2 back into the room each time, did he explain to you  
3 what he was hoping to accomplish?

4 A. He was hoping that Leizza Adams would fix the  
5 situation, that Leizza Adams would leave the house with  
6 the children, thus not letting them being the victim of  
7 sexual assault, continued sexual assault.

8 Q. Now, the information conveyed to you by Bishop  
9 Herrod related to the Mormon church, is there an  
10 ongoing criminal investigation related to that  
11 information?

12 A. Yes, there is.

13 Q. And are you here under a Touhy letter?

14 A. Yes.

15 Q. Have you been instructed not to --

16 A. Yes.

17 Q. -- discuss beyond that?

18 A. Yes, ma'am.

19 Q. Do you know if, as far as the disclosures  
20 between Paul Adams, Leizza Adams, and the Bishop, do  
21 you know if he conveyed that information to anyone else  
22 aside from who you've already identified, Bishop Mauzy  
23 and Salt Lake City?

24 A. You're talking of Mr. Herrod, who else he  
25 spoke to about it?

1 Q. Yes.

2 A. I do not have knowledge of that, no.

3 Q. Did Bishop Herrod talk about excommunication  
4 proceedings related to Paul Adams?

5 A. He did.

6 Q. Did he understand why Paul Adams was  
7 excommunicated?

8 A. He did. He said it was for the sexual  
9 molestation of his oldest and youngest daughter.

10 THE COURT: I'm sorry, repeat that, "of his  
11 oldest" --

12 THE WITNESS: And youngest daughter.

13 THE COURT: Oldest and youngest daughter.  
14 Thank you.

15 Q. Was the topic of Paul Adams being  
16 excommunicated from the church, did that come up during  
17 the course of your investigation?

18 A. It did.

19 Q. Do you know who brought that topic up?

20 A. I believe it was Leizza Adams during the free  
21 talk in August 31st of 2017.

22 Q. Did she explain why Paul Adams was  
23 excommunicated?

24 A. She told us it was because he was having a  
25 sexual relationship with his mother, and that was not

1 to Mormon church standards.

2 Q. So she didn't tell you it was due to  
3 molestation of M-1?

4 A. No.

5 Q. Did you have any cause to believe that Leizza  
6 Adams would know what went on in the excommunication  
7 proceedings?

8 A. Yes. Again, Bishop Herrod and the individuals  
9 I've interviewed have spoke to me about the hearing.  
10 Leizza Adams was present during the disciplinary  
11 hearing where Paul Adams was allowed to, as they said,  
12 plead his case before the disciplinary panel.

13 Q. Do you recall some of the testimony during the  
14 first day of our mitigation hearing regarding Mrs.  
15 Adams being fearful of Paul Adams?

16 A. Yes, I do.

17 Q. What do you recall from the first day? I know  
18 it's been a while.

19 A. Specifically, I remember again Border Patrol  
20 Agent Warr explaining on the stand that she was very  
21 close with Leizza Adams, and that Leizza Adams had  
22 confided in her that, you know, he was abusive to her  
23 and that she should leave but she can't. Border Patrol  
24 Agent Warr explained that she could help her get out,  
25 even bring other agents in to help move her out, get

1 her out of the situation, and I believe they were even  
2 talking about going to California.

3 Q. During the free talk with Leizza Adams, was  
4 the topic of domestic abuse brought up?

5 A. Not to my knowledge.

6 Q. If so you don't recollect it?

7 A. If so it was so minimal that we went past it.

8 Q. Do you recall Leizza Adams asserting that she  
9 was abused in any way by Paul Adams during the free  
10 talk?

11 A. No.

12 Q. Do you recall Leizza Adams claiming to be  
13 fearful of Paul Adams during the free talk?

14 A. No.

15 Q. Do you recall her asserting that she was able  
16 to enforce these rules in the household, in fact?

17 A. Yes.

18 Q. Based upon your investigation and interactions  
19 with Leizza Adams, did you perceive that she was in a  
20 domestic abuse relationship or situation?

21 A. I did not perceive that, no.

22 Q. Based upon your investigation and the  
23 testimony during the first day of the hearing, was  
24 Leizza Adams without resources to leave the environment  
25 that she was in?

1 A. No.

2 Q. Why do you say that?

3 A. She had the support of her friend, Border  
4 Patrol Agent Warr. Border Patrol Agent Warr had  
5 additional people willing to help out, the Mormon  
6 church itself was also available to Leizza Adams as a  
7 way to help, and the congregation that goes to that  
8 church.

9 Q. We were talking about the video that sparked  
10 the investigation at the outset of the --

11 A. Yes, ma'am.

12 Q. Is there audio in that video?

13 A. There is.

14 Q. In the course of your investigation did you  
15 preserve the audio of the video?

16 A. I did.

17 Q. Have you separated it from the actual video  
18 itself?

19 A. I have.

20 Q. Did you provide a copy of that to the state?

21 A. Yes, ma'am.

22 Q. It's on a thumb drive?

23 A. Yes.

24 Q. I'm showing you a blue thumb drive. Do you  
25 recognize this thumb drive?

1 A. That is it, yes.

2 Q. Okay. How long is the audio?

3 A. It's approximately 9 minutes and 20 seconds.

4 Q. How many people are speaking on the audio?

5 A. There's two individuals.

6 Q. Do you recognize the voices?

7 A. I do. One of the individuals is M-1, and the  
8 other is Paul Adams.

9 Q. And you placed the audio on the thumb drive  
10 that I'm holding up in front of you?

11 A. I have.

12 Q. And you listened before the hearing today to  
13 confirm that this is, in fact, the audio of the video  
14 of Paul Adams molesting M-1 or raping M-1?

15 A. I did.

16 MS. RANSOM: Your Honor, before seeking  
17 admission, the State would like to insure that if  
18 admitted, this is filed under seal due to the  
19 confidential and graphic nature and privacy interests  
20 of the minor sexual assault victim.

21 THE COURT: Let's hear from the defense.  
22 Mr. Hicks, any objection to this thumb drive being  
23 offered under seal?

24 MR. HICKS: I do, Your Honor. I object to the  
25 playing of the thumb drive. There's witnesses in the

1 courtroom, there's people in the courtroom, there's  
2 news reporters in the courtroom.

3 THE COURT: There hasn't been a request at  
4 this point for the thumb drive to be played in open  
5 court. Right now there's simply a request to have it  
6 sealed, so that if it's offered, it's offered under  
7 seal. That's the way I understand it.

8 MR. HICKS: I have no objection to it. I do  
9 have an objection to her playing it.

10 THE COURT: Okay. Well, one thing at a time.  
11 So, yes, the thumb drive -- and just for clarification,  
12 Agent Edwards, I think you said this, but just to make  
13 absolutely sure, the thumb drive that Ms. Ransom has  
14 and is now holding up, that has no video component;  
15 correct?

16 THE WITNESS: That is correct, Your Honor, it  
17 has no visual depiction of child pornography, only  
18 audio, and it's password protected.

19 THE COURT: I'm sorry?

20 THE WITNESS: It's password protected as well.

21 THE COURT: So the thumb drive may be sealed.  
22 And has it been marked for identification? It will be  
23 marked for identification as, I'm sorry, 3? Okay.  
24 State's Exhibit 3 under seal. It's not in evidence at  
25 this point, it's simply been marked for identification

1 under seal.

2 And with that, Ms. Ransom, you may proceed.

3 MS. RANSOM: And, Your Honor, the State does  
4 move to admit it under seal and would ask Your Honor to  
5 review it in camera.

6 THE COURT: All right. Mr. Hicks?

7 MR. HICKS: Your Honor, I object to it being  
8 admitted. It's been marked. The only reason for this  
9 video to be reviewed or --

10 THE COURT: Not a video.

11 MR. HICKS: In camera or in court is simply to  
12 enrage or inflame the trier of fact as to the  
13 sentencing. We know what happened. And the only  
14 possible reason -- and for that reason, I mean, the  
15 prejudicial value of it, whatever the prejudicial value  
16 is, we stipulate that Paul Adams molested his daughter.  
17 But the prejudicial value of the court reviewing it far  
18 outweighs any educational value as far as sentencing.

19 THE COURT: Well, one thing comes to mind, and  
20 this relates to the earlier testimony that the walls,  
21 interior walls of the home were thin, if this exhibit,  
22 Exhibit 3, could be used to show that the statements  
23 made could be heard somewhere else within the house.  
24 But is there anything, Ms. Ransom, on that thumb drive  
25 that would indicate the presence of anyone other than

1 Paul Adams and the victim?

2 MS. RANSOM: Yes, Your Honor, in fact, there  
3 is, and that is the state's intent for offering for  
4 Your Honor's consideration. Again, due to the privacy  
5 of the victims and the nature of the assault, the state  
6 does not wish to publicize this to the public. It's  
7 asked to move to admit it and have Your Honor, who is  
8 going to be evaluating sentencing, consider it in  
9 camera and then hear additional testimony from this  
10 agent, who the state anticipates will note that you can  
11 hear during the video the presence of children, young  
12 children, laughing in the house, which shows how thin  
13 the walls were, as well as based upon his investigation  
14 where this assault took place, which is pertinent both  
15 to others in the house knowing and hearing it, and Ms.  
16 Adams' continued claims or attempts to minimize her  
17 knowledge of what was going on in her household.

18 THE COURT: So what someone could hear, pardon  
19 me, listening to the audio portion, in addition to  
20 what's going on between the perpetrator and the  
21 specific victim, is there can be heard laughter from  
22 other children?

23 MS. RANSOM: Yes, Your Honor, at one point --  
24 the agent would testify for himself, I wouldn't be  
25 providing the testimony, but based upon his reviewing

1 of the recording on multiple occasions, yes.

2 THE COURT: Is there any indication on the  
3 audio recording that Mrs. Adams can be heard, any  
4 statements that are attributed to her or any way of  
5 indicating whether she was in the house or not at the  
6 time?

7 MS. RANSOM: I would have to ask the agent  
8 that.

9 THE COURT: Okay.

10 MS. RANSOM: I think that the location where  
11 this act was perpetrated is somewhat telling in that  
12 respect.

13 THE COURT: I'll allow you to lay more  
14 foundation. If there's no indication that Mrs. Adams  
15 was present at the home at the time that the -- that  
16 Paul Adams was molesting his daughter, as heard on the  
17 recording, if there's no indication she was there, I  
18 would be inclined to sustain Mr. Hicks' objection. If  
19 there is some indication that she was there, then I  
20 would be inclined to overrule it. So you may go ahead  
21 and lay further foundation if you can.

22 Q. This audio that's been offered as State's  
23 Exhibit 3, Agent Edwards, you listened to it again  
24 before coming to testify today?

25 A. Yes, ma'am.

1 Q. Do you know, based upon your investigation,  
2 not only from the audio but also of the video, where in  
3 the household this act was committed?

4 A. Yes. We were able to observe certain things  
5 in the background and foreground of the video that  
6 indicate that the 9 minute 20 second video was created  
7 in the common area, right in the living room, appears  
8 to be on one of the couches.

9 Q. And in referencing I think it's admitted  
10 state's Exhibit 2, and I will provide a courtesy copy  
11 to the court.

12 THE COURT: That's the diagram. Thank you.

13 Q. Do you know which couch you believe the act  
14 was perpetrated upon?

15 A. Yeah. So, Your Honor, you have three couches  
16 there. Pictured in the middle it's going to be on the  
17 couch furthest to the left.

18 THE COURT: So near letter E.

19 THE WITNESS: One more left.

20 THE COURT: Okay.

21 THE WITNESS: Right there. Your Honor, we can  
22 reasonably say that because in the background there's a  
23 fireplace against the far wall, we can see said  
24 fireplace mantel. There was also a TV that was  
25 standing on the TV stand, and you can also see that TV.

1 That TV was right across from letter E on that wall.

2 THE COURT: All right. You may proceed.

3 Q. In the audio are Paul Adams and victim M-1  
4 speaking at a normal tone of voice?

5 A. At first they were whispering. As the video  
6 went on, M-1 speaks up. She's talking a little louder.  
7 Towards the end of the video she's pleading for him to  
8 stop. I wouldn't say at the top of her voice, but her  
9 voice is elevated.

10 Q. And do you have an understanding as to why  
11 they may have been whispering at the outset of the  
12 video?

13 A. I believe they were whispering because they  
14 didn't want anybody to hear what was going on.

15 Q. Is there an indication from the video that  
16 there are others in the household while this act is  
17 being perpetrated?

18 A. Yes, there are. There are numerous occasions  
19 throughout the video that you can hear people  
20 playing -- children playing in the background. You can  
21 hear specific sentences being said by said children.  
22 Being that this took place in the common area of the  
23 house, in the center of the home, those children could  
24 not have been very far to be picked up by the  
25 microphone on the camera that Paul Adams was using.

1 Q. During the course of your investigation, when  
2 Leizza Adams was describing her rules, what was one of  
3 her major rules?

4 A. That she never lets the children be alone  
5 without -- with Paul Adams. She's always there when  
6 the children are there with Paul Adams.

7 Q. Based upon what you heard when you were  
8 listening to the audio of this video, who do you think  
9 could have been in the household?

10 A. Leizza Adams, based on the fact that I hear  
11 the children in the background, other than M-1, who is  
12 being assaulted.

13 MS. RANSOM: Your Honor, based upon this  
14 additional foundation, the state moves to admit under  
15 seal and ask that Your Honor review in camera Exhibit  
16 3.

17 THE COURT: Mr. Hicks?

18 MR. HICKS: May I ask one question?

19 THE COURT: Yes, you may.

20 MR. HICKS: Did you hear Leizza Adams on the  
21 video?

22 THE WITNESS: No, sir.

23 MR. HICKS: No other questions.

24 THE COURT: Did you hear any other adult voice  
25 on the video or on the audio?

1 THE WITNESS: It's hard to say.

2 THE COURT: Other than Paul Adams, of course.

3 THE WITNESS: Yes, Your Honor. It's hard to  
4 say for certain. We do hear the voices of children.  
5 There are some voices that are garbled that we just  
6 cannot understand.

7 THE COURT: Did you hear any of the children  
8 whose vices you could hear, again, other than M-1, say  
9 something to someone who, by the words used, would have  
10 been or might have been an adult, such as, "Mommy, look  
11 what I have," or anything along those lines?

12 THE WITNESS: Your Honor, I cannot say with  
13 reasonable certainty.

14 THE COURT: Thank you.

15 Any additional foundational questions of the  
16 witness before I rule on the objection?

17 BY MS. RANSOM:

18 Q. Is it children mostly giggling or you can hear  
19 some sentences?

20 A. You can hear some sentences. In certain audio  
21 clips you can hear the sentences. I do not recall what  
22 was said by those children. They do appear to be  
23 relatively close to where the sexual assault was taking  
place because you can hear them playing.

25 Q. Are the noises made by the children followed

1 by these garbled sounds that you weren't able to  
2 discern?

3 A. That is correct. And it almost sounds like  
4 the Charlie Brown skits where you hear the children  
5 speaking, but the teachers are whatever.

6 Q. Based upon your personal experience of walking  
7 around the home, is it possible if someone was speaking  
8 in a low voice telling children to come into another  
9 room, that that could have been producing the garbled  
10 noise?

11 A. Yes, ma'am.

12 MS. RANSOM: Your Honor, the State does move  
13 to admit under seal and ask that Your Honor review in  
14 camera Exhibit 3.

15 THE COURT: Mr. Hicks, further record on that?

16 MR. HICKS: No, Your Honor. I renew my  
17 objection.

18 THE COURT: I'm going to sustain the  
19 objection. I think it's pretty obvious from what I've  
20 heard that the defendant's late husband molested this  
21 child as well as the younger daughter, and that clearly  
22 happened from Agent Edwards' testimony on the video,  
23 which, thank goodness, no one is asking me to take a  
24 look at. The audio wouldn't by itself show whether  
25 Mrs. Adams was there at the time that the acts were

1 done as shown on the video and as recorded on the  
2 audio. So I will sustain the objection. The exhibit  
3 will remain marked, it will remain sealed and will be  
4 available for review by a higher court, if necessary.

5 You may proceed.

6 BY MS. RANSOM:

7 Q. Based upon your analysis of the audio, would  
8 someone inside the house, even in another room, be able  
9 to hear the exchanges between Paul Adams and M-1?

10 A. Absolutely. Specifically, toward the end of  
11 the video where M-1 is raising her voice pleading with  
12 him to stop.

13 Q. Based upon your investigation, did the Adams  
14 family get a lot of visitors, adult visitors?

15 A. Adult visitors, not a lot. They had a few.

16 Q. So if that garbled audio in the home were an  
17 adult, based upon your investigation, who would that  
18 be?

19 A. It would be Leizza Adams.

20 Q. Based upon your investigation, did you, before  
21 hearing what you've heard on day one of the mitigation  
22 hearing, did you have any reason to question Leizza  
23 Adams' claims that she didn't know anything of the  
sexual abuse in her home?

25 A. No, I didn't.

1 Q. We did go over some of the inconsistencies  
2 that she provided. Did they give you cause for concern  
3 before she admitted to knowing to the probation officer  
4 of the abuse?

5 A. Yes.

6 Q. What were those concerns?

7 A. Specifically, the rule where the children  
8 weren't allowed to sit on his lap. That's not normal  
9 for a parent-child relationship. You know, your  
10 daughter can sit on your lap and it's not abnormal  
11 among any other household. That rule, specifically,  
12 stuck out to me as cause for concern that there was  
13 something going on there more than what Leizza Adams  
14 had explained to us.

15 Q. How about you mentioned there was a red flag  
16 regarding Leizza Adams' own conduct after Paul Adams'  
17 arrest?

18 A. That is correct. Specifically, with the  
19 broken cell phone that she accidentally broke, as well  
20 as her shredding the documents that had anything with  
21 his name on it, to include pornographic images that she  
22 found. Instead of turning that over to investigators  
23 to further the investigation into Paul Adams, she took  
24 it upon herself to destroy said documents.

25 Q. Even though she dropped her cell phone, did

Sizza Crew

1 she provide the HSI with the broken cell phone?

2 A. No, she did not.

3 Q. And this was after Paul Adams' arrest?

4 A. That is correct.

5 Q. And as far as Bishop Herrod's description of  
6 the numerous times he brought Leizza Adams in to  
7 explain, remind me of the time frame that Leizza Adams  
8 heard about Paul Adams molesting M-1.

9 A. Again, through testimony that we heard from BP  
10 Agent Warr, she knew in 2010. Bishop Herrod explained  
11 to me that he explained to Leizza that it was happening  
12 starting in 2011, 2012 at the tail end of his tenure at  
13 the ward.

14 Q. Based upon your experience, do parents simply  
15 forget that their children are being molested by their  
16 spouse?

17 A. Absolutely not.

18 Q. would you have expected Leizza Adams to  
19 disclose that information to authorities during the  
20 course of your investigation?

21 A. At the earliest possible opportunity, yes.

22 Q. Do you think Leizza Adams knew what was  
23 happening to her daughters, M-1 and M-2?

24 A. Yes, I do.

25 MS. RANSOM: Nothing further at this time.

1 THE COURT: All right. Thank you. We will  
2 take a brief recess. We'll take ten minutes, come  
3 back, and upon resumption, Mr. Hicks, you may proceed  
4 with cross-examination. At recess.

5 (Recess held from 10:54 to 11:10 a.m.)

6 THE COURT: We are continuing with State of  
7 Arizona against Leizza Adams, CR-2017-425. Ms. Adams  
8 is present, both the attorneys are here, case detective  
9 is here, the CASA and the GAL for the victims are  
10 present, and Agent Edwards is on the stand. Yes?

11 MS. RANSOM: Just, sorry, very briefly.  
12 Because Ms. Prudhomme was identified in the defense's  
13 disclosures to me late last week and this morning as a  
14 likely witness, I had just asked her -- because I  
15 wasn't sure until recently that she may testify -- I  
16 just asked what her position was, and she asked to  
17 review her adult probation report, so she actually has  
18 a copy of the statement, and she may come up to the  
19 State's table to return it. She has the State's copy.  
20 I just want to make sure that was clear on the record.

21 THE COURT: Thank you.

22 Mr. Hicks, you may proceed with  
23 cross-examination.

24 MR. HICKS: Your Honor, may I stand here at  
25 the podium just so I can see him better?

1 THE COURT: Yes, that's fine.

2  
3 CROSS-EXAMINATION

4 BY MR. HICKS:

5 Q. Agent Edwards, there was some things that I  
6 didn't really understand exactly when you were  
7 testifying. I didn't understand on the issue of the  
8 phone, is it your understanding that the FBI or law  
9 enforcement took the phone from Leizza, took it and at  
10 a later time returned it, and sometime after that she  
11 broke it?

12 A. That is correct.

13 Q. Okay. But whatever was on the phone the FBI  
14 and/or the police or whoever wanted to get access to  
15 it, got access to it?

16 A. That is correct, sir.

17 Q. Okay. And the breaking of it occurred after  
18 it was returned?

19 A. If, in fact, it was the same phone, correct.

20 Q. As to her destroying everything that belonged  
21 to Paul Adams, is it unusual to destroy a spouse's  
22 things when that spouse has done the things like Paul  
23 Adams has done?

24 A. Yes, in my opinion it is. I believe that that  
25 stuff should have been turned over to authorities

1 instead of destroyed.

2 Q. If I told you I was in a trial about ten years  
3 ago where the law enforcement officer told the person  
4 with the photos that were in question to destroy them,  
5 even though there was a criminal trial going to come  
6 up, because the photos were pornographic and were on  
7 the phone, would that surprise you?

8 MS. RANSOM: Objection. Relevance, calls for  
9 speculation.

10 THE COURT: Well, it's a marginal relevance.  
11 I'll allow it, however. Overruled. You may answer if  
12 you can.

13 A. I would say policing has changed in the last  
14 ten years where that would not be recommended at all.

15 Q. No, it wasn't recommended then either but it  
16 happened; right?

17 A. I'm not sure if it did or not.

18 Q. Okay. But you took that to mean when she  
19 destroyed whatever belonged to Paul Adams, and  
20 including pornographic stuff, you took that to mean she  
21 was hiding evidence?

22 A. That is my belief.

23 Q. I thought I heard you being asked a question  
24 of is it your understanding -- let me ask you this.  
25 Did you record every session you had with Leizza Adams?

1           A.    So my interviews of Leizza Adams were limited.  
 2 I predominantly focused on Paul Adams. The reports  
 3 that I have read were conducted by other agents and  
 4 agencies regarding the interview of Leizza Adams with  
 5 the exception of the free talk on August 31st of 2017.

6           Q.    Okay. And I thought I heard the question  
 7 asked of Leizza, "Was Leizza sexually abused by her  
 8 father," and you kind of scurried all over the place  
 9 but you didn't answer that directly. Do you have any  
 10 information in any of those reports that Leizza was  
 11 sexually abused by her father?

12           A.    Leizza Adams explained that she was sexually  
 13 abused, I forget if it was by her father; she explained  
 14 to us that she was sexually abused.

15           Q.    Well, she explained to you she was sexually  
 16 abused, I understand that, but is there anything in any  
 17 report that says she was sexually abused by her father  
 18 that you're aware of?

19           A.    As of right now I do not recall.

20           Q.    You spoke with Dr. Herrod?

21           A.    That is correct, Bishop Herrod.

22           Q.    Bishop Herrod. Bishop Herrod is or at that  
 23 time was a bishop, he's also a medical doctor; correct?

24           A.    To my knowledge, yes.

25           Q.    And he has a practice and has had a practice

1 for many years in Sierra Vista?

2 A. I'm not sure.

3 Q. Did he tell you that he was at that time and  
4 up to today Leizza's doctor?

5 A. I believe he did mention that he was the  
6 doctor for Leizza Adams.

7 Q. Did he tell you at that time or at any time  
8 that he was also the doctor for Paul Adams?

9 A. I do not recall.

10 Q. I'm talking about the medical doctor.

11 A. Dr. Herrod, correct, I do not recall.

12 Q. Did Dr. Herrod describe Leizza's reaction to,  
13 when he explained or had Paul explain what he had done,  
14 in your report Dr. Herrod told you that Leizza's  
15 response, her emotional reaction, was not appropriate;  
16 correct?

17 A. That is correct.

18 Q. And he explained that the reaction that Leizza  
19 gave was that of someone who was "emotionally dead,"  
20 and you have that in quotation marks as his exact  
21 words?

22 A. That is correct.

23 Q. When you interviewed Leizza, you indicated on  
24 direct when you interviewed Leizza when Paul Adams was  
25 arrested that was your perception as well?

1 A. Again, I did not interview Leizza Adams at the  
2 onset of the arrest of Paul Adams. Again, that was  
3 handled b the FBI agent and one of my fellow Homeland  
4 Security Investigations agents. I reviewed the report  
5 from said interview.

6 Q. And did you interview Leizza at any time?

7 A. I did not. The only time I spoke to Leizza in  
8 an interview-type setting was the free talk on August  
9 31st of 2017.

10 Q. Did I hear you correct on direct that the  
11 perception that you got was, from reading some report  
12 by some agent that interviewed her, that the perception  
13 of that person was that she was emotionally dead?

14 A. That is correct. Not only the reports but in  
15 speaking to those agents as well.

16 Q. Okay. Now, you brought up this issue that Dr.  
17 Herrod had Leizza come in on several occasions and had  
18 Paul Adams tell her that he was and was continuing to  
19 molest their older daughter; correct?

20 A. That is correct, Leizza Adams was brought into  
21 numerous counseling sessions.

22 Q. You indicated that you did not hear that from  
23 Leizza prior to the hearing that began this sentencing  
hearing?

25 A. That's correct.

1 Q. And it was your understanding -- were you the  
2 agent that was approached by Leizza that told him that  
3 she wanted to tell him something?

4 A. No, that was the FBI agent from the earlier  
5 sentencing.

6 Q. You were here for that?

7 A. Yes.

8 Q. That he told her to go to her attorney?

9 A. That's because criminal proceedings were  
10 already underway for Leizza Adams. It was more  
11 appropriate to go to the attorney versus going to the  
12 authorities at that point.

13 Q. That was after her attorney at that time and  
14 she had done a free talk?

15 A. I do not recall.

16 Q. Were you aware that me, Perry Hicks, had  
17 called the prosecutor in late November, early December  
18 and told her everything involving the correction to the  
19 free talk, and that Bishop Herrod, Dr. Herrod, had  
20 called her in, that she recalled that from her diary?

21 A. No, I was not made aware of that. This is the  
22 first time I'm hearing it.

23 MR. HICKS: Your Honor, I have an affidavit by  
24 myself here. I move for admission of it for purposes  
25 of this hearing.

1 MS. RANSOM: I object on foundation,  
 2 relevance, and it's a reliable hearsay issue, and  
 3 attorneys can't provide testimony, Your Honor. This is  
 4 a completely inadmissible exhibit. If Mr. Hicks wants  
 5 to argue about what he told me, and the State may or  
 6 may not have elected to share it with a federal agent  
 7 who wasn't involved in the State's investigation, it's  
 8 completely irrelevant and a waste of our time and  
 9 effort.

10 THE COURT: Mr. Hicks, that affidavit has been  
 11 marked. What's it been marked as?

12 MR. HICKS: Exhibit -- Defendant's Exhibit Q.

13 THE COURT: Q. All right. Respond if you  
 14 would to the objections.

15 MR. HICKS: Your Honor, it has been contended  
 16 in this sentencing hearing that Leizza Adams hid that  
 17 information, that she went to this free talk and that  
 18 she had failed to disclose this information and that  
 19 she never disclosed it up to the day of the hearing.  
 20 That's what's been argued up to now.

21 In fact, Leizza, the agent testified Leizza  
 22 approached him after the free talk and indicates she  
 23 had something she needed to tell him, and he told her  
 24 "No, no, go to your attorney, don't talk to me."

25 And the follow-up to that is, is that after

1 thinking about it for about six weeks, I called the  
 2 prosecutor, Sara Ransom, on a late Friday afternoon and  
 3 told her exactly what occurred of Leizza reviewing her  
 4 diaries, that she now remembered Dr. Herrod's stuff,  
 5 that she couldn't understand why she didn't understand  
 6 it before, and that I needed for her to know that.  
 7 It's not like it wasn't -- it was hidden. It wasn't  
 8 hidden.

9 THE COURT: How do you respond to Ms. Ransom's  
 10 objection that lawyers shouldn't be testifying in cases  
 11 like this?

12 MR. HICKS: I respond this way, Your Honor.  
 13 The things that we need to present to you are the  
 14 truth, and they don't need to be slanted around or  
 15 anything else. And the only way that I can present  
 16 that evidence to you, which is relevant to Leizza  
 17 hiding evidence they're saying as evidence of her  
 18 guilt, is by this affidavit, and so I move for  
 19 admission of it. It's the only way I can get it in.

20 THE COURT: I will sustain the objection.  
 21 Exhibit Q will remain marked but will not be received  
 22 into evidence. You may proceed.

23 MS. RANSOM: I'll note the state has received  
 24 the adult probation report back from Ms. Prudhomme just  
 25 now.

do 1/2 a call  
write  
monsty

1 THE COURT: The record may so show.

2 MR. HICKS: That's all I have Your Honor.

3 THE COURT: Thank you, Mr. Hicks.

4 Redirect?

5 MS. RANSOM: Very briefly.

6

7 REDIRECT EXAMINATION

8 BY MS. RANSOM:

9 Q. Agent Edwards, I think you mentioned on the  
10 phone, did you have any indications after Paul Adams  
11 was arrested that he was attempting to communicate with  
12 Leizza Adams?

13 A. We did. We received jail mail regarding the  
14 attempted communication between Paul and Leizza Adams.

15 Q. Was there also any jail phone calls indicating  
16 that Paul Adams may have been either directly or  
17 indirectly attempting to get in contact with his wife?

18 A. Yes, either directly or through other members  
19 of the church.

20 Q. Is it possible that that dropped and broken  
21 phone had relevant information related to those events?

22 A. Yes.

23 Q. I want to make sure I correct the record on  
24 something, probably because it was bad questioning on  
25 my part. The time frame of Bishop Herrod's

1 interactions with Paul and Leizza is 2010 to 2012;  
2 correct?

3 A. Through his own admission, yes.

4 Q. And I think at one point you said something to  
5 the effect of Bishop Herrod being -- or Paul Adams  
6 being excommunicated for his molestation of M-1 and  
7 M-2?

8 A. That is correct, I misspoke. He was being  
9 excommunicated for his molestation of M-1.

10 Q. Because M-2 was born after 2013?

11 A. That is correct.

12 MS. RANSOM: I just wanted to make sure the  
13 record was clear there. I don't have anything further.

14 THE COURT: Thank you. Thank you, Agent  
15 Edwards, you may go ahead and step down. If you hand  
16 me that marked exhibit, I'll pass it along to the  
17 clerk. Thank you. Be careful of the step as you go.  
18 I believe, Ms. Ransom, at least at this time you don't  
19 have any additional witnesses.

20 MS. RANSOM: True, Your Honor, yet.

21 THE COURT: Thank you.

22 Mr. Hicks, if you would like to call a  
23 rebuttal witness, you may.

24 MR. HICKS: I would call Adam Alcantara.

25 THE COURT: Mr. Alcantara, please come

Adamm  
Swan In  
Anto

1 forward, the clerk will administer the oath or  
2 affirmation.

3 (Witness sworn.)

4 THE COURT: Take the witness stand, please,  
5 sir. And, sir, you were here in the courtroom earlier  
6 today when I gave these instructions to a previous  
7 witness. The same instructions will apply to you. I  
8 want to make sure that we can all hear your answers  
9 when you give them, so when you answer, please speak  
10 into the microphone. You can adjust it, you can pull  
11 it towards you if you need to.

12 Mr. Hicks, you may proceed.

13  
14 ADAM ALCANTARA,  
15 having been first duly sworn to state the truth, the  
16 whole truth, and nothing but the truth, testified as  
17 follows:

18 DIRECT EXAMINATION

19 BY MR. HICKS:

20 Q. Would you state your name?

21 A. My name is Adam Salimento Alcantara.

22 Q. Could you pull that microphone a little closer  
23 to you, Adam?

24 A. Yes, sir. Adam Salimento Alcantara is my full  
25 name.

1 Q. And, Adam, where do you live?

2 A. I live in San Diego, 6767 Rio Plato Court.

3 Q. And, Adam, what is your relationship to Leizza  
4 Adams?

5 A. I am the eldest brother of Leizza Adams, the  
6 eldest of five. She is number four in that line-up.

7 Q. Okay. And in that regard, her family is here  
8 today in the courtroom?

9 A. Many of us, yes.

10 Q. Okay. Could you tell us who's present?

11 A. My youngest brother, Joseph, is in the maroon  
12 shirt, second row. His wife --

13 Q. Hang on. What does Joseph do?

14 A. Joseph is in the Army Reserves.

15 THE COURT: sir, the gentleman has stood up so  
16 I can identify him. Thank you. You may have a seat if  
17 you like.

18 Q. His wife?

19 A. Maria, is sitting next to him. She may stand.

20 THE COURT: Thank you.

21 A. My father, Venancio Ojune (phonetic)  
22 Alcantara, standing. My mother, his wife, Lourdes  
23 Alcantara, standing. My brother, number two in line,  
24 Almaj or Jay Alcantara. And my wife, Eneida Correa  
25 Alcantara.

1 Q. Thank you. Remind me what does Jay do?  
2 A. Jay is a nurse.  
3 Q. Okay. And what do you do?  
4 A. I'm a Border Patrol agent.  
5 Q. How long have you been a Border Patrol agent?  
6 A. Since March 2009.  
7 Q. So almost ten years?  
8 A. Almost, sir.  
9 Q. What do you do as a Border Patrol agent?  
10 A. Part of my duties are, along with patrolling  
11 the border, is our missions are to interdict  
12 terrorists, weapons of mass destruction from  
13 terrorists, smuggling, whether human smuggling or  
14 narcotics smuggling.  
15 Q. And, Adam, do you have another job with Border  
16 Patrol as well?  
17 A. I have other duties as a Border Patrol agent.  
18 Q. And what are those?  
19 A. I am a chaplain in the Border Patrol and also  
20 an advisor in the Exploring program.  
21 Q. Let's talk about being a chaplain in Border  
22 Patrol; do you get paid for that?  
23 A. It is a collateral duty. I do not get paid  
24 extra for that.  
25 Q. How did you become a chaplain in the Border

1 Patrol?

2 A. I had to apply. I had to respond to a  
3 solicitation for volunteers who wanted to serve as  
4 chaplains in the Border Patrol. I had to send a  
5 memorandum through my chain of command to the people  
6 who would be evaluating my memo, then they would give  
7 me a call so I had to receive -- I had to undergo an  
8 interview, a panel interview, much like a hiring  
9 interview. And it was patterned very closely to after  
10 that of my own Border Patrol hiring interview, in which  
11 several agents, in this case chaplains in the Border  
12 Patrol, interviewed me as to why I wanted to become  
13 Border Patrol chaplain, what I believed my strengths  
14 were, what I could contribute as a chaplain.

15 Q. Did you get any training to become a chaplain?

16 A. I did. Approximately two and a half weeks,  
17 almost three weeks, if I remember correctly, in the  
18 federal law enforcement training center located in  
19 Artesia, New Mexico.

20 MS. RANSOM: Your Honor, is there relevance to  
21 this?

22 THE COURT: Well, I'll give the defense some  
23 leeway in presenting it, but I trust we'll see what  
relevance it has. Overruled for now. You may proceed.

25 Q. Adam, as a chaplain, do you counsel Border

1 Patrol agents?

2 A. I do.

3 Q. Tell the judge what you do.

4 A. Among the many duties of a chaplain is one of  
5 the most important is helping agents to deal with, cope  
6 with, and overcome post-traumatic stress, stress caused  
7 from critical incidents. As you know in law  
8 enforcement, especially in the Border Patrol, we deal  
9 with death, we deal with injuries, we deal with  
10 assaults, we deal with agents who have been shot,  
11 agents who had to pull the trigger on a suspect.

12 We deal with -- we help agents to cope with  
13 loss in their family, that could be through death, it  
14 could be divorce. We also serve -- when an agent dies,  
15 we go to the families, personally, and bring them the  
16 bad news, we conduct funerals, we officiate over  
17 funerals. But, most importantly, our job is a ministry  
18 of presence, in which we -- we're there, we're there  
19 for our fellow agents. And the reason that's relevant  
20 in my mind --

21 MS. RANSOM: Objection. No question is  
22 pending before this witness.

23 THE COURT: That's true. Sustained. Go ahead  
with your next question.

25 Q. Adam, do you deal with agents who are

1 assaultive of their wives or agents who have been  
2 assaulted by their husbands?

3 A. I personally have not, not in any case that I  
4 have had to work with.

5 Q. But you have been trained in it?

6 A. Yes, sir.

7 Q. And, Adam, in the course of your training,  
8 Border Patrol, well, you're Leizza's brother; correct?

9 A. Yes.

10 Q. Have you had concerns that Leizza might have  
11 some mental health disorder that needed to be followed  
12 up on?

13 MS. RANSOM: objection. Foundation.

14 THE COURT: Overruled as far as it goes. You  
15 may answer yes or no. You may have already answered, I  
16 didn't hear what the answer was.

17 A. Yes, sir. The answer is yes.

18 Q. One of the things that you use often at Border  
19 Patrol is called the circle?

20 THE COURT: Called a "circle"?

21 MR. HICKS: I'll get it here in just a minute.

22 Q. I misspoke, Adam. It's called a power and  
23 control wheel?

24 A. Yes, sir, chaplains use that.

25 Q. And other people use it as well; correct?

1 A. Many people who work in therapy, especially  
2 those who help and counsel victims of abuse, yes.

3 Q. And what is the power and control wheel?

4 MS. RANSOM: Your Honor, the State wants to  
5 make a disclosure objection. This witness was  
6 identified as a witness last week, but it was not as an  
7 expert witness on domestic abuse or the ramifications  
8 thereof. There's mention to this witness having  
9 training to that effect, but as far as what he's  
10 anticipated to testify to, it's information about his  
11 intent to adopt children and knowledge of his sister  
12 and information that Leizza's provided him since the  
13 case began.

14 THE COURT: Mr. Hicks?

15 MR. HICKS: Your Honor --

16 THE COURT: Go ahead.

17 MR. HICKS: What I hoped to introduce is that  
18 Adam took the power and control wheel and an article  
19 called Ten Symptoms of Asperger's, Know the Signs, and  
20 he went through and filled it out with his knowledge of  
21 the things that he recognized in Leizza that -- that  
22 fit that diagnosis.

23 THE COURT: How do you respond to the  
24 objection that there was no disclosure of this witness  
25 as an expert?

1 MS. RANSOM: There certainly was no disclosure  
2 of him testifying that his sister has Asperger's. That  
3 is nowhere in this disclosure.

4 MR. HICKS: No, and I'm not asking him to  
5 testify to it. I simply am having him identify a  
6 document that is Ten Symptoms of Asperger's, which was  
7 disclosed, and his writing down underneath each symptom  
8 the things he observed in Leizza. I'm not saying he is  
9 saying she has Asperger's. It's just things that fit  
10 this definition.

11 THE COURT: Has this witness been identified  
12 as an expert?

13 MR. HICKS: No. I'm not asking him to testify  
14 as an expert.

15 THE COURT: Kind of sounds that way to me. I  
16 mean, he can certainly testify as to things he observed  
17 about his sister, to the extent that they're relevant,  
18 but to tie them into signs and symptoms of Asperger's  
19 or signs and symptoms of something else, I think that  
20 gets into the realm that someone would have to be an  
21 expert to do that. He doesn't have to be an expert to  
22 say what he observed about his sister, though.

23 MR. HICKS: This is a sentencing hearing, Your  
24 Honor. It makes it a different thing, because in a  
25 sentencing hearing we can go to an encyclopedia or go

1 to the web and find something that is not expert but  
2 which is helpful in allowing the court to understand  
3 what the court is dealing with.

4 THE COURT: Well, and we sort of got into this  
5 area earlier today. In sentencing proceedings, yes, I  
6 get a lot of things, I have gotten articles from  
7 learned publications and encyclopedia entries and that  
8 sort of thing, but here you're presenting this as in  
9 connection with the testimony of a witness who has not  
10 been disclosed as an expert. For all I know maybe he  
11 is an expert in this area, but he wasn't, from what  
12 I've heard anyway this morning, he wasn't disclosed as  
13 an expert. That's the problem.

14 MR. HICKS: Your Honor, I'm not using him as  
15 an expert. I'm using him as an observer. For example,  
16 the first one is underdeveloped social skills. That  
17 doesn't take an expert to look at his sister and see if  
18 there are things about her.

19 THE COURT: You're right, that doesn't. But  
20 in order to tie his observations about his sister into  
21 a checklist or a wheel or some other set of standards  
22 such as I think you're trying to get at, that would  
23 require an expert qualification.

24 I'm going to sustain the objection to the  
25 question as posed. I will permit Mr. Alcantara to

1 testify about his observations of his sister in the  
2 family dynamic but without what he would have to be  
3 qualified as an expert to say as a backdrop for his  
4 observations. You may proceed.

5 BY MR. HICKS:

6 Q. Adam, tell me how Leizza expresses herself.

7 MS. RANSOM: What does the witness have in  
8 front of him, Your Honor?

9 THE COURT: If you would turn that -- it's  
10 being handed to me -- it's Defendant's Exhibit I. It's  
11 the article Ten Symptoms of Asperger's Syndrome, Know  
12 the Signs. Now I have it, and I'll pass it on to the  
13 clerk.

14 MR. HICKS: Your Honor, why can't he use to  
15 refresh himself his statements that he made in response  
16 to that article? He's not testifying to what --

17 THE COURT: I thought that was the article.

18 MR. HICKS: No, part of it's the article but  
19 underneath it in each one there is a category of his  
20 observations.

21 THE COURT: You haven't shown that he can't  
22 remember his observations without his recollection  
23 being refreshed, so if he needs his recollection  
24 refreshed, we can hear about that and deal with that.

25 So for the record the witness no longer has

1 that exhibit, which was marked Defendant's I. Go  
2 ahead.

3 BY MR. HICKS:

4 Q. Adam, when did you write down your responses  
5 more or less in that article Ten Symptoms of  
6 Asperger's?

7 A. To my recollection approximately two months  
8 ago. I cannot recall the date, I'm sorry.

9 Q. And do you recall everything that you wrote  
10 down?

11 A. I do not recall everything I wrote down, no.

12 Q. Were your observations of Leizza true and  
13 accurate to the best of your knowledge?

14 A. Yes, sir.

15 Q. Is there any reason that you would ever lie to  
16 a court?

17 A. There is no reason that I would lie to the  
18 court.

19 MR. HICKS: Your Honor, I would ask that he be  
20 allowed to have it in front of him, if he needs to  
21 refer to it, he would be able to do so.

22 THE COURT: Ask him specific questions without  
23 Exhibit I in front of him. If there's something he  
24 doesn't remember or needs to refresh his recollection  
25 about, and if looking at Exhibit I would refresh his

1 recollection, then we can do it that way.

2 MR. HICKS: Okay.

3 Q. How does Leizza express herself?

4 A. Leizza does not express herself like most  
5 people who, for lack of a better word, are normal or  
6 rational. Shall I elaborate?

7 Q. Yes.

8 MS. RANSOM: Can we have foundation as to how  
9 frequently this witness has interacted with his sister?  
10 The doctor's report indicates that -- the 2018  
11 evaluation indicates Ms. Adams stated she didn't have a  
12 very significant relationship with her brother. I'm  
13 not sure which brother she may have been referring to.

14 THE COURT: Nor am I. It sounds more like  
15 cross-examination. I think as the defendant's brother,  
16 the witness has enough foundation to answer.  
17 Overruled.

18 Q. Go ahead and elaborate.

19 A. Leizza is awkward socially, and let me give  
20 some examples. When Leizza is around people who should  
21 be in her peer group, same age but are, again, for lack  
22 of a better word "popular," the popular crowd, she's  
23 uncomfortable. And in my -- in my experience with her,  
24 my observations with her she is uncomfortable with them  
25 because she cannot relate with them, their wit, their

1 humor, which does not coincide with hers, which is, in  
2 my experience, a very simplistic, childish, child-like  
3 humor, very unsophisticated.

4 So when she speaks to people, depending on the  
5 person, when she is with people who are of some kind of  
6 stature, someone with authority, authority figure, she  
7 tends to, if she has to be with them or in their  
8 presence, she will speak to them in low tones, monotone  
9 and with downcast eyes, obviously very uncomfortable if  
10 she speaks to them at all.

11 When she is with her peers, well, there's only  
12 a certain group of people that -- there are certain  
13 people that I've noticed that she will gravitate  
14 towards, and that would be other people who are not in  
15 the popular group, people who -- I don't know if  
16 outcast, not outcast -- but people who when I was in  
17 high school they would be like the geeks or the nerds  
18 or --

19 MS. RANSOM: Objection. Narrative answer.

20 THE COURT: Sustained.

21 MR. HICKS: Okay.

22 THE COURT: Wait for the next question.

23 MR. HICKS: Let me ask you the next question.

24 Q. When Leizza speaks, what is it about her, if  
25 there's anything, that makes it difficult to have a

1 conversation with her?

2 A. Leizza's ideas are not well expressed. Often  
3 she is disjointed, and it seems, in my mind, that when  
4 she speaks, that she assumes people understand what  
5 she's saying and oftentimes don't.

6 When she is confronted or asked about  
7 something that is very personal to her, something that  
8 could be embarrassing, she can shut down. When she is  
9 asked in a way that is like an interrogation, an  
10 aggressive, what she might seem to feel is aggressive,  
11 she will shut down, she will not speak.

12 MS. RANSOM: Objection. Foundation.

13 THE COURT: Overruled. The answer may stand  
14 but stop there, wait for the next question. Go ahead,  
15 Mr. Hicks.

16 Q. How is her eye contact with people?

17 A. It tends to be averted, even with me sometime,  
18 a lot of the times.

19 Q. She doesn't -- what you're saying is she  
20 doesn't maintain any eye contact?

21 A. Correct, sir.

22 Q. And how are her facial expressions?

23 A. I would describe them often as dead, meaning  
24 expressionless, often, not all the time. But certain  
25 people with whom she has a rapport, whom she is

1 comfortable with, that would include small children and  
2 elderly people, she expresses herself much more openly.

3 Q. How does she come across as you've observed  
4 it, to other people?

5 A. Depending on the situation, if she feels that  
6 she has been wronged, I would describe her attitude as  
7 petulant, like a child, and I don't know if I can speak  
8 more to that without conjecture or speculation. When  
9 she is with family, she tends to be more open because  
10 we have a rapport, we have a rapport with her. Close  
11 friends from her childhood she has very few confidantes  
12 in which she expresses herself openly and shares her --

13 Q. In that regard, your mother and father are  
14 both of Filipino descent?

15 A. Yes, sir.

16 Q. And the two major things in their lives or  
17 three major things in their lives, two major things are  
18 their Mormon religion; correct?

19 A. As Filipinos?

20 Q. No, just your parents.

21 A. In my parents' life, yes, their religion, yes.

22 Q. And that's true of your brothers and sisters?

23 A. That is correct, sir.

24 Q. And is there anything else that captures  
25 Leizza's attention other than her church?

1 A. Leizza has a limited amount of interests, and  
2 some of them would include, I believe it's knitting,  
3 music, and most especially her children.

4 Q. And other than that she's just not interested;  
5 correct?

6 A. I think that could be a correct statement.

7 Q. How loud does Leizza talk?

8 A. Again, depending on her environment and the  
9 people with whom she is sharing space, she can be loud  
10 and boisterous and ebullient with family, and with  
11 people whom she does not have a rapport, she tends to  
12 be quiet and sometimes even morose.

13 Q. Does she talk loud or soft?

14 A. When she speaks with us, loud; when she speaks  
15 with other people, in lower tones.

16 Q. Is Leizza graceful? Is she a person that's  
17 coordinated?

18 MS. RANSOM: Object. Relevance.

19 THE COURT: Overruled. You may answer.

20 A. Leizza has tended to be since our childhood  
21 awkward, and I think that the word graceless would  
22 aptly -- she can be clumsy, often is clumsy.

23 Q. How is her writing skills?

24 A. Illegible.

25 Q. She can read them?

1 A. She can read them.

2 Q. But you can't?

3 A. Only with great difficulty, sir.

4 Q. Does Leizza -- talk about Leizza and her  
5 church. How often does she go to church?

6 A. To my knowledge, she goes to church every  
7 Sunday when she is physically able.

8 Q. Does she pray?

9 A. She does.

10 Q. Does she have a set routine?

11 A. She does. She routinely prays with, not just  
12 by herself, but on a nightly basis she will call a  
13 family member. If she cannot pray with someone with  
14 whom she lives, she insists that we pray with her, and  
15 that means it's a speaker phone or teleconference with  
16 us in San Diego. She has to pray with her family every  
17 night. That is part of her routine.

18 Q. What about every morning?

19 A. She prays every morning.

20 Q. And does she miss mornings, or is it a routine  
21 or a ritual?

22 A. In my observation that is a ritual, but I  
23 cannot speak, I'm not there to observe her pray every  
morning.

25 Q. You've indicated that she has a limited range

1 of interests. Those include the things that you spoke  
2 about previously?

3 A. Yes, sir. Yes, sir. I'm sure there are more.  
4 I cannot document every single interest that she has.

5 Q. Would you say that Leizza is socially adept,  
6 or does she have a problem interacting with other  
7 people?

8 A. Leizza is socially inept.

9 Q. would you say that she is -- her attention's  
10 on other people or on herself?

11 A. She is mostly withdrawn, can be self-absorbed  
12 unless with people with whom she shares a rapport.

13 Q. And you say that Leizza likes music?

14 A. Yes, sir.

15 Q. How did she learn to play the piano?

16 A. Leizza, despite her deficiencies social-wise,  
17 has excelled in music. To my understanding she taught  
18 herself to play the piano. She did not take lessons  
19 that I witnessed growing up, she taught herself just  
20 through persistence and dedication to practice, and she  
21 even plays the piano at church.

22 Q. And how long has she been playing the piano?  
23 And it's just with the youth group; right?

24 A. I don't know if it's with the youth or the  
25 women's group, the relief society, which is the women's

1 group at church, I don't know how many or which  
2 capacities, but there are pianists for different  
3 meetings in the church block of meetings.

4 Q. But she's good enough that she plays at  
5 church?

6 A. Yes, sir.

7 Q. When you became -- let me ask you this. Did  
8 you at some time -- what is the power and control  
9 wheel?

10 A. The power and control wheel is a diagram or  
11 model --

12 MS. RANSOM: Renewed objection, foundation and  
13 lack of disclosure. This is expert testimony.

14 THE COURT: was there any disclosure of the  
15 power and control wheel --

16 MR. HICKS: Your Honor --

17 THE COURT: -- as it pertains to this witness?

18 MR. HICKS: well, I don't know as it pertains  
19 to this witness, but based on the power and control  
20 wheel that is produced by the National Center on  
21 Domestic and Sexual Violence, and which Adam uses  
22 often, he created a questionnaire.

23 MS. RANSOM: Your Honor, this was not  
24 disclosed to the state as a topic of testimony related  
25 to this witness.

1 MR. HICKS: Your Honor, it was disclosed.  
2 There's a questionnaire to Leizza prepared by Adam  
3 Alcantara.

4 THE COURT: When was that disclosed, and do  
5 you have any disclosure document to show them?

6 MR. HICKS: Absolutely.

7 MS. RANSOM: The State has it right here where  
8 it does not discuss that Mr. Alcantara will be talking  
9 about a power and control wheel.

10 THE COURT: Well, Mr. Hicks, do you have  
11 something that shows he was going to be doing that?

12 MR. HICKS: Well, Your Honor, I disclosed a  
13 questionnaire that was prepared by Adam Alcantara  
14 written on the top that has his questions and Leizza's  
15 answers to those questions. I disclosed the document.

16 THE COURT: Okay. And you're holding  
17 something up. And it looks to me as though that's  
18 something I got. Take a look at what I have.

19 MR. HICKS: I don't think you've got it, Your  
20 Honor.

21 THE COURT: I got it along with my copy of  
22 your -- it says, "Questionnaire for Leizza Prepared by  
23 Adam Alcantara." When was this submitted?

24 MR. HICKS: Your Honor, before we started this  
25 hearing, I specifically brought up the issue that there

1 may not have been a great deal of time for disclosures,  
 2 but that if the State was willing to waive that issue,  
 3 then I was willing to proceed. And so I don't know,  
 4 but it was disclosed last week sometime. I don't know  
 5 when. It wasn't disclosed on Friday. It was disclosed  
 6 on Wednesday probably by fax or e-mail, and it clearly  
 7 relates what it is.

8 MS. RANSOM: Your Honor, the State's  
 9 documentation is obstructed by -- I got it on August  
 10 9th, and there is no -- the name Adam is blocked out by  
 11 a fax cover sheet. I can't tell what this is, and nor  
 12 would I have been able to, honestly, other than maybe  
 13 even thinking it was about one of his actual expert  
 14 reports, because Adam Alcantara is disclosed as a  
 15 witness who is going to talk about his knowledge of  
 16 Leizza, the family, and information he's learned from  
 17 Leizza since the case began. He'll testify he and his  
 18 wife are going to be -- are requesting that they will  
 19 adopt the children.

20 If this is information learned from Leizza  
 21 since the case began, how is the State supposed to  
 22 really comprehend that when we can't see the author of  
 23 this questionnaire? And how is this relevant to any  
 24 personal knowledge this individual may have from  
 25 interacting with her? He's written her this

1 questionnaire saying, "Say how Paul hurt you." He can  
2 get up and say that.

3 THE COURT: Right. Ms. Ransom, you were  
4 quoting from something previously saying what this  
5 witness was going to testify to. Please identify what  
6 you were quoting from.

7 MS. RANSOM: Yes, Your Honor, Defendant's  
8 Disclosure for Presentence Hearing and Sentencing  
9 received by the State on August 9th at 2:40 p.m. via  
10 fax. There is a listing -- this is after the state  
11 filed its objection to the continuance, noting that it  
12 hadn't received any disclosures. We received this  
13 promptly thereafter, and I was able to review it, and  
14 it identifies the topic areas that each witness is  
15 supposed to cover.

16 THE COURT: May I see it?

17 MS. RANSOM: Yes, Your Honor.

18 MR. HICKS: Your Honor, there's no way I can  
19 know that the fax doesn't -- that the fax cuts off a  
20 part of somebody's name.

21 THE COURT: Well, taking a look at this, and  
22 I'm looking specifically at the first page of  
23 Defendant's Disclosure for Presentence Hearing and  
24 Sentencing, it's not as clear as it might be or should  
25 be, but it does say, among other things, that this

1 witness counsels Border Patrol agents and their wives  
 2 and families regarding battered spouse syndrome,  
 3 spousal abuse, child abuse, and a variety of other  
 4 topics that come up. I'll call them notes, I don't  
 5 know if that's how the witness would refer to them,  
 6 that set of notes with the witness's observations, that  
 7 was also disclosed.

8 If this were a trial, I'd say it's not good  
 9 enough disclosure, not timely enough, not specific  
 10 enough; however, for purposes of sentencing, I will say  
 11 that is good enough. So the objection is overruled.  
 12 We will stop here, however. Ms. Ransom, let me hand  
 13 you your document back. Thank you.

14 MS. RANSOM: Your Honor, just so I don't  
 15 forget when we come back from lunch, can I just note  
 16 for the record that the testimony has not borne out the  
 17 topic that was disclosed, because he said he has not,  
 18 in fact, counseled any spousal abuse within Border  
 19 Patrol, although he was trained.

20 THE COURT: Well, he did have some training.  
 21 Yes, the record may show your position. My view  
 22 remains the same. I'll overrule the objection. But  
 23 we'll stop here, and we'll start up again at 1:45. I  
 24 do have a mental health hearing at 1:30. Just for the  
 25 benefit of witnesses and spectators, that kind of

1 hearing is closed. It shouldn't take any longer than  
2 15 minutes, but it does mean that if you come at 1:30  
3 and try to get in the courtroom, it will be locked, you  
4 wouldn't be able to come in. We will start up again on  
5 this matter at 1:45 this afternoon. Thank you.

6 (Recess held from 12:01 to 1:43 p.m.)

7 THE COURT: State of Arizona against Leizza  
8 Adams, CR-2017-425. Thank you. You may all be seated.  
9 Ms. Adams is present, represented by Mr. Hicks. The  
10 state is represented by Ms. Ransom. Detective Borquez  
11 is here. And I believe it was Mr. Adam Alcantara who  
12 was on the stand. Maybe he's on his way. Here he is.

13 Mr. Alcantara, if you would take the witness  
14 stand again, you are still under oath, sir. All right.  
15 And still direct examination.

16 Mr. Hicks, you may proceed.

17 MR. HICKS: Your Honor, before we get too far  
18 along, I want to do a couple of household things.

19 THE COURT: All right. What would you like to  
20 do?

21 MR. HICKS: I would introduce a few of these  
22 exhibits.

23 Q. Mr. Alcantara, I put in front of you some  
24 photographs. They're labeled Exhibits A through G, I  
25 believe. Would you look through those, starting with

1 the first one, and tell me what it is?

2 A. Yes. Exhibit A is Leizza, my sister, and her  
3 two children, [redacted] and [redacted] and then my  
4 other nephew, this is Ben, and he's not one of Leizza's  
5 children.

6 Q. Okay. And do you know where that occurred?

7 A. This is outside of one of our chapels.

8 Q. One of your chapels here or in San Diego?

9 A. This is in Bisbee.

10 Q. And let me ask you. Were you there for that  
11 ceremony?

12 A. I was not there for the baptism.

13 Q. Okay. But your wife was; right?

14 A. Yes, sir.

15 Q. Okay. Let me show you what's been marked as  
16 Defendant's E, ask you if you can identify that?

17 A. This photo was taken in San Diego on the front  
18 lawn of the San Diego temple of the Church of Jesus  
19 Christ of Latter Day Saints. In the picture are  
20 Leizza, my sister; [redacted] on the far left; [redacted]  
21 next to her; in the center is [redacted]; [redacted] in her  
22 arms; [redacted] standing next to Leizza in her embrace;  
23 and [redacted] off to the right.

24 Q. And those are Leizza and her family; correct?

25 A. Yes, sir.

1 MR. HICKS: Your Honor, I move for admission  
2 of Exhibit E.

3 THE COURT: Any objection to Exhibit E?

4 MS. RANSOM: Can we just clarify time frame?  
5 Otherwise, the State doesn't have an objection to the  
6 photographs.

7 THE COURT: Sure.

8 Mr. Alcantara, when was Exhibit E taken, if  
9 you know?

10 THE WITNESS: I do not know. It looks to be  
11 possibly two years old. The children are younger in  
12 this photo, and I was not there when that photo was  
13 taken.

14 THE COURT: But you think, based on the  
15 appearance --

16 THE WITNESS: Based on the appearance.

17 THE COURT: -- two years?

18 THE WITNESS: It may have been two years, may  
19 have been longer, I cannot tell.

20 THE COURT: Exhibit E shall be marked and  
21 received.

22 Q. would you take a look at Exhibit G and let me  
23 ask you if you recognize what that is. Did I show  
24 it -- I did. Let me ask if you recognize what that is?

25 THE COURT: Which one is that, Exhibit G?

1 MR. HICKS: Exhibit G.

2 THE COURT: Thank you.

3 A. Exhibit G, this photo depicts Leizza, Paul  
4 Adams, [redacted] and this looks like [redacted] This is  
5 a long time ago. I cannot be sure because their age  
6 and the difference in their appearance now, but it  
7 appears to be [redacted] the smallest in this picture.

8 Q. Is that a family photo? Everybody in there is  
9 Leizza's family?

10 A. Yes, sir.

11 Q. And it appears to have been taken some time  
12 ago, but you can recognize all the people in there are  
13 Leizza, Paul Adams, and their family at that time?

14 A. Yes, sir.

15 MR. HICKS: Move for admission of Exhibit G.

16 MS. RANSOM: Are we talking more than five  
17 years ago?

18 THE WITNESS: I would say at least five years.

19 MS. RANSOM: No objection with the  
20 clarification.

21 THE COURT: Exhibit G shall be marked and  
22 received.

23 Q. Let's go back briefly to the questionnaire to  
24 Leizza that you prepared. When did you prepare it?

25 A. I would estimate two months.

1 Q. And did you -- the questions are yours;  
2 correct?

3 A. On the --

4 Q. I'm sorry, I don't have that in front of you.  
5 Let me give it to you. You prepared the questions?

6 A. In this questionnaire, yes, I prepared these  
7 questions.

8 Q. And who prepared the answers?

9 A. My sister Leizza.

10 Q. Why did you do a written questionnaire?

11 A. Because I know my sister is very inept at  
12 expressing her feelings and giving answers, especially  
13 on serious topics such as this one in which she  
14 normally shuts down, and if she's going to give answers  
15 she normally gives them piecemeal, little bits, and  
16 they're usually the ideas are never complete. But  
17 because I know that she communicates a lot better, at  
18 least in my experience, writing, texting, e-mailing,  
19 Facebook, texts more openly and is more articulate in  
20 communicating in that fashion, I chose this way of  
21 asking these questions to her.

22 Q. Okay.

23 A. In written format. Or typed.

24 MS. RANSOM: Your Honor, can we have more  
25 foundation how he knows this is Leizza Adams' writing

1 these responses?

2 THE COURT: Lay that foundation.

3 MR. HICKS: I missed it. How he knows what?

4 THE COURT: That these are Leizza Adams'  
5 responses.

6 Q. How do you know these are Leizza Adams'  
7 responses?

8 A. When I created this questionnaire, I e-mailed  
9 it to her, we discussed that I would be e-mailing her a  
10 questionnaire over the phone, and then I e-mailed it.  
11 After formatting this questionnaire, I e-mailed it to  
12 her. She responded, and over the course of days she  
13 would answer these questions in her own words and to  
14 verify that it was indeed her.

15 The next time that I visited her after we  
16 formatted -- I formatted and sent her this  
17 questionnaire and she started to answer the questions,  
18 I went to where she was living and I asked further  
19 questions for clarification sake on what certain  
20 answers meant to make them more understandable to  
21 somebody who would read it, including myself.

22 Q. So basically you worked with her and worked  
23 with her and worked with her but the answer is  
completely her?

24 A. Those are all her answers, her words.

1 MR. HICKS: Your Honor, I move for admission  
2 of the questionnaire and the answers.

3 THE COURT: All right. Any additional  
4 objections based on, excuse me, other than the  
5 objections already raised?

6 MS. RANSOM: No, Your Honor.

7 THE COURT: All right. Has the questionnaire  
8 been marked for identification?

9 MR. HICKS: Yes. This one hasn't but that one  
10 has.

11 THE COURT: As what?

12 MR. HICKS: Defendant's Exhibit H.

13 THE COURT: H. All right. Exhibit H shall be  
14 marked and received.

15 MR. HICKS: Shall be marked and admitted?

16 THE COURT: I said marked and received, but  
17 admitted is a good word, too.

18 MR. HICKS: I just want to make sure I heard  
19 the correct answer.

20 THE COURT: Yes.

21 Q. So, Adam, I'm not going to go through the  
22 entire thing, because there's a number of questions,  
23 but I wanted to go through with you the question on the  
24 last page that "Describe how Paul would sexually abuse  
25 you. Talk about different events or reoccurring events

1 in which he systematically abused you. Be as  
2 descriptive as possible and include places and dates if  
3 you can." Was that the question that you asked her?

4 A. Yes, sir.

5 Q. And what follows are those -- is that the  
6 answer that she gave you?

7 A. These are the answers she gave me.

8 Q. Okay. And just to be clear, you had to go to  
9 her and talk to her and clarify, and she would type,  
10 but in the end you went to her and assured yourself  
11 that these were her written answers?

12 A. Yes, sir, personally.

13 Q. She typed them herself?

14 A. She typed them herself. I watched her do it.

15 Q. Okay. And in her answer she starts by saying,  
16 "He said if I didn't want to have sex then he would  
17 rape me. He started the first week of marriage. He  
18 did it in his Honda Civic."

19 MS. RANSOM: Your Honor, the State objects to  
20 counsel reading this into the record. He already  
21 indicated he intends to call his client. This seems to  
22 be an end run around having to call his client.

23 THE COURT: well, the document is in evidence  
24 so.

25 MS. RANSOM: Your Honor can read it.

1 THE COURT: I can read it. I'll sustain the  
2 objection based on the fact it's in, and I really don't  
3 need anyone reading it for me, so you may proceed with  
4 the next question.

5 Q. Were some of the things contained in that  
6 answer things that you had not known before?

7 A. Yes, sir.

8 Q. Did any of the items contained in the answer  
9 explain anything to you as to why Leizza acts as she  
10 does?

11 A. Yes, sir.

12 Q. Which ones?

13 A. I can think of several things. For one thing  
14 her reticence to speak about the abuse perpetuated upon  
15 her. It's very -- it's embarrassing. It would be  
16 embarrassing and shameful for her to put this out for  
17 anyone to read about, talk about, especially in a  
18 setting like this. And I'll -- if you have any other  
19 questions, I'll stop there for now.

20 MR. HICKS: The very last paragraph -- Your  
21 Honor, may I just read that to him and ask him what his  
22 thoughts on that are?

23 MS. RANSOM: The State's going to raise a new  
24 objection to self-serving hearsay, Your Honor, with  
25 respect to all of the statements that are attributed to

1 Leizza Adams.

2 THE COURT: Well, the document is in evidence  
3 now. That objection is overruled. You don't have to  
4 read the whole paragraph, you can focus his attention  
5 and ask him something else. I'm concerned about the  
6 time here. We only have this afternoon for this  
7 hearing, and I want to give all the witnesses an  
8 opportunity to come forward and give evidence, so the  
9 objection is sustained on that basis. Go ahead.

10 MR. HICKS: Okay. I'm going to leave it for  
11 the court to read. I may quote from it to some extent  
12 in my closing, Your Honor.

13 THE COURT: Sir, if you would hand me that  
14 marked exhibit, I'll pass it along to the clerk.  
15 That's Exhibit G. Now the clerk has it.

16 THE CLERK: H.

17 THE COURT: I'm sorry, I said G. That was  
18 wrong. It's Exhibit H in evidence.

19 Q. Adam, at some stage did you become aware that  
20 Leizza was trying to find a journal?

21 A. Yes, sir.

22 Q. Okay. When was that, if you recall?

23 A. I would estimate a year ago. It seems like it  
24 was summertime. I cannot be sure. Definitely months  
25 ago.

1 Q. Okay. And what was the request?

2 A. Leizza requested that we look for her journal.  
3 It wasn't with her here in Arizona, it was in storage  
4 in San Diego, so we looked through the storage, our  
5 storage sheds. She gave a description of what the  
6 journal was, she explained that it was something that  
7 she was asked to go over, but she couldn't read through  
8 her past entries from a certain time period unless she  
9 had that journal, so she had us look for it. And we  
10 found it and we made sure she got it back.

11 Q. Okay. And that journal -- are you aware of  
12 Leizza's handwriting?

13 A. Yes, sir.

14 Q. Can anyone besides Leizza read that journal?

15 A. I cannot say.

16 Q. Okay. Is Leizza's handwriting good?

17 A. No, sir.

18 Q. And so you sent the journal to her. What's  
19 the next thing that you heard about the journal?

20 A. I if I recall correctly, when she received the  
21 journal, she told us, specifically my wife --

22 Q. Okay. So your wife is who she told when she  
23 received the journal?

24 A. Yes, sir.

25 MS. RANSOM: Objection. self-serving hearsay

1 about what the defendant is telling people.

2 THE COURT: I haven't really heard the  
3 substance of it. I'll overrule the objection, let the  
4 answer as to this witness stand.

5 MR. HICKS: Your Honor, I'm just going to save  
6 it for the wife.

7 THE COURT: I was about to say that anything  
8 further on this topic would have to be directed to the  
9 witness's wife, but his answers up to this point shall  
10 stand. You may proceed.

11 Q. At any stage did Leizza express to you  
12 personally any dismay about the journal?

13 MS. RANSOM: Again, self-serving hearsay as to  
14 statements by defendant to her brother.

15 THE COURT: Sustained.

16 Q. Adam, you and your wife have begun the  
17 process of if the children are taken from Leizza trying  
18 to adopt them; correct?

19 A. Yes, sir.

20 Q. Would you explain to the judge the things that  
21 you have done in that regard up to date?

22 A. The process is the Interstate Compact for the  
23 Placement of Children, ICPC. And since the children,  
24 the Adams children, are currently wards of the State of  
25 Arizona and we reside in California, we, seeking for

1 placement of the children as either legal guardians or  
 2 potential adoptive parents, had to begin a process  
 3 going through Health and Human Services in San Diego  
 4 County, which meant that we had to -- and we informed  
 5 DCS here that we would be doing that -- and so we began  
 6 that process with HHS in San Diego.

7 We did as we were instructed, we took the  
 8 orientation class for what they call resource families,  
 9 we received our certification in that. Following that  
 10 we took a 16-hour -- 16 hours of training in the trauma  
 11 informed preservice training. We were certified in  
 12 that. We did our background checks. We also had  
 13 our -- we gave references to people.

14 Q. Hang on. Background check, has it come back?

15 A. I don't know the details of all that, but I'm  
 16 just assuming that it has because they would not have  
 17 interviewed us and finished, finalized the process if  
 18 our background checks had come up with derogatory  
 19 results.

20 Q. So go to the next thing after the background  
 21 check.

22 A. After the background check we did the home  
 23 study. So we had to move into a home that we could --  
 24 that had the space to accommodate not only our four  
 25 children but also the six children, the six Adams

1 children. At the time we started, we were going  
 2 through, beginning the process, we didn't have a home  
 3 large enough. And my parents, wanting to help, they  
 4 gifted us their home and they -- so we arranged, we  
 5 have a rental agreement with them. We moved into that  
 6 place. It's in a different city in San Diego county.

7 And we did modifications, remodeling, updates,  
 8 upgrades to the home, spending hundreds of work hours  
 9 and thousands of dollars for roofing, painting,  
 10 upgrading the floors, remodeling the bathroom and so on  
 11 and so forth in order for this to go through to pass  
 12 the inspection.

13 The caseworker from HHS, specifically for the  
 14 ICPC process, came to the house, she inspected it, she  
 15 passed it or we passed, and then from there the process  
 16 continued. And after that we were interviewed by  
 17 another caseworker. The children and ourselves, the  
 18 adults in the home, were interviewed.

19 And upon passing the interviews, the  
 20 caseworker told us that she would be sending her  
 21 recommendation for approval to the higher-ups in that  
 22 process, and she informed us that once that approval  
 23 was made, that they would communicate that approval  
 24 that we had done our part in the ICPC process to DCS in  
 25 Arizona.

1 Q. Have you hired an attorney in Arizona to  
2 attempt to intervene in the dependency?

3 A. Yes, sir.

4 Q. At this stage the plan is for reunification,  
5 so you were not allowed to do so?

6 A. That is correct.

7 Q. Adam, do you visit the children? Do you visit  
8 Leizza's children, the Adams children?

9 A. Yes, sir, I visit the Adams children.

10 Q. How often do you visit them?

11 A. I visit them maybe on average of once every  
12 six to eight weeks when my -- and this is going back  
13 since last year -- my wife and children. So when my  
14 work schedule allows me to do that, I do it. My wife  
15 and children, they visit much more often than I do.

16 Q. Have you spoken with any of the foster parents  
17 of the children?

18 A. Yes, sir.

19 Q. What do they -- and let me ask you which ones  
20 have you spoken to? Maybe I shouldn't say that in  
21 court. Have you spoken to two of the foster parents?

22 A. At least two.

23 Q. At least two. And what was the expression as  
24 far as how the children feel toward their mother?

25 A. They have expressed to me openly that the

dezza to  
have access  
to children

Alcantara

1 children love their mother.

2 Q. If the children are severed, would it be  
3 better for the children to have Leizza -- say there was  
4 a severance in place and you adopted them, would it be  
5 better for the children to have Leizza in their lives  
6 or not?

7 MS. RANSOM: Foundation.

8 A. Yes, sir.

9 THE COURT: Overruled. Answer may stand.

10 Q. And why?

11 A. Basing upon my experience and my training, the  
12 well-being of families, family members, thrives best  
13 when they have their familial connections. Obviously,  
14 ideally in healthy situations where there is love and  
15 there is support, when there is a disconnection in  
16 familial units, in my experience and my training, there  
17 is lack of stability.

18 I have seen where in many families torn apart,  
19 either through loss of life or divorce or adoption,  
20 losing parental rights and whatnot, that the children  
21 always suffer. So I have seen that when children are  
22 taken away from the people that they grew up with, the  
23 first people to them tell them that I love them, the  
24 people who raised them, who taught them to read, write,  
25 sing, and all that, that is a connection severed, and

1 that contributes to the trauma that these children  
2 undergo.

3 Not -- and that is apart from not just --  
4 there's the trauma of separation, there's the trauma of  
5 going into a new home, people they do not know, there's  
6 the trauma of going to a new school, there's the trauma  
7 of the new set of people they have to associate with in  
8 the new community, the new church, the new school. All  
9 of these things contribute to lack of stability or, in  
10 other words, lack of security.

11 Q. Adam, do you also participate -- and this is  
12 to change the subject a little bit -- in the Boy Scouts  
13 of America?

14 A. Yes, sir. I have participated in the Boy  
15 Scouts since 2009.

16 MR. HICKS: I believe that's all I have, Your  
17 Honor.

18 THE COURT: Thank you, Mr. Hicks.

19 Ms. Ransom, cross?  
20

21 CROSS-EXAMINATION

22 BY MS. RANSOM:

23 Q. Good afternoon, sir.

24 A. Good afternoon, Ma'am.

25 Q. Before you heard of Paul Adams' arrest, when

1 is the last time you spoke with your sister, defendant  
2 Leizza Adams?

3 A. I cannot recall a date or I'm just going to  
4 guess months before that.

5 Q. Did the two of you speak regularly?

6 A. No.

7 Q. Did the two of you see each other regularly?

8 A. Maybe twice or three times a year.

9 Q. Did you confide in each other with respect to  
10 complaints about the marriage or complaints about kids?

11 A. No.

12 Q. Did you consider yourself close to your sister  
13 before you heard of the arrest?

14 A. No.

15 Q. Okay. After the arrest did you communicate  
16 more often with her?

17 A. Yes, ma'am.

18 Q. Why did you communicate more often with her  
19 after the arrest?

20 A. Concern for her and her children.

21 Q. Did you know before the arrest whether or not  
22 your sister worked outside the home?

23 A. I knew that she had a paper route at the  
24 beginning of their marriage when they came to Arizona.

25 Q. But beyond that you didn't know how she spent

1 her day-to-day?

2 A. As far as I knew, she worked as a stay-at-home  
3 mom.

4 Q. Okay. And you didn't have any -- was that  
5 based upon your visits or how did you come to that  
6 understanding?

7 A. Visits and the brief communications we've had.

8 Q. All right. Did she discuss with you what she  
9 would do with the children on a daily basis?

10 A. Only by my observance of what they did.

11 Q. Okay. Did you, in your process of attempting  
12 to adopt the Adams children, tell authorities that you  
13 would not allow them to see Leizza Adams at any point?

14 A. Restate the question.

15 Q. At any point during your attempt to adopt the  
16 Adams children or efforts to intervene in the  
17 dependency, did you indicate that you would prevent the  
18 children from seeing their mother?

19 A. I don't recall saying anything like that. It  
20 might have been if the court ruled that she not be able  
21 to see the children again, I would go by what the court  
22 rules, but I do not remember specifically ever saying  
23 that the children should never see their mother again.

24 Q. Did you say anything to that effect?

25 A. Not to my recollection.

1 Q. Did you ever indicate to authorities that you  
2 didn't really have a close relationship with Leizza  
3 Adams?

4 A. To authorities such as?

5 Q. During the course of attempting to intervene  
6 in the adoption or dependency.

7 A. I don't believe so.

8 Q. Okay. It's possible, you just can't recall?

9 A. I couldn't recall saying anything like that.

10 Q. You're a Border Patrol agent?

11 A. Yes, ma'am.

12 Q. How long have you been a Border Patrol agent?

13 A. Since 2009.

14 Q. In the course of your duties you investigate  
15 crimes?

16 A. Crimes involving immigration.

17 Q. All right.

18 A. And smuggling of drugs, people.

19 Q. Do you run into some people with bizarre  
20 personality traits in that world?

21 A. Yes, ma'am.

22 Q. Sometimes they're socially inept?

23 A. Yes, ma'am.

24 Q. They're still responsible for their conduct?

25 A. I cannot say how responsible someone is if

1 they have a disorder. I cannot be the judge of how  
2 accountable they are for their actions.

3 Q. Do you arrest them nonetheless?

4 A. I have to.

5 Q. Do socially inept people still have the  
6 capacity to understand right from wrong?

7 A. I think many of them do.

8 Q. Do socially inept people still have the  
9 ability to lie when it suits them?

10 A. Many of them do.

11 Q. Does your sister understand right from wrong  
12 based on your interactions with her?

13 A. I believe so.

14 Q. Did she ever tell you about the abuse in her  
15 household at all before Paul Adams' arrest?

16 A. Never.

17 Q. Would you have helped her?

18 A. Yes, ma'am.

19 Q. Did she know that you would have helped her?

20 A. I don't know.

21 Q. When you interacted with her, did you ever  
22 have any belief that her -- or visited, did you ever  
23 have any concerns about the home?

24 A. No, ma'am.

25 Q. Was Paul Adams there when you would visit?

1 A. When I did visit their home personally it was  
2 already after he was arrested.

3 Q. So when you previously talked about the three  
4 times plus per year?

5 A. That was when they would visit San Diego.

6 Q. They would come to San Diego?

7 A. Yes.

8 Q. Who would be present in San Diego?

9 A. Her family.

10 Q. Was Paul Adams also present?

11 A. Occasionally.

12 Q. All right. What did you think of Paul?

13 A. Honestly, I never trusted him.

14 Q. Okay. Did you ever talk to your sister about  
15 your concerns about her husband?

16 A. Yes.

17 Q. All right. And let her know that if she had  
18 concerns, she could come to you?

19 A. I don't know if I ever expressed that  
20 specifically.

21 Q. What did you say then about when you talked to  
22 your sister about concerns?

23 A. It was right before they were married.

24 Q. What did you say?

25 A. I expressed that I did not approve.

1 Q. Did you tell her you didn't trust him?

2 A. No.

3 Q. When did the trust concern come up?

4 A. After they were married. And, yes, I think  
5 right before they were married, because for me the red  
6 flag was -- I did not have much, honestly, I did not  
7 have much interaction with him until -- not even, well,  
8 when we found out that they were planning to, in my  
9 recollection, they were planning to elope or get  
10 married without our knowledge, and when we found out  
11 about it, we had our concerns.

12 Q. All right.

13 A. The concerns were why the secrecy, why not do  
14 it the way we were accustomed to doing it as a family,  
15 this being a family affair, why, that was our concern.  
16 Why would he want to do this without our knowledge, and  
17 so for me that was a huge red flag of why not be open  
18 about it, why not be up front about it. And despite my  
19 expression of concern, he wanted to continue with that  
20 plan --

21 Q. All right.

22 A. -- of getting married.

23 Q. Did your parents talk to your sister about the  
24 marriage?

25 A. We did that together.

1 Q. And was there ever any discussion with her  
2 about reaching out if she ever needed help?

3 A. Probably. I don't remember saying exact words  
4 to that effect.

5 Q. You said your parents essentially gifted you  
6 or at least are giving you a good rental property to  
7 help you out so you can help your sister's children;  
8 right?

9 A. Yes, ma'am.

10 Q. Do you think your parents would have done the  
11 same for your sister if she needed it?

12 A. Yes, ma'am.

13 Q. I just want to make sure that I heard your  
14 testimony right earlier. So although you're trained in  
15 domestic violence counseling, you never counseled  
16 domestic violence couples within the Border Patrol?

17 A. Not couples, single individual, but not with  
18 the spouse. And it was not a Border Patrol agent.

19 Q. As a chaplain, I'm sorry.

20 A. As a chaplain.

21 Q. I apologize. So you haven't counseled  
22 domestic violence individuals?

23 A. Not for that specific purpose, no.

24 Q. Have you ever counseled families trying to  
25 reunify?

1 A. Maybe not reunification but working through  
2 difficulties in marriage.

3 Q. Is your counseling always that they maintain  
4 the situation they're in?

5 A. Yes, unless there is a safety concern.

6 Q. And what would be a safety concern to you?

7 A. Domestic violence.

8 Q. Okay. What do you consider to be domestic  
9 violence?

10 A. Anything from sexual abuse, physical abuse,  
11 physical violence, verbal and emotional abuse, economic  
12 abuse, using the children as leverage against a spouse,  
13 isolation, to name a few.

14 Q. And you would be worried about those things,  
15 whether it was the father or the mother engaging in  
16 them; correct?

17 A. Yes, ma'am.

18 Q. All right. And it's your opinion that your  
19 sister should be reunified with her children for their  
20 benefit?

21 A. Them being dependents, I need to qualify my  
22 answer. The reason is my sister Leizza is not capable  
23 of supporting the children financially at this point,  
24 and her job experience, her work experience, would be a  
25 challenge for her to obtain a job that would be able to

1 support her and the children and shelter them all,  
2 house them, feed them, clothe them, and provide for  
3 their other needs, curricular and otherwise, so that is  
4 the qualification to my answer that they, in effect,  
5 no, not at this time.

6 Q. Before Paul Adams was arrested, did your  
7 sister ever call you up and say "Paul keeps  
8 masturbating in front of the kids"?

9 A. No, ma'am.

10 Q. "Hey, Paul's hitting me and the kids"?

11 A. No.

12 Q. "Hey, Paul is sexually abusing me"?

13 A. No.

14 Q. Or the kids?

15 A. No.

16 Q. Do you think it's beneficial for a child to be  
17 in a home life where they're sexually abused?

18 A. Of course not.

19 Q. Do you think it's beneficial for a child to be  
20 in a home life where they're beaten?

21 A. Of course not.

22 Q. Are you aware there's been reports your sister  
23 hit one of the boys with a belt in the course of caring  
for them?

25 A. I have not, no.

1 Q. would that be a problem for you regarding  
2 reunification?

3 A. It depends. And my answer is because when I  
4 was disciplined as a child, I got spanked with a belt.

5 Q. Have you heard the testimony today that your  
6 sister was aware of since approximately 2010 that Paul  
7 Adams was raping M-1?

8 A. I heard that testimony, yes.

9 Q. That give you concerns about reunification  
10 that someone who is aware that their eldest child is  
11 being raped turns her back and doesn't get help for  
12 them?

13 A. That is a concern, yes.

14 Q. How about a parent who gets a child who's been  
15 abused back and cuts their hair off right away, does  
16 that give you concern?

17 A. cuts their hair off?

18 Q. A young girl, just been abused by her father,  
19 it's come out, first visit with mom, she cuts all her  
20 hair off; is that good parenting?

21 A. Can you define "cutting all hair off"?

22 Q. Is that good parenting when her hair has been  
23 cut off?

24 A. on the face of this, no.

25 Q. Okay. How about a mother who turns her back

1 when father masturbates in front of the children; is  
2 that good parenting? Is that someone who should be  
3 reunified with their children?

4 A. If a parent does that --

*He does  
not believe  
Abuse Allegat*

5 Q. Yes or no.

6 A. No.

7 Q. A mother who's aware the father hits the  
8 children, should that be reunified with the children?  
9 Doesn't stop it, doesn't get help. Should a mother who  
10 is aware of domestic violence being committed against  
11 her children be reunified?

12 MR. HICKS: Your Honor, kind of an objection.  
13 She's using reunified with the children. I don't think  
14 that's Mr. Alcantara's testimony. Having her visit the  
15 children is different from reunification.

16 THE COURT: Well, you can ask about that on  
17 redirect. The objection is overruled.

18 A. Where were we?

19 Q. A mother who doesn't do anything despite  
20 knowledge of her children being hit by a father, should  
21 that mother be reunified with her children?

22 A. On the face of it, no.

23 Q. All those things we've just gone over, is  
24 that -- are any of those things a good environment for  
25 children to be in?

Physical  
Absence OK

1 A. Of course not.

2 Q. Are those good, solid things that a child  
3 should continue to be exposed to?

4 A. Of course not.

5 Q. Getting entirely away from that situation, is  
6 that going to be a way to heal and move forward?

7 A. That is a way, yes.

8 Q. Is it a way to move forward to completely cut  
9 out a parent who is completely inept at parenting?

10 A. It's not necessarily.

11 Q. Based upon all that we've gone over, do you  
12 believe some of these things didn't happen?

13 A. Such as everything you just said right now?

14 Q. Do you believe that Paul Adams wasn't  
15 masturbating in front of the children?

16 A. I have to believe he was if the report says he  
17 was, then I have -- I'm inclined to believe that.

18 Q. Do you think it's going to be beneficial for  
19 children's health on a going forward basis, based upon  
20 your training and experience that you were discussing  
21 with Mr. Hicks, that they be reunited with a mother who  
22 ignored that and failed to protect them from that for  
23 years?

( ) A. Not -- no. No.

25 Q. Same with hitting a belt. One of the children

1 reported that Leizza Adams was hitting them with a  
2 belt; do you think that's a beneficial thing for a  
3 child to be reunited with?

4 A. May not be. I'd have to see the whole  
5 situation for what it was.

6 Q. Do you think Leizza Adams, after ignoring the  
7 fact that her children were being hit by her husband  
8 for years, do you think it's beneficial for their  
9 emotional healing, based upon your training and  
10 experience, to continue in a relationship with her?

11 A. Continue in a relationship, yes.

12 Q. why?

13 A. Again, for the reasons I stated about  
14 severance of ties.

15 Q. Sometimes -- you also just admitted to me,  
16 though, that severance of ties is sometimes good when  
17 you're in --

18 A. Sometimes it is, yes.

19 Q. why is this one different?

20 A. Severance of ties, if the children are not in  
21 the custody of their mother, does not mean that they  
22 don't get to see their mother or talk to their mother  
23 or visit with their mother, and so that's how I qualify  
24 my answer.

25 Q. The mother is also a perpetrator of the abuse.

Okay for  
Deiza to  
be with

1 A. If the mother is a perpetrator, then it would  
2 not be in the best interests of the children to be with  
3 her if she is the perpetrator.

4 Q. If a mother knows full well what's happening  
5 to her children, whether it be hitting, sexual abuse,  
6 mental humiliation on a regular basis, if she knows  
7 full well and does nothing about it to stop it, is that  
8 a good thing to sever ties with her?

9 A. To be in the same home, if that's what you  
10 mean?

11 Q. I mean no visitation any further so the  
12 children can move forward and heal.

13 A. For no visitation at all, no, not necessarily.

14 Q. Why not?

15 A. Because if the mother goes through  
16 rehabilitation and training, then she can be corrected,  
17 she can be helped, and so her mothering skills can be  
18 corrected after they have been influenced by the other  
19 parent then, yes, I think that with rehabilitation that  
20 if she can correct those things, complete severance as  
21 in no visitation whatsoever, that call may not be made.

22 Q. Are you aware that your sister after  
23 approximately 18 months of rehabilitation has not  
progressed?

25 A. I am not aware that she has not progressed. I

de 1339  
Improving  
DOT

1 am aware that she has progressed. ✓

2 Q. But you have no personal knowledge of that;  
3 correct?

4 A. Only in speaking with her and watching how she  
5 does and what her counselors tell her.

6 Q. So this is based upon her statements to you?

7 A. And the statements of the people who work with  
8 her.

9 Q. Who gave you those statements besides your  
10 sister?

11 A. I don't know if I can name names, but the  
12 people who work with her, who I believe it's called  
13 Easter Seals Blake Foundation, Easter Seals I have  
14 heard them in meetings personally say that she is  
15 making progress.

16 Q. When did you hear that?

17 A. If I remember correctly it was an ART. I  
18 cannot remember the meaning of the acronym at this  
19 moment.

20 Q. How long ago was that?

21 A. I think it was last month.

22 Q. Is that the only time you've ever heard that  
23 from a third party other than your sister?

24 A. I believe I heard something to that effect  
25 from my sister's other lawyer, Mr. Caine, at a

1 dependency hearing, something to that effect, if I  
2 remember correctly.

3 Q. When?

4 A. I believe it was the last -- I think it was  
5 the last dependency hearing. I don't remember the  
6 date.

7 Q. Was that within the past month?

8 A. I believe so. I believe it was last month.

9 Q. So all of your understanding of your sister  
10 making beneficial progress is from her, other than over  
11 the past month?

12 A. From her, only from her, is that what you're  
13 saying?

14 Q. It's from her other than over the past month  
15 where you've reported hearing it from third parties.

16 A. I would hear it from those third parties in  
17 the last at least month.

18 Q. Okay. Have you ever personally attended any  
19 of her sessions with her children?

20 A. What kind of sessions?

21 Q. Any of her visitations.

22 A. Sibling -- let's see, I believe so. I'm  
23 trying to remember an occasion. I'm having difficulty  
24 recollecting a specific situation in which I did visit  
25 with the children and Leizza. I'm not remembering

Protective Co  
ADG  
let them see  
LeizBT

1 right now.

2 Q. Okay. But it's your opinion, based upon your  
3 training and experience, that a mother who ignored for  
4 approximately seven years that one or more of her  
5 children were being sexually, physically, and  
6 psychologically abused is a good environment for those  
7 children to return to?

8 A. To return to?

9 Q. Yes. Or visit with, either.

10 A. I believe that -- well, I think this for me  
11 it's a multi-part answer. Again, going back to if a  
12 mother is rehabilitated that, yes, there can be  
13 visitation. I think that ties not be absolutely  
14 severed with a mother who can rehabilitate.

15 Q. A mother who's not rehabilitated, the answer  
16 is then no?

17 A. If she's not rehabilitated, then I wouldn't  
18 say all ties cut and that the mother not be able to see  
19 or talk to or communicate with her children, I believe  
20 that's too far.

21 MS. RANSOM: I'm sorry, can you read that  
22 answer back?

23 (Record read by reporter.)

24 Q. So there's pretty much no circumstances under  
25 which you would say that children should no longer see

Wife per  
Oral sex  
No protective  
Cupus

1 a parent who has participated in abuse of them over the  
2 years?

3 A. I wouldn't say that specifically. The reason  
4 is if I know that a parent, let's say Leizza, for  
5 example, if I had any reason to believe she would  
6 perpetrate heinous crimes against these children, that  
7 she would, in fact, do that, no.

8 Q. If you knew your wife was performing oral sex  
9 on your son, what would you do about it?

10 A. We would talk about it, she would get  
11 counseling, and if the law demanded that she pay  
12 consequences, then I would say that the law would have  
13 to do its job.

14 Q. How would the law know?

15 A. Well, either she would confess it or I would.

16 Q. Would you go to the police and notify them?

17 A. Yes, ma'am.

18 Q. You know your sister did not do that; correct?

19 A. To my knowledge, that is correct.

20 Q. She did not do that for approximately seven  
21 years after finding out about that happening; correct?

22 A. I don't know about seven years, but if that  
23 was seven years, if that is, in fact, true, then that  
would be correct if that was true.

25 Q. And she had three more children after finding

1 out about Paul Adams' conduct with M-1; correct?

2 A. That would be correct.

3 Q. And the last one, M-2, was molested from  
4 approximately being three to five weeks old; correct?

5 A. Yes. If the reports are true, yes.

6 Q. And your sister didn't report that either, did  
7 she?

8 A. Not to my knowledge.

9 MS. RANSOM: Nothing further.

10 THE COURT: Thank you, Ms. Ransom.

11 Mr. Hicks, redirect?

12 MR. HICKS: Just a few.

13  
14 REDIRECT EXAMINATION

15 BY MR. HICKS:

16 Q. Adam, is there ever a point where someone  
17 ceases to be a perpetrator and instead becomes a victim  
18 also?

19 A. Yes.

20 Q. For example, if --

21 MS. RANSOM: Foundation.

22 Q. If your husband --

23 THE COURT: Wait. There's an objection.  
24 overruled. Go ahead.

25 Q. If your husband quit using restraints on you

1 after the first year that he raped you, would that  
2 possibly be a reason for you to become a victim instead  
3 of a perpetrator? In other words, if your husband  
4 started raping you your first week of marriage, and  
5 after a year he quit using the restraints on you --

6 MS. RANSOM: Objection. calls for  
7 speculation.

8 THE COURT: I think that does. Sustained.

9 Q. Adam, if your husband forced you to have sex  
10 anally when you didn't want to and held you in place to  
11 do it, and did it often enough, would that at some  
12 stage cause you to become a victim instead of a  
13 perpetrator?

14 MS. RANSOM: Objection. calls for  
15 speculation.

16 THE COURT: Sustained.

17 Q. Adam, if the husband intentionally hurt you  
18 and said that pain and joy in sex are related, pleasure  
19 and pain, so you need to process both, and he did it  
20 often enough, at some stage is it possible that you  
21 would cease to have the emotional ability to fight  
22 back?

23 MS. RANSOM: Objection. calls for  
24 speculation.

25 THE COURT: Sustained.

1 Q. In things like the diary, where Leizza sought  
2 out the diary that would have never been found  
3 otherwise, read in it something that she did not  
4 remember, insisted on going to the FBI agent at her  
5 church and telling him, him telling her no, no, you got  
6 to go to your lawyer, so you go to your lawyer and tell  
7 him, so that your lawyer tells the other attorney, even  
8 though if you don't do any of that, it can never be  
9 used against you because no one will ever know it.

10 MS. RANSOM: Objection. Leading, speculation,  
11 foundation.

12 THE COURT: Sustained.

13 Q. Adam, if a spouse controlled every bit of your  
14 finances, controlled every bit of who came to your  
15 house, controlled every bit of what you did and blamed  
16 you for everything, if he used the children to harass  
17 you, if he acted like the master of the castle and used  
18 economic abuse, used coercion, used threats and used  
19 sexual abuse --

20 MS. RANSOM: Your Honor, counsel is  
21 testifying. Can you direct him not to speculate?

22 THE COURT: Counsel, I don't see how that can  
23 be a question for this witness. I'm not sure it would  
24 be a proper question even for a qualified psychologist.  
25 Sustained.

1 MR. HICKS: I don't have anything, else Your  
2 Honor.

3 THE COURT: Thank you, Mr. Hicks.

4 Mr. Alcantara, thank you very much, sir, you  
5 can go ahead and step down. Be careful of the step as  
6 you go.

7 Mr. Hicks, you may call your next witness.

8 MR. HICKS: Your Honor, I call Eneida  
9 Alcantara.

10 THE COURT: okay. Ms. Alcantara? Yes, come  
11 forward, please. The clerk will administer the oath or  
12 affirmation.

(Witness sworn.)

14 THE COURT: And, ma'am, you were here in the  
15 courtroom when I gave instructions to the previous  
16 witnesses, including your husband, so I'll ask you to  
17 keep those in mind. I'd like to make sure we can all  
18 hear your answers when you give them, so when you  
19 answer, please speak into the microphone. You can pull  
20 the microphone toward you or adjust it if you need to.  
21 And I apologize, I didn't quite catch your first name.  
22 would you tell me?

23 THE WITNESS: Eneida.

24 THE COURT: E-n-i --

25 THE WITNESS: E-n-e-i-d-a.

1 THE COURT: Okay. Thank you.  
2 Mr. Hicks, you may proceed.

3  
4 ENEIDA ALCANTARA,  
5 having been first duly sworn to state the truth, the  
6 whole truth, and nothing but the truth, testified as  
7 follows:

8 DIRECT EXAMINATION

9 BY MR. HICKS:

10 Q. Eneida, you heard Adam's testimony?

11 A. Yes.

12 Q. You're Adam's wife?

13 A. Correct.

14 Q. And you and he have four children together?

15 A. Correct.

16 Q. And you have to answer "yes" or "no."

17 A. Yes.

18 Q. You're in the process of doing the things that  
19 Adam described to try to become -- if the children are  
20 severed from their mother -- adoptive parents?

21 A. Yes.

22 Q. And you've done all the things that Adam  
23 indicated that you had done?

24 A. Yes.

25 Q. How often do you come down here and visit the

1 children?

2 A. I'm at least here at least twice a month, and  
3 I see the children, try to at least, once a month. Or  
4 catch them whenever possible whenever visits are  
5 allowed.

6 Q. And that's supervised by --

7 A. DCS.

8 Q. CPS. But you do what you can?

9 A. Yes.

10 Q. You know some of the foster parents?

11 A. I have gotten to know some, yes.

12 Q. Have they expressed to you how the children  
13 feel toward their mother?

14 A. Yes.

15 Q. Okay.

16 MS. RANSOM: objection. Hearsay.

17 THE COURT: I'm sorry, say again?

18 MS. RANSOM: objection. Unreliable hearsay.

19 This is double hearsay.

20 THE COURT: Overruled.

21 Q. what do they say?

22 A. They say that the children love their mother.  
23 The things I hear are also shared in CFT meetings, so  
24 they say that they love their mother, they throw fits  
25 because they can't see their mother.

1 Q. And is that all the children, or is that  
2 specifically -- which ones are you referring to?

3 A. Specifically two that I know of.

4 Q. Which two?

5 A. The two younger boys.

6 Q. Okay. But in any event, you and your husband  
7 are doing all you can?

8 A. Correct. Yes.

9 Q. And if you were awarded the children as  
10 adoptive parents, would you abide by the court's orders  
11 as far as whatever they said with Leizza?

12 A. Yes.

13 Q. Do you feel it is in the children's best  
14 interest to have Leizza at some stage, at some level,  
15 in their lives?

16 A. Yes.

17 Q. Okay. Why? Do you understand the question?

18 A. Yes. What I have seen with the children, they  
19 ask to see their mother. When I come to visit them,  
20 they always ask, "Are you going to visit my mom?" I  
21 always say yes and, "Oh, that's not fair."

22 They express and what I see that they love  
23 their mother, and they have anxiety perhaps because of  
24 that, and they -- that is how I understand it to be.  
25 They want to be with their mother. They don't

1 understand that they cannot be with their mother.

2 Q. Okay. Do you recall an incident with one of  
3 the younger boys where you saw him, he had some  
4 band-aids on him?

5 A. Yes. That was a year ago. We came to spend  
6 time with them, my husband and I and my family. My  
7 husband had been giving the boys haircuts, and one of  
8 the boys came in and was getting ready to switch his  
9 shirt because he had gotten hair clippings on it and  
10 they were bothering him. He had taken off his shirt  
11 but his hand was a little stuck, and he said, "Can you  
12 please help me?"

13 So I went to the door of his room where he was  
14 standing, and I helped him pull the shirt off, I  
15 noticed he had a band-aid over his left breast, and I  
16 asked, "What happened here? Why do you have a  
17 band-aid?" And he looked at me, and he said, "I put  
18 this band-aid because my heart's broken."

19 "Well, why is your heart broken?"

20 And he said, "Because I miss my mom, and I'm  
21 not with her."

22 Q. Okay. Are you familiar with the information  
23 about Leizza calling you guys and asking you to try to  
24 locate a journal?

25 A. Yes. She spoke with me. She generally text

1 messaged me. So she had begun packing some of the  
2 children's items and her own items and sent them to San  
3 Diego in hopes that eventually they would make it to  
4 San Diego as a family.

5 so she told me that she had sent a box of her  
6 journals and she needed them back because her lawyer  
7 had asked for them. So she gave the description of  
8 where I could find them and how the box was marked. So  
9 I went in with my husband and we searched, and we  
10 shipped the box back to her.

11 Q. Did you later get a call from her or a text  
12 message or converse with her about the journals?

13 A. After -- afterwards for some time, yes, I  
14 received a text, and she said that she had read,  
15 re-read the journals and --

16 MS. RANSOM: Objection. Self-serving hearsay  
17 of the defendant.

18 THE COURT: Sustained.

19 Q. If you're allowed to adopt the children, would  
20 it be better for them to have Leizza in their lives at  
21 some level or not?

22 A. That's a weighted question. From what I hear  
23 from the children, they want interaction with their  
24 mother. It would be very difficult for me to not allow  
25 them even a phone call to their mother because that is

1 what they would want. But like my husband said, if the  
2 court decided no contact, we would obey the law and say  
3 no contact.

4 MR. HICKS: I don't have any other questions.

5 THE COURT: Thank you, Mr. Hicks.

6 Ms. Ransom, cross?  
7

8 CROSS-EXAMINATION

9 BY MS. RANSOM:

10 Q. When were you digging out the journals to send  
11 those to Mrs. Adams?

12 A. That was a year ago.

13 Q. August 2017?

14 A. About that time.

15 Q. Could it have been earlier?

16 A. Perhaps a little earlier. We were traveling a  
17 lot, and I personally came down several times in June  
18 and July.

19 Q. Okay. So it could have been as early as June,  
20 July 2017?

21 A. Yes.

22 Q. You indicated that the boys were the ones  
23 expressing interest in seeing their mother; is that  
24 true?

25 A. Yes. The oldest daughter would also -- was

1 also with the boys, and she expressed that she would  
2 like a visit with her mother, too.

3 Q. When was that?

4 A. Several -- on several occasions. I tried to  
5 attend the sibling gatherings that the court has  
6 allowed for the children. They all gather together at  
7 least once a month, on a Sunday usually, and that is  
8 when they all get together, and I try to attend those  
9 also with placement.

10 Q. Does M-2, the youngest, have any interaction  
11 with her mother?

12 A. As far as I know, the only visitation that is  
13 allowed with her during the week, anything else, no.

14 Q. Has M-2 ever expressed a desire to be around  
15 her mother?

16 A. I do not know that because I have not had many  
17 opportunities to visit with M-2. Sometimes she does  
18 not come to the sibling meet-ups.

19 MS. RANSOM: Nothing further.

20 THE COURT: Thank you, Ms. Ransom.

21 Mr. Hicks?

22

23

REDIRECT EXAMINATION

24 BY MR. HICKS:

25 Q. Eneida, to better figure out what the date

1 was, was her request for the journals, if you can  
2 recall, before or after she had had a free talk with  
3 the FBI?

4 MS. RANSOM: Foundation.

5 Q. If you know.

6 THE COURT: Overruled. You may answer if you  
7 know.

8 A. I don't know.

9 Q. Did she ever express to you dismay that she  
10 didn't remember that?

11 MS. RANSOM: Objection. Self-serving hearsay.

12 THE COURT: Sustained.

13 Q. Let's go through the order. She requested the  
14 journals at some stage, she once again contacted you  
15 and indicated surprise about something?

16 A. She indicated --

17 MS. RANSOM: Objection to self-serving hearsay  
18 about what the defendant has said to this witness.

19 THE COURT: Well, the question doesn't so much  
20 ask for hearsay of any kind but an expression of  
21 surprise. An expression of surprise might be an  
22 assertion of fact. It might be simply an exclamation  
23 like, "oh." I'll sustain the objection. You can  
24 rephrase the question if you can to avoid the hearsay  
25 issue.

1 MR. HICKS: That's okay, Your Honor. I don't  
2 have any other questions.

3 THE COURT: All right. Thank you. And thank  
4 you, Ms. Alcantara. You may go ahead and step down.  
5 Be careful of that step as you go.

6 Counsel, we need to take the afternoon recess.  
7 It will be about 15 minutes. Before we go, just as a  
8 scheduling note, I would like to have time at the end  
9 of this hearing to be able to actually make appropriate  
10 findings and impose sentence, as I'm required to do.

11 So, counsel, please work towards having  
12 everything presented that you want to present by 4:30  
13 this afternoon, then I can have the time that I need to  
14 proceed and get this presentence and sentencing  
15 proceeding taken care of. So keep that in mind. We'll  
16 take about 15 minutes.

17 (Recess held from 2:53 to 3:12 p.m.)

18 THE COURT: Continuing with State of Arizona  
19 against Leizza Adams, Case Number CR-2017-425.  
20 Ms. Adams is present, both the attorneys are here, the  
21 case detective is here, the GAL and CASA for the  
22 victims are present.

23 And, Mr. Hicks, you may call your next  
24 witness.

25 MR. HICKS: Rebecca Prudhomme, Your Honor.

1 THE COURT: All right. Ms. Prudhomme, come  
2 forward, please. The clerk will administer the oath or  
3 affirmation.

4 (Witness sworn.)

5 THE COURT: Take the witness stand, please.  
6 Ms. Prudhomme, I believe you know the rules but I'll  
7 tell you anyway. Please make sure that we can hear  
8 your answers when you give them, speak into the  
9 microphone. You can adjust it if you need to.

10 Mr. Hicks, you may proceed.

11  
12 REBECCA PRUDHOMME,

13 having been first duly sworn to state the truth, the  
14 whole truth, and nothing but the truth, testified as  
15 follows:

16 DIRECT EXAMINATION

17 BY MR. HICKS:

18 Q. Would you state your name, please?

19 A. Rebecca Prudhomme.

20 Q. And, Ms. Prudhomme, you're a probation  
21 officer?

22 A. That's correct.

23 Q. And you prepared the probation report in  
24 Leizza Adams' case?

25 A. I did.

1 Q. Would you tell me how you came to get a  
2 forensic parenting evaluation from Brenda Sparrold?

3 A. I requested from the County Attorney's Office  
4 any evaluations that had been done. I think I  
5 requested a psychological evaluation. And what she was  
6 able to provide me was that forensic parenting  
7 evaluation from the Attorney General's Office.

8 Q. Okay. And why did you request a psychological  
9 evaluation if one had been done?

10 A. Because during the course of my interview with  
11 Ms. Adams, I felt like there was something underlying  
12 that may be able to be explained by a psychological  
13 evaluation that may help me to understand more my  
14 interaction with her and my interview with her.

15 Q. And when you mean "underlying," you mean some  
16 kind of a medical condition?

17 A. Correct.

18 Q. And so you obtained the forensic parenting  
19 evaluation from the County Attorney's Office from  
20 Brenda Sparrold?

21 A. Correct.

22 Q. And they got it from the AG?

23 A. Correct.

24 Q. And they provided it to you?

25 A. Yes.

1 Q. Rebecca, I'm going to show you what's been  
2 marked as Defendant's J, ask you to take a look at that  
3 and see if you recognize it.

4 A. I do, yes.

5 Q. And what is it?

6 A. It's the forensic parenting evaluation that  
7 was provided to me by Ms. Ransom.

8 Q. And you provided a copy to me last week?

9 A. I did. At the request of Ms. Ransom.

10 Q. Okay. You quoted from that forensic parenting  
11 evaluation fairly extensively in your probation report?

12 A. I did. I don't recall everything. It's been  
13 a while. But I do recall using a lot of the -- the  
14 information that -- the conclusions, I guess, that Dr.  
15 Sparrold came to in my report.

16 Q. Okay. And that was in the confidential  
17 section; correct?

18 A. Yes.

19 MR. HICKS: I don't have any other questions  
20 for you.

21 Oh, I move for admission of Dr. Sparrold's  
22 evaluation.

23 THE COURT: Any objection?

24 MS. RANSOM: No.

25 THE COURT: Exhibit J shall be marked and

1 received.

2 Cross-examination?

3 MS. RANSOM: Yes.

4  
5 CROSS-EXAMINATION

6 BY MS. RANSOM:

7 Q. Ms. Prudhomme, can people still be criminally  
8 liable even when they have a mental health disorder?

9 A. Absolutely.

10 Q. When you were reviewing this parenting  
11 evaluation, in all the 12 single-spaced -- actually,  
12 first off, if you know, what's a parenting evaluation  
13 completed? why do you do those?

14 A. I can't say definitively. I can give you my  
15 best guess based on some experience that I have in the  
16 dependency court. I believe that they use them to  
17 determine whether or not reunification is appropriate.

18 Q. What was the conclusion?

19 A. To my best recollection, that reunification  
20 was not appropriate.

21 Q. Okay. And when a parent completes the  
22 evaluation, do they know why they're going in, if you  
23 know, in your experience?

24 A. I would assume that they know.

25 Q. From their counsel?

1           A.    And I believe that the doctor would -- my  
2    expectation would be that the doctor would disclose  
3    that at the time of their appointment, but definitely  
4    from their counsel.

5           Q.    So Mrs. Adams, going in, understood that what  
6    she said may impact whether or not she would get her  
7    kids back?

8           A.    It's my belief that she would, yes.

9           Q.    In all this 12 single-spaced pages of text  
10   from February of 2018, is there any disclosure by  
11   Leizza Adams of the fact that she knew about the  
12   molestation of M-1?

13          A.    I do not recall specifically, I'm sorry. I  
14   mean, I'm happy to review it quickly if you'd like me  
15   to.

16          Q.    Yes.

17                THE COURT:  If we could have that exhibit  
18   back, I'll pass it along to the witness.  That is  
19   Exhibit J in evidence.  The witness now has it.

20          A.    You're looking specifically for information  
21   pertaining to Mr. Adams' sexual abuse and her knowledge  
22   of that?

23          Q.    Yes.  Mrs. Adams disclosing or indicating that  
24   she didn't know of the abuse.

25          A.    I reviewed the portion that's identified as

Seizy <sup>RESEARCH</sup>  
participat  
in Phy

Ms. Seizy  
Physical Therapist

1 early adulthood. Her childhood wouldn't obviously have  
2 pertained to Mr. Adams. Just a quick perusal of it, I  
3 don't find anything where she talked about the sexual  
4 abuse.

5 This was, if I recall correctly, this was the  
6 first time reading this report that I had had any  
7 additional information about the physical abuse of  
8 Mr. Adams. So in reviewing this quickly, I am  
9 remembering that that was the first time I recalled  
10 having information about the physical abuse. So she  
11 does talk about the physical abuse in here but not the  
12 sexual.

13 Q. In fact, this report also indicates that  
14 Leizza Adams engaged in physical abuse of her children  
15 as well; correct?

16 A. Possibly. Do you want me to keep reading?  
17 I'm sorry, I was just reading to look for the sexual  
18 stuff, but I can go back and -- do you know what page  
19 it would be on that I --

20 Q. Let me find it. Page 6 towards the bottom.  
21 M-1 reporting that Mrs. Adams would yell at her or beat  
22 her when she did something wrong.

23 A. Is that before or after the reference to the  
24 haircut?

25 Q. It's, honestly, I don't know. It's towards

Reben  
2 Knew from  
2010 Oral  
Sex on M-I

physical  
Abuse

1 the bottom of the page, five lines up.

2 A. Okay. I find it, yes.

3 Q. Okay. And that Mrs. Adams, J, one of the  
4 boys, indicated that Mrs. Adams would sometimes beat  
5 them with a belt.

6 A. Yes. Excuse me. I apologize. Yes.

7 Q. Is that information that Mrs. Adams ever  
8 volunteered to you during your interviews with her?

9 A. No.

10 Q. When you interviewed Mrs. Adams, what did she  
11 talk about as far as her experiences with Paul Adams?

12 A. I apologize, it's been a little while, and I  
13 did not review -- I was not anticipating being called  
14 so I did not review my file prior to coming. I did  
15 look at the presentence report. I know she talked --  
16 the one thing that stuck out to me specifically was the  
17 disclosure that she made to me regarding 2010 where she  
18 found out that he had been performing oral sex on M-1.

19 She did reference some physical -- some fear  
20 of him in a domestic violence manner, but she didn't  
21 give me any specifics that he was actually physically  
22 abusive towards her. She talked about an incident  
23 where he was shooting at an animal, I don't recall the  
24 type of animal, but she felt that he was doing that as  
25 a show of force.

1           And then she talked about attempting to leave  
 2 him, when after church one day she just left, but he  
 3 was tracking her phone. She talked about an incident  
 4 where he told her to leave so she packed up the  
 5 children to leave and then he came out and prevented  
 6 her from leaving.

7           Q. All right. Did she tell you of Mr. Adams  
 8 hitting her physically or the kids physically?

9           A. Not that I can recall.

10          Q. Did she tell you of Mr. Adams masturbating in  
 11 front of the kids on the couch and her not doing  
 12 anything about it?

13          A. No. I did question her about why M-1 was in  
 14 the bedroom with Mr. Adams. After her statements that  
 15 he's not allowed to be alone with them, I was very  
 16 curious about why she would allow her daughter to  
 17 remain in a bedroom with him, and she indicated to me  
 18 that it was school related, that she had to get up  
 19 early for school, M-1 did, and during that time  
 20 Mr. Adams was not supposed to be in the bedroom with  
 21 them. It was understood he would sleep on the couch or  
 22 be in the living room, that he wasn't supposed to be  
 23 sleeping in that bedroom, and that was the extent of  
 24 what she told me about that.

25          Q. So Mrs. Adams knew as of approximately 2010

4 directed  
m 1 to  
sleep in same  
room

+ directed  
m 1 to  
sleep in same  
room

1 that Paul Adams was performing oral sex on M-1?

2 A. Correct. That's what she told me during the  
3 interview.

4 Q. And in 2016 she directed M-1 to sleep in the  
5 office where Paul Adams kept his porn and masturbated?

6 A. Yes.

7 Q. And you asked her to explain why she would do  
8 that, and her response was that he just wasn't supposed  
9 to sleep in there?

10 A. Right. The understanding was he could use  
11 that room for his computer and whatever other  
12 activities he was engaging in in that room, but when it  
13 was bedtime, M-1 was the only person that was supposed  
14 to be in there.

15 Q. She said "supposed to be," but did she know of  
16 Paul Adams actually going into that room at night  
17 sometimes?

18 A. She didn't state that to me.

19 Q. Did you ask her?

20 A. I don't recall.

21 Q. And she didn't disclose to you any of her own  
22 physical abuse of the children?

23 A. No.

24 Q. Okay. You had to learn that by reading the  
25 psychologist's report?

✓ In 2010 I know  
that I was  
assaulted by  
my 11

1 A. Yes.

2 Q. And she didn't disclose to you Paul Adams  
3 walking around naked or masturbating in front of the  
4 children?

5 A. It may have been -- she provided me with a  
6 written statement, and it may have been included in  
7 there. Because that was information that I read in the  
8 reports, in the disclosure reports, it would not  
9 necessarily have stood out to me because it was  
10 confirming what I already knew. So months later now  
11 what still stands out to me is the information that she  
12 provided that was additional to what was in the  
13 reports.

14 Q. Okay.

15 A. If that makes sense.

16 Q. Yes. And now that you mentioned that, the  
17 information that stood out was, "Hey, in 2010 I knew  
18 M-1 was assaulted by my husband"?

19 A. Correct.

20 Q. And that's because that was not something that  
21 defendant had disclosed to her forensic parenting  
22 evaluator when she was in an interview where she knew  
23 that her future with her kids was in the balance?

24 A. I did not read it in the evaluation, no.

25 Q. All right. Did you see anywhere in the

1 evaluation where the evaluator notes some what she  
2 calls "avoidance" or "distortions"?

3 A. Yes, I believe so.

4 Q. What do you understand that to mean?

5 A. If I recall again correctly -- I apologize, I  
6 did not review this entire report prior to  
7 testifying -- it had to do with kind of disassociating  
8 herself. She would busy herself with other kind of  
9 menial tasks rather than dealing with what's at hand.

10 Q. Do you recall with respect to the domestic  
11 violence type allegations and the resources that  
12 Ms. Adams had, that there was a conclusion that she had  
13 resources and she had ability to get away, and she just  
14 didn't exercise those resources or ask for help?

15 A. Yes, that was the evaluator's conclusion, that  
16 she -- that there were resources available to her, I  
17 believe primarily she said through the church; she may  
18 have identified family members also, but she did  
19 identify that there would have been resources available  
20 to her.

21 MS. RANSOM: Nothing further. Thank you.

22 THE COURT: All right. Thank you, Ms. Ransom.  
23 Redirect?

24 MR. HICKS: No, Your Honor.

25 THE COURT: All right. Thank you, Mr. Hicks.

1 Thank you, Ms. Prudhomme. You may step down.  
2 Thank you. I will pass the exhibit along to the clerk.

3 Mr. Hicks, you may call your next witness.

4 MR. HICKS: I would call Elise Gray.

5 THE COURT: All right. Ms. Gray, come  
6 forward, please, and be sworn or give the affirmation.

7 (Witness sworn.)

8 THE COURT: Take the witness stand, please.

9 Have a seat. And I believe you also were here  
10 in the courtroom when I gave these instructions to  
11 other witnesses, and they apply to you as well. I'd  
12 like to make sure that we can all hear your answers  
13 when you give them, so please answer into the  
14 microphone. You can move it around if you need to.

15 Mr. Hicks, you may proceed.

16  
17 ELISE GRAY,  
18 having been first duly sworn to state the truth, the  
19 whole truth, and nothing but the truth, testified as  
20 follows:

21 DIRECT EXAMINATION

22 BY MR. HICKS:

23 Q. would you state your name, please?

24 A. Elise Gray.

25 Q. Elise, what do you do?

1 A. I'm a clinical mental health counselor with  
2 Easter Seals Blake Foundation.

3 Q. Can you speak a little bit more into the  
4 microphone or put it over there in front of you a  
5 little more, a little closer?

6 A. I'm a clinical mental health counselor with  
7 Easter Seals Blake Foundation.

8 Q. And what is your educational background?

9 A. I have a master's in clinical mental health  
10 counseling.

11 Q. When did you get your master's?

12 A. I completed it in, oh gosh, August of last  
13 year, I believe.

14 Q. Okay. And when did you go to work for the  
15 Blake Foundation?

16 A. I've been with them for four years. I started  
17 as a parent educator with the child and family services  
18 side, and then I moved over once I completed my  
19 master's with the behavioral health side.

20 Q. What is your relationship with Leizza Adams?

21 A. I'm her counselor.

22 Q. And what does a counselor do?

23 A. In general, we evaluate, we meet with our  
24 clients, we discuss goals, help them work towards  
25 developing skills for those goals, also working on

1 everyday issues that arise.

2 Q. Do you recall when you started working with  
3 Leizza?

4 A. It's been approximately a year.

5 Q. And how often do you have contact with Leizza?

6 A. Every day.

7 Q. So you have contact with Leizza in some form  
8 every day?

9 A. Yes.

10 Q. And what forms do those take?

11 A. I have regular individual counseling sessions  
12 with her, weekly on Fridays, and then usually through  
13 text message every day, occasionally through phone  
14 calls.

15 Q. And what are those intended to do? What's the  
16 reason for those?

17 A. For which part?

18 Q. Phone calls --

19 A. Text messages and phone calls?

20 Q. -- the daily.

21 A. Those are to help her to develop coping skills  
22 in the moment, because she has exhibited that she  
23 struggles day-to-day, either with coping with anxiety,  
24 symptoms of depression, things like that, stressors  
25 that arise with her children or whatever it may be.

1 Q. Okay. So starting back a year ago, what was  
2 your counseling session like? As much as you can  
3 recall describe Leizza.

4 A. Can I start with the goals that were initially  
5 set?

6 Q. Yes, absolutely.

7 A. So initially Leizza's goals were to develop  
8 coping skills for her anxiety and depression symptoms,  
9 also to develop skills for identifying, expressing, and  
10 regulating her own emotions, with the hope that in the  
11 future we could connect those also to her children's  
12 emotions. And being able to have more effective,  
13 positive interactions in social settings.

14 Q. And so how long was your session every Friday?

15 A. Anywhere from an hour to two hours. In the  
16 beginning they were a little bit longer because we were  
17 building rapport and trust and those things -- and,  
18 sorry, I didn't answer the rest of your question when  
19 you asked what those sessions were like in the  
20 beginning.

21 Leizza tended to be very shut down, very  
22 quiet. She made very little, if any, eye contact, had  
23 very minimal ability to express any emotion whatsoever.  
24 I noticed right away that she tended to speak in what I  
25 would describe as an atypical manner. When I asked

1 questions, she didn't answer directly. It was usually  
2 in a roundabout way with either an example from  
3 something else or a story, something of that nature.

4 So the initial several weeks were spent just  
5 building rapport and trust, gaining her confidence.  
6 And then the first thing we started to work on was just  
7 being present in the moment and making eye contact.

8 Q. During the course of your counseling with  
9 Leizza, did you come to believe that there were -- let  
10 me ask you this. What things did she appear to have  
11 that you were sure of?

12 A. That I was --

13 Q. What diagnoses? If you can tell me.

14 A. Initially that I was sure of was depression,  
15 recurrent and pretty severe, anxiety also. But the  
16 anxiety I believe was attributed to PTSD.

17 Q. Okay. And so at some stage did you come to  
18 believe that there might be other things going on?

19 A. Yes.

20 Q. Okay. About when?

21 A. It was within the first few months that I was  
22 working with her because of the patterns that I started  
23 to notice, with the lack of eye contact, the fragmented  
24 language and speaking that was kind of, like Adam said,  
25 piecemeal is a good way to describe it. The thoughts

1 would sometimes start, like she would be thinking  
2 something in her head, but she would start speaking  
3 midway through her thought, and I would have to  
4 decipher where that was coming from.

5 She exhibited and expressed significant  
6 difficulty in social settings, inability to make eye  
7 contact, inability to answer questions, to express  
8 connections with other people. And then also her own  
9 difficulty with emotions, with connecting to her  
10 emotions and identifying them, expressing them,  
11 regulating them. All of these things together led me  
12 to question whether there was another underlying  
13 diagnosis that had been missed, perhaps beginning in  
14 childhood.

15 Q. Okay. So what did you do?

16 A. I brought it to my supervisor's attention  
17 because it was still early on in my sessions with  
18 Leizza. And because she, quite frankly, was different  
19 than any of the clients I had worked with, I needed to  
20 sort out how much of that was personality or  
21 situational because she didn't know me, it was new to  
22 her, things like that.

23 But I did share with my supervisor -- nobody  
24 at that time was really sure. Nobody had spent the  
25 amount of time with her that I did. So I continued to

1 just work with her and take note of these things to see  
2 if anything changed or evolved as we progressed.

3 And over time I realized that many of these  
4 things she was not making any progress on, and I  
5 continued to see the ongoing patterns in, like I said,  
6 social settings, emotional situations, things of that  
7 nature. And even with the eye contact, she did -- we  
8 worked really hard on that, and she got to a point  
9 where she could -- she can make eye contact with me for  
10 brief periods but it's not consistent.

11 So, essentially, my concern was, was there  
12 either a pervasive developmental disorder or Asperger's  
13 or something of that nature. I brought it up to my  
14 team, the clinical team that I work with. And  
15 essentially I suggested that we start working towards  
16 getting an evaluation. I didn't feel comfortable  
17 making the diagnosis. It's something that I've worked  
18 with frequently. I've had several children and adults  
19 that have that diagnosis, so I got familiar with the  
20 signs, but I have not made the diagnosis myself.

21 MS. RANSOM: Objection. Narrative.

22 THE COURT: Yes, it is getting to be a  
23 narrative. Sustained. Go ahead and ask your next  
question.

24 Q. So what did you do then?

1           A. So I put in the request that we get an  
2 evaluation done. That took a significant amount of  
3 time. Once I put in to the case managers, once I made  
4 that suggestion, I kind of leave it in their hands. I  
5 hadn't heard anything back on it until recently when  
6 my -- the case manager did say that something was  
7 scheduled with Becky Yates.

8           Q. Okay. And so were you the person who  
9 initiated that process?

10          A. Initially, yes.

11          Q. But you didn't schedule it --

12          A. No.

13          Q. -- with Sally Yates? And who is Sally Yates?

14          A. Becky Yates.

15          Q. I'm sorry, Rebecca Yates.

16          A. Yes. She is our nurse practitioner. She does  
17 all of our diagnosing and treating of our clients with  
18 medication.

19          Q. What's her background as far as you know?

20          A. I only know that she's a nurse practitioner.  
21 I know that she has over ten years in the diagnostic  
22 mental health field.

23          Q. So she's not -- and she works often for the  
24 Blake Foundation?

25          A. She just recently came to us. Now she is our

1 regular on-site evaluator that does our on-site  
2 psychiatric evals and medication management.

3 Q. And Rebecca Yates, are you aware of whether  
4 she performed an evaluation, a psych eval, on Leizza  
5 Adams?

6 A. Yes, she did.

7 Q. And do you know when that occurred?

8 A. I don't know the exact date. I believe it was  
9 in the last week.

10 Q. Okay.

11 A. Possibly two weeks.

12 Q. All right. And prior to today, had you had  
13 the opportunity to see an evaluation by her?

14 A. No.

15 Q. Show you what's been marked as Defendant's K.  
16 Ask you to take a look at that, please.

17 A. Uh-huh.

18 Q. Does that appear to be what would be a psych  
19 eval by Rebecca Yates?

20 A. This is just the notes from that evaluation.  
21 So this is the diagnostic, I guess summary, basically.

22 Q. Okay.

23 A. Yes.

24 Q. Do you know if she has been able to provide  
25 the Blake Foundation with an actual completed psych

1 eval?

2 A. It should be in our system if one was  
3 completed.

4 Q. It should be what?

5 A. It should be in our system, our records  
6 system.

7 Q. Okay.

8 MR. HICKS: Your Honor, I would avow to the  
9 court this is the only thing I've received, and I  
10 received this Friday at 3:30.

11 THE COURT: I will accept your avowal.

12 MR. HICKS: I move for admission of this  
13 summary of the psych eval by Rebecca Yates.

14 THE COURT: Response?

15 MS. RANSOM: State preserves its foundation  
16 objection.

17 THE COURT: All right. I already ruled on  
18 that. That objection is overruled. Exhibit K shall be  
19 marked and received.

20 BY MR. HICKS:

21 Q. You've had a chance to review it briefly, or  
22 have you not had a chance to review it?

23 A. Yes.

24 Q. Let me point you out a section on it where it  
25 says diagnoses. Now, would those be actual diagnoses

1 that Rebecca Yates or someone else has made in  
2 reference to Leizza?

3 A. Yes.

4 Q. And although this is just a summary, the first  
5 one says "major depressive disorder recurrent severe  
6 without psychotic features." Do you see that?

7 A. Yes.

8 Q. Do you know what that is? Do you know what a  
9 major depressive disorder is?

10 A. Yes.

11 Q. Does Leizza exhibit that diagnosis?

12 A. Absolutely.

13 Q. Okay. Explain, give us some details of why  
14 you would say that.

15 A. There are several reasons. One, I mean, the  
16 standout being the ongoing state of hopelessness that  
17 she expresses that is tied in with ongoing recurring  
18 intrusive thoughts, suicidal ideation.

19 Q. When you say "ongoing intrusive thoughts," is  
20 that consistent from when you first started treating  
21 her?

22 A. Yes. I believe fairly early on she expressed  
23 having those thoughts. There are times at which it is  
24 exacerbated by stressors and becomes, I would say, more  
25 apparent and more intrusive.

1 Q. She denies any suicidal ideation; in other  
2 words, she denies any plan?

3 A. She has the ideation, which is the ideas or  
4 the thoughts, but she denies having any intent or plan  
5 for self-harm.

6 Q. During the last year has she been  
7 hospitalized, mental health hospitalized?

8 A. Yes.

9 Q. How many times?

10 A. I don't want to say exactly because I don't  
11 remember the dates of the first one. Within the time  
12 frame that I have been seeing her, I believe there have  
13 been three.

14 Q. Three?

15 A. I believe so.

16 Q. The first one and the second one, were they  
17 her decision to hospitalize herself or were they  
18 someone else's decision?

19 A. Initially, the crisis team as well as the  
20 clinical team stepped in and advised her that it would  
21 likely be in her best interest to go to the hospital.

22 Q. Where did she go; do you know?

23 A. Canyon Vista Medical Center.

24 Q. And they have a psych ward?

25 A. Yes.

1 Q. And those were -- how long, if you recall, how  
2 long were the stays?

3 A. I do not recall. I know -- I want to say that  
4 the most recent was nearly two weeks, I believe, but I  
5 couldn't say for sure without seeing the dates.

6 Q. Was that approximately from July the 22nd to  
7 August 2nd?

8 A. That sounds correct.

9 Q. And what was it for?

10 A. She had contacted me and expressed that her --  
11 she believed that possibly her medication was not  
12 effective any longer, and she had recognized that her  
13 depression symptoms were worsening, her hopelessness  
14 had increased again, the suicidal ideation had  
15 increased. This was the first time that she actually  
16 took herself in. It was the first time she was able to  
17 identify those emotions and recognize that she needed  
18 outside help by herself.

19 Q. Before she went in on July 22nd, she'd had a  
20 session with you on the Friday before?

21 A. Yes.

22 Q. Was there anything unusual about that session?

23 A. It was a very intense session. I would say  
24 that, you know, I had gotten to a point where I felt as  
25 though I needed to push her a little bit towards the

1 idea of making progress and where we had stalled, where  
2 she had stalled, and really bring up concerns that I  
3 had as far as that went.

4 Q. Okay. What concerns did you bring up?

5 A. Essentially, just concerns that she -- at her  
6 lack of progress, that she still was struggling to  
7 connect emotionally to things, whether that be her own  
8 trauma or daily interactions or her children's trauma,  
9 several things. She just exhibited very, very limited,  
10 if any, ability to connect emotionally or to really  
11 process any of that in order to learn to cope with it.

12 She still continued to struggle significantly  
13 in social settings and with boundaries in social  
14 settings, knowing what those are. Yeah.

15 Q. Okay. And so she came to you and she -- or  
16 she texted you, e-mailed you or called you, came to you  
17 and said she thought she might need to go back in?

18 A. Yes.

19 Q. And do you have any thoughts on that? Do you  
20 relate it to anything? Do you relate it to the Friday  
21 session?

22 A. I did. My thoughts were that as much as I  
23 would not hope that it would cause her to struggle, I  
24 hoped that she was beginning to process some of what I  
25 had been trying to explain. I hoped that she was

1 beginning to see the lack of progress and how that  
2 could potentially impact her and her children. And I  
3 feel that beginning to feel that was sort of like a  
4 floodgate and kind of just pushed her over the edge a  
5 little bit as far as emotional coping.

6 Q. Okay. The second diagnosis is post-traumatic  
7 stress disorder unspecified. Have you seen that in  
8 Leizza?

9 A. Yes. In terms of her -- the way that she  
10 shuts down when asked about even her own childhood  
11 trauma, she's expressed to me having nightmares,  
12 awaking with anxiety or panic related to the trauma she  
13 experienced previously. Those are symptoms of PTSD,  
14 along with the anxiety she's had.

15 Q. And you relate that to childhood trauma or  
16 trauma from Paul Adams or what?

17 A. I couldn't say specifically. I would imagine  
18 probably all of the above. A trauma is a trauma, and I  
19 think that it all kind of snowballs.

20 Q. And finally, this next diagnosis, pervasive  
21 developmental disorder unspecified. To my limited  
22 knowledge, that's some kind of Asperger's or the  
23 spectrum of autism?

24 MS. RANSOM: Objection. Foundation.

25 Q. Well, what is it?

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THE COURT: Overruled. Go ahead.

A. Essentially, it's I guess in lieu of an Asperger's diagnosis, I did ask about why this specific -- I had asked the behavioral health clinician that was there for the assessment that was done why this particular diagnosis was made. And it was because Becky Yates does not necessarily specialize in Asperger's per se or autism spectrum, and Asperger's is not in the DSM-V, which we use for diagnosing, but she did see some of the traits, markers for a pervasive developmental disorder so that's why that was used.

Q. Asperger's really doesn't exist anymore in the DSM; correct?

A. Right. Right.

Q. They renamed it a spectrum that consists of Asperger's, what used to be Tourette syndrome and the autism disorders?

A. Yes.

Q. What does that mean to you "pervasive developmental disorder"? What is it?

A. To me, it essentially just validates those things that we have seen in Leizza: the extreme difficulty in social settings, difficulty processing emotions or connecting them, difficulty with eye contact, the way that she speaks in these fragmented --

1 I like to say that her thinking is not necessarily  
2 linear. It's not point A to point B. There's a  
3 roundabout way. So, essentially, to me that's what  
4 that diagnosis would confirm, that those things are  
5 seen.

6 Q. The next one is personal history of  
7 unspecified abuse in childhood. You've already covered  
8 that, I think. And then the next diagnosis is other  
9 stressful life events affecting family and household.

10 A. Yes.

11 Q. Now, in looking back the last year of working  
12 with Leizza, what part of her lack of progress is PTSD  
13 and what part of it is pervasive developmental  
14 disorder?

15 A. That is really difficult to determine, and  
16 it's something I struggle with on a daily basis.

17 Q. In other words, they intersect, and you have  
18 no way of figuring out which one is what?

19 A. Correct. In terms of counseling, you go back  
20 to nature versus nurture, all of these environmental  
21 factors combined with the other factors, it's all so  
22 intertwined that it's nearly impossible to separate  
23 out. Essentially, we don't really try to because the  
24 outcome is the same.

25 Q. Going back to the suicide thing, one of the

1 possibilities is that Leizza will be sent to prison.  
2 what is her prognosis if that occurs?

3 A. Leizza has, you know, given that she has very  
4 limited ability to function in extremely stressful  
5 environments, especially isolated ones, and also  
6 limited ability to cope with the daily stressors that  
7 arise and to interact with other people in that  
8 environment, all of those things I have concerns  
9 regarding, you know, the suicidal ideation escalating  
10 if she does go to prison.

11 Q. Have you had any information working at the  
12 Blake Foundation as to -- well, let me ask you this.  
13 what's Leizza's relationship -- what is her feeling  
14 towards the children?

15 A. To my knowledge, it's that she loves them.

16 Q. Have you heard anything regarding what the  
17 relationship or how the children feel toward her?

18 A. In the child and family team meetings that  
19 were described earlier, I have heard secondhand,  
20 obviously, that the children have expressed that they  
21 love their mother and that they do look towards their  
22 visits with her.

23 Q. You have a personal relationship at this stage  
with Leizza?

25 A. Define "personal."

1 Q. She trusts you?

2 A. As her counselor, I would hope so.

3 Q. And that's something that you've earned? You  
4 had to work for it?

5 A. I would say yes.

6 Q. To your knowledge, does Leizza intentionally  
7 lie?

8 A. Not to my knowledge.

9 MS. RANSOM: Foundation, Your Honor.

10 THE COURT: Sustained.

11 Q. What is happening when someone suffers  
12 traumatic events and doesn't recall them later?

13 A. Suppression of memories.

14 Q. I'm sorry?

15 A. Suppression of memories.

16 Q. Is that an actual thing?

17 A. Yes.

18 Q. How does it occur?

19 A. I mean, I don't know the cognitive means by  
20 which it happens. But, essentially, when there's an  
21 event that's traumatic enough or emotionally  
22 significant enough, it can be -- I don't want to say  
23 erased -- but pushed to the back of someone's mind so  
they are literally unable to recall it.

24 Q. Do you believe that Leizza suffers from that?  
25

1 MS. RANSOM: Foundation. She just said she  
2 doesn't know the cognitive underpinning.

3 MR. HICKS: Let me rephrase.

4 THE COURT: That doesn't necessarily mean she  
5 doesn't have an opinion. You want to rephrase it?

6 MR. HICKS: Not if you're going to overrule  
7 the objection, Your Honor.

8 THE COURT: I'll overrule. You may answer.

9 A. Can you ask me again, please?

10 Q. Does Leizza suffer, in your opinion, from  
11 suppressed memory?

12 A. I believe she does.

13 Q. And what causes you to believe that?

14 A. The numerous --

15 MS. RANSOM: Your Honor, just a moment. The  
16 State wants to see if this concept was even disclosed.  
17 I may need to make an objection on lack of disclosure.

18 THE COURT: If you would pause a moment, and  
19 we'll see if there's going to be an objection.

20 MS. RANSOM: I can't find my disclosure right  
21 now, but I don't recall any concept of suppressed  
22 memories being disclosed or identified by the defense.

23 MR. HICKS: Your Honor, I don't think I got  
24 that specific.

25 THE COURT: what did you say about what

1 Ms. Gray was likely to testify to?

2 MS. RANSOM: I found it.

3 THE COURT: Let's see what it says.

4 MS. RANSOM: She's expected to testify  
5 regarding Leizza's mental health, treatment,  
6 observations, and recommendations.

7 THE COURT: Well, if there's a further  
8 objection, it's overruled. You may proceed.

9 MR. HICKS: Okay.

10 Q. What makes you think that Leizza suffers from  
11 suppressed memory?

12 A. The numerous conversations during sessions  
13 that we've had where I've attempted to further gather  
14 information regarding some of the traumatic events in  
15 her life, that she's either recalled fragments, bits  
16 and pieces, she's been able to describe feelings but  
17 not -- not actually details of what's happened. I  
18 mean, that's been kind of a recurrent theme regarding a  
19 lot of the trauma from her life, especially the more  
20 traumatic details of things.

21 Q. Part of the problem with Leizza not making  
22 progress is that she's not willing to go back into  
23 those things; correct?

24 MS. RANSOM: Foundation.

25 THE COURT: Overruled. You may answer if you

1 can.

2 A. When you say not willing, that's hard to  
3 answer. I believe that she's potentially, because of  
4 the suppression, unable to fully process the traumatic  
5 events that she's experienced in order to begin to heal  
6 from them.

7 Q. And in order to grow -- correct me if I'm  
8 wrong -- you have to kind of break the scab off of  
9 things because otherwise it just sits there and that is  
10 painful?

11 A. Yes.

12 Q. I want to read to you something that Leizza  
13 had stated.

14 MS. RANSOM: Objection. Self-serving hearsay.

15 THE COURT: I don't know where she's said  
16 that. Where did she say that?

17 MR. HICKS: Your Honor, it's on the last page  
18 of the questionnaire that's been introduced into  
19 evidence by Adam Alcantara. The last page, the last  
20 paragraph under the sexual abuse section, it doesn't  
21 necessarily refer to the sexual abuse, it just refers  
22 to her memory in general. I want to ask this witness  
23 if that explains to a certain degree what she's talking  
about.

24 THE COURT: The document itself is in evidence  
25

1 and a portion thereof may be used to pose a question to  
2 the witness. Overruled.

3 Q. Leizza, in response to a question on abuse,  
4 indicated in the last paragraph, "I don't tell  
5 everything, just what I can think of. I don't want to  
6 remember, which is why Shaunice Warr would ask several  
7 nights in a week and get more answers and more in weeks  
8 or months later. I learned long ago how to be  
9 distracted and focus on tasks, and I told her that when  
10 asked if a witness -- as a witness you swear to tell  
11 the truth, the whole truth, and nothing but the truth,  
12 well, it's not possible because I can't. I don't want  
13 to remember, and I don't want to talk about how stupid  
14 I was to keep hoping and waiting for him to change and  
15 be better."

16 Is that suppressed? Is she talking -- I mean,  
17 give me your thoughts on that statement.

18 A. Well, I think that statement speaks to more  
19 than one thing, if you're listening to it. It does  
20 speak to the difficulty in remembering and that  
21 suppression.

22 There's also -- I'm hoping I can explain this.  
23 There's something that when you connect emotionally to  
24 an event, it tends to stick more with you. Leizza  
25 tends to be very disconnected emotionally. So at times

1 when we're talking about these things, I've wondered  
2 how much she is even able to connect initially, let  
3 alone to recall things, if that make sense.

4 I think the second part of it speaks to  
5 something different, as far as her not -- not wanting  
6 to try to delve into those memories and to try to go  
7 back because I think that scares her.

8 Q. If you had to put a label on what is causing  
9 those things, is it major depressive disorder,  
10 post-traumatic stress disorder, or pervasive  
11 developmental disorder?

12 MS. RANSOM: Foundation. She didn't even do  
13 this report they're talking about.

14 THE COURT: Yes. Sustained.

15 Q. Is Leizza a danger to anyone, children,  
16 others, except for herself?

17 A. That is not really a determination I ever feel  
18 comfortable making with anyone. To my knowledge, I  
19 would say no. I would say the risk that I have seen is  
20 to herself.

21 MR. HICKS: I don't have any other questions.

22 THE COURT: Thank you, Mr. Hicks.

23 Ms. Ransom, cross?

24 MR. HICKS: Your Honor, if I didn't move to  
25 enter the report by Rebecca Yates, I move --

1 THE COURT: You did and it is in evidence,  
2 Exhibit K.

3 Ms. Ransom, you may proceed.  
4

5 CROSS-EXAMINATION

6 BY MS. RANSOM:

7 Q. Good afternoon.

8 A. Hello.

9 Q. Are you familiar with the treatment that  
10 Ms. Adams is participating in with respect to her  
11 children and the dependency?

12 A. Only vaguely. I've actually made it a point  
13 to, for the most part, distance myself from that in  
14 order to be able to remain neutral to work with  
15 Ms. Adams.

16 Q. Do you know whether she's allowed to see all  
17 of her children at the same time at this point?

18 A. I believe she's not, from what I understand.

19 Q. Okay. Do you know whether she's allowed to  
20 see her children at this point unsupervised?

21 A. No, I believe it's all supervised.

22 Q. And it's been 18 months of treatment?

23 A. Uh-huh.

24 Q. That was a yes?

25 A. Yes. Sorry.

1 Q. Just for the court reporter.

2 In your sessions with Leizza Adams, has she  
3 discussed with you or disclosed her knowledge of Paul  
4 Adams' sexual conduct with the eldest child?

5 A. Again, I have, for the most part, not been  
6 able to really even go there with her. There was one  
7 conversation I had with her where she did disclose, and  
8 I believe it was after -- it came up because she had  
9 spoken to someone else about it, but it was regarding  
10 the time that she spoke with the bishop regarding the  
11 oral sexual acts being performed on the child. That  
12 was the only time that it was ever disclosed.

13 Q. And she told you it was the only time she ever  
14 knew about it, or it was the only time you two talked  
15 about it?

16 A. That was -- I don't know that I ever asked her  
17 if there were multiple conversations regarding that,  
18 and she didn't state that there were. That was  
19 essentially the only time we really talked about it.  
20 Again, any time I attempted to try to get her to  
21 connect to what was going on, what had happened, what  
22 the possible ramifications, consequences were, not just  
23 for her but for her children, she completely shut down.

24 Q. Did she tell you whether she thought about  
25 calling the police after she found out about that?

1 A. She only said that the bishop said to keep him  
2 away from the children or that he should leave or be --  
3 no, she didn't say leave -- be away from the children I  
4 think is what she said. What she described is that he  
5 was working in Tucson at the time, and so for the most  
6 part he wasn't there. And then when he was, she did  
7 her best, and when I tried to push further for what  
8 that meant, I got nowhere.

9 Q. All right. You mentioned lack of eye contact  
10 being an issue.

11 A. Uh-huh.

12 Q. Can that sometimes be a cultural thing?

13 A. Oh, yes. That's definitely been taken into  
14 consideration, too.

15 Q. And you understood that you thought maybe  
16 there was some undiagnosed condition as early as August  
17 2017?

18 A. Yes.

19 Q. But no report was done until August 2018?

20 A. No evaluation was done until then. And I  
21 don't know that it was August, because I believe it's  
22 been right about a year that I've been working with  
23 her, I believe, and I wouldn't swear to that, but I  
24 believe it has. And it was a couple months into  
25 working with her that I started to wonder if there was

1 something else.

2 But, again, I talked to my supervisor, and in  
3 all honesty I think everyone's initial reaction was  
4 just that Leizza might just be odd like that. And so I  
5 just continued to work with her, again, to see if  
6 anything changed or evolved as I worked with her. And,  
7 again, taking into consideration the cultural  
8 possibilities, upbringing, trauma, all of those things.

9 Q. People with these sorts of conditions that are  
10 being attributed to Leizza Adams, they're still able to  
11 appreciate right from wrong; correct?

12 A. Yes.

13 Q. Do you get the sense that Leizza Adams can  
14 appreciate right from wrong?

15 A. Yes.

16 Q. People with PTSD, depression, all these  
17 issues, they still can pick up the phone and call the  
18 police; correct?

19 A. Yes.

20 Q. All your interactions with her are  
21 post-arrest -- I mean post-indictment of her ex-husband  
22 or husband?

23 A. Yes.

24 Q. And Leizza had been indicted by the time  
25 you --

1 A. Yes.

2 Q. -- by the state?

3 People facing prosecution, they get depressed;  
4 correct?

5 A. Yes.

6 Q. And people who go to prison can be watched to  
7 prevent suicide; correct?

8 A. Yes.

9 Q. And someone like Ms. Adams, if she's in  
10 low-level security due to the level of her offense,  
11 she'll be in the general population, be able to  
12 interact with others?

13 A. That, I believe, would be limited due to her  
14 social abilities.

15 Q. But she wouldn't be isolated?

16 A. Right.

17 Q. You mentioned that it was difficult to talk to  
18 Leizza Adams about -- knowing about Paul performing  
19 oral sex on M-1. Did Leizza Adams talk to you about  
20 Paul Adams' affairs with other people?

21 A. No.

22 Q. No? Did she talk to you about her childhood  
23 sex abuse?

24 A. Yes. When I say yes, again, vaguely. I knew  
25 that it happened. There were never any details, only

Parents said  
don't talk  
about it  
any more

1 that -- the only thing that I knew about it was that it  
 2 had happened, and that she had reported it to, I  
 3 believe, both of her parents or her mother, and they  
 4 sought out a counselor. She was only able to see the  
 5 counselor maybe one time, and when she began to share  
 6 the events with the counselor, her mom stopped her and  
 7 said she was not to talk about it anymore.

8 Q. Ms. Adams, after she reported the sexual  
 9 abuse, she was actually vindicated; correct? The  
 10 individual that perpetrated against her was  
 11 dishonorably discharged?

12 A. I don't know the details about that.

13 Q. But she shared those details with the other  
 14 clinician maybe but just not with you?

15 A. Possibly.

16 Q. So when she reached out for help previously,  
 17 she actually got help?

18 A. I mean, I wasn't there but sure, yes.

19 Q. Well, when she's reporting to you that she  
 20 reached out for help about her child abuse --

21 A. Yes.

22 Q. -- she got counseling?

23 A. Not necessarily. She got one session of  
 24 counseling then her mother pulled her out and said she  
 25 couldn't talk about it anymore.

1 Q. Did you ever follow up to see if what she's  
2 recollecting is accurate?

3 A. I can't follow up. I'm a counselor. My job  
4 is just to work with Leizza and to help her deal with  
5 things.

6 Q. So you're taking what she tells you at face  
7 value?

8 A. Uh-huh.

9 Q. Did Leizza Adams talk about domestic violence  
10 that she experienced?

11 A. Yes.

12 Q. And she said that Paul Adams had perpetrated  
13 against her?

14 A. She's only spoken about it a few times. It  
15 was that he hit her. What stands out more is the  
16 sexual abuse, and that he forced her to have sex when  
17 she did not want to. He forced her to perform acts she  
18 did not want to, things of that nature. That was  
19 predominant more than the physical abuse.

20 Q. Okay. Did she ever tell you about her own  
21 acts of violence against her children?

22 A. No.

23 Q. She doesn't admit her misconduct?

24 A. I never asked her about it. Again, I worked  
25 with her mostly on her mental health, not on anything

1 pertaining specifically to the children or the case  
2 with the children.

3 Q. Is part of someone's mental health accepting  
4 responsibility for their own conduct?

5 A. Yes.

6 MS. RANSOM: Nothing further.

7 THE COURT: Thank you, Ms. Ransom.

8 Mr. Hicks?

9 MR. HICKS: Nothing further.

10 THE COURT: Thank you. If you hand me that  
11 exhibit, I'll pass it along to the clerk. Be careful  
12 of the step as you go.

13 Mr. Hicks, I think you have time for one more  
14 witness. Whom would you like to call?

15 MR. HICKS: Your Honor, I want to look and see  
16 what we've got into evidence.

17 THE COURT: While he's looking, Ms. Ransom,  
18 based on what you've heard to this point, does the  
19 state anticipate calling or seeking to call any  
20 surrebuttal witnesses?

21 MS. RANSOM: I think it depends on whether or  
22 not Mr. Hicks calls Ms. Adams.

23 THE COURT: All right.

24 MR. HICKS: Your Honor, I move for admission  
25 of photographs A, B, C, D, and F.

1 THE COURT: Show those to Ms. Ransom.

2 MS. RANSOM: I looked at them previously, Your  
3 Honor.

4 THE COURT: Any objection?

5 MS. RANSOM: The state does not have an  
6 objection to the photographs.

7 THE COURT: All right. Exhibits A, B, C, D,  
8 and F shall each be marked and received.

9 (Mr. Hicks and Ms. Ransom confer.)

10 MS. RANSOM: Are you going to call her?

11 MR. HICKS: In light of the time, I'm inclined  
12 not to, but if you want me to, I will.

13 MS. RANSOM: We can speed things along if  
14 you're going to admit those and not call her, that's  
15 fine.

16 MR. HICKS: That's what I had in mind.

17 THE COURT: Are you offering some additional  
18 documents?

19 MR. HICKS: I am, Your Honor. I'm offering  
20 Defendant's Q, P, O, N, M, and L.

21 THE COURT: Any objection?

22 MS. RANSOM: Based upon defense counsel's  
23 representation to the state that this will move things  
24 to a conclusion, he feels he won't need to call the  
25 defendant, I wouldn't object.

1 THE COURT: All right. So I took them down in  
 2 reverse order but let's go in alphabetical order.  
 3 Exhibits L, M, N, O, P, and Q shall each be marked and  
 4 received. If you pass them along to me, I'll take a  
 5 look at them. Thank you.

6 With that, Mr. Hicks, any additional evidence  
 7 you'd like to present?

8 MR. HICKS: No, Your Honor. We rest.

9 THE COURT: All right. And based on that, the  
 10 state is not seeking to present any surrebuttal?

11 MS. RANSOM: Just one moment, Your Honor.

12 THE COURT: Yes.

13 MS. RANSOM: No, Your Honor. I've just been  
 14 reminded that we went over it last time. Sorry, some  
 15 time has passed, and so the state has no further  
 16 witnesses.

17 THE COURT: Well, revisiting one thing,  
 18 Mr. Hicks, one of the exhibits you just moved into  
 19 evidence there was no objection is exhibit Q. I think  
 20 that's Q. Yes, that is Q, and that's your affidavit  
 21 that we dealt with earlier.

22 MR. HICKS: I withdraw it.

23 MS. RANSOM: Thank you.

24 THE COURT: So Q, having already been ruled on  
 25 and having been ordered not to come into evidence,

1 that's withdrawn as an exhibit. It is not part of the  
2 evidence. It shall remain marked as an exhibit for  
3 identification, however.

4 MR. HICKS: If any of those other exhibits  
5 were anything other than just completion of parenting  
6 classes and things like that --

7 THE COURT: That's what they appear to be.

8 MR. HICKS: -- I would indicate that those are  
9 errors, too.

10 THE COURT: The rest of them do appear to be  
11 certificates of having completed a class or something  
12 along those lines. All right.

13 So, I'm sorry, back to you, Ms. Ransom. Any  
14 request to present surrebuttal?

15 MS. RANSOM: No.

16 THE COURT: All right. Well, let's move on to  
17 sentencing proper. I'll invite argument or other  
18 statements in a moment, but let me state again, I think  
19 I've covered these things previously or earlier today  
20 as well as in June when we started this hearing, but  
21 let me state again, just to be clear, what materials  
22 I've received and I've read.

23 I've read the original presentence report,  
24 dated June 7, 2018. I've read the confidential  
25 addendum that contains or attaches statements of the

1 victims' guardian ad litem and the CASA, Court  
2 Appointed Special Advocate, that was submitted June 5,  
3 2018. The defendant's notice of filing letters of  
4 recommendation as originally submitted June 5, 2018,  
5 and as supplemented with another letter submitted  
6 August 9, 2018. And, of course, I've read not only the  
7 notices but the letters to which they refer.

8 I've also read the defendant's sentencing  
9 memorandum and attachments, the forensic parenting  
10 evaluation of Brenda M. Sparrold, PhD; and the report  
11 of Nurse Practitioner Rebecca Yates. Those two  
12 documents were submitted under seal, and I'm not sure  
13 if there's an original set of these documents under  
14 seal that may be down in the clerk's office somewhere.  
15 But I will -- I did break the seal on the envelope,  
16 I've read the materials. I will direct the clerk to  
17 reseal -- to place the documents back in the envelope,  
18 reseal the envelope.

19 Mr. Hicks, did you submit another envelope  
20 or --

21 MR. HICKS: No, Your Honor. Those are the  
22 documents --

23 THE COURT: Okay.

24 MR. HICKS: -- under seal. I wanted to ask  
25 that they be resealed.

1 THE COURT: They shall be resealed and placed  
2 in the file.

3 I've also considered the testimony and  
4 evidence presented at this presentence hearing, not  
5 only today but also originally when we started in June.  
6 I've considered the contents of the plea agreement that  
7 was presented to, I believe it was Judge Conlogue, and  
8 I'm aware of the contents of that plea agreement.

9 And I do note that I have to order the  
10 dismissals that are contemplated by the plea agreement.  
11 I have not done that, and the court that took the plea  
12 did not do that, so I'll take care of that before we're  
13 done.

14 With that then, Ms. Ransom, is there anything  
15 you would like to say on behalf of the state?

16 MS. RANSOM: Yes, Your Honor. However, first  
17 the victim representative, Shean Dailey, wishes to make  
18 a statement to the court.

19 THE COURT: All right. Ms. Dailey, as the  
20 children's guardian ad litem, if there's something you  
21 would like to say prior to sentencing, you're welcome  
22 to.

23 MS. DAILEY: Thank you, Your Honor.

24 These six children, including the two named  
25 victims, have suffered horrific abuse for years. I

1 believe Ms. Adams' criminal attorney, Mr. Hicks, even  
2 referred to how serious this abuse was in the last  
3 hearing, that it was worse than any he'd encountered in  
4 many years of practice. Mother knew.

5 MR. HICKS: Could I ask you to please speak  
6 just a slight bit louder?

7 MS. DAILEY: Sure. Sorry.

8 Mother knew of the abuse at least since 2011.  
9 She did absolutely nothing to protect these children.  
10 No one will ever know the full impact of the horrific  
11 trauma suffered by these children. I would suspect it  
12 will be life-long negative effects. All the children  
13 are in ongoing counseling. I would also surmise that  
14 if this counseling doesn't continue, whatever happens  
15 to them, the negative effects of this trauma will be  
16 even worse.

17 Specific effects of this trauma to the  
18 individual children. M-1 is unable to express her  
19 emotions in an appropriate way. She overreacts to many  
20 situations, including anyone touching her. She has  
21 difficulty making friends and maintaining  
22 relationships. She has dreams about people chasing her  
23 and often she cries out "I don't want to" in her sleep.

24 Ms. Adams' brother seemed to indicate that Ms.  
25 Adams did not talk about the trauma going on in her

1 home because she was embarrassed. Think about how  
2 embarrassed M-1 is regarding what happened to her all  
3 those years. She has told me it's so hard for her to  
4 go places where people know what has happened to her.

5 At some point -- in the field of trauma and  
6 consequences it is known that oftentimes if victims are  
7 not validated by their caretakers, former caretakers,  
8 or the adults around them, it can be often -- the  
9 trauma from that is often as severe as the actual  
10 trauma.

11 [REDACTED] or M-1 rather, asked her mother,  
12 she said she wanted to know and asked her mother  
13 questions about what had gone on. So M-1 wrote  
14 questions to her mother, which her mother answered.  
15 This has been in the last six months. One of the  
16 questions was, "Did you know about the abuse?" Much to  
17 Ms. Adams' credit, she admitted she did. "How long did  
18 you know about this abuse?" Ms. Adams admitted "since  
19 2011."

20 After these questions were written out by M-1  
21 and then her mother answered them, DCS and Blake  
22 decided to set up a one-on-one session between M-1 and  
23 her mother. At that session the counselor was present.  
24 Although mother had answered some of the questions, she  
25 started to divert from the truth, which would have

1 badly affected M-1, and the counselor stopped the  
2 session for that reason.

3 Not only is mother not exhibiting remorse to  
4 these children, to my knowledge, but in a visit in  
5 April of this year, M-1 made the statement in front of  
6 her mother, "I was raped." Mother's response was,  
7 "Don't say absurd things." In fact, M-1 was repeatedly  
8 raped by her father, and her mother knew of this abuse.  
9 Again, mother does not seem to be acknowledging and/or  
10 expressing remorse to these children, which is going to  
11 continue to impact them detrimentally.

12 M-2 has exhibited effects of this trauma.  
13 When she came into care, about 18 months of age, when  
14 she went to foster placement about six months into the  
15 case, she was so afraid when she was taken to the  
16 doctor, and she screamed and became so hysterical they  
17 were not able to do the exam.

18 In another instance foster mother bought  
19 bracelets for M-2 and her biological girls. When she  
20 started to approach M-2 with the bracelets, she became  
21 hysterical, she curled into ball, and they had a very  
22 difficult time calming her down.

23 In another instance M-2's diaper was being  
24 changed and when her legs were spread to be cleaned,  
25 she began to scream, "Mommy, no bands, I don't want the

1 bands."

2 Recently, in a fourth incident, foster mother  
3 bought M-2 a pair of shoes, and she started to approach  
4 her to lace them up. M-2 said, "Are you going to tie  
5 me up?" Oftentimes M-2 does not want to go to visits  
6 with her mother.

7 Ms. Adams had numerous opportunities to leave  
8 and take her children to safety. In fact, she had more  
9 opportunities than any domestic violence victim I've  
10 ever encountered. Her friend, Shaunice Warr, testified  
11 there were times when Paul Adams was going -- was in  
12 another state working for three months at a time.  
13 Agent Warr, who has a gun, offered numerous times to go  
14 and get Ms. Adams and the children. She offered  
15 numerous times to bring her friends from the Border  
16 Patrol and help Ms. Adams get her children to safety.  
17 Ms. Adams never took advantage of those outs.

18 There's been some discussion in this hearing  
19 about mother's parenting skills. Mother has been in  
20 parenting classes, individual counseling, and in her  
21 visitation it's what's called leveled parenting, which  
22 means they have a specialist there to try to teach her  
23 about parenting. And yet with all of these services,  
24 in May of 2018 one of the counselors had a discussion  
25 with mother about discipline techniques. In May of

1 2018 mother stated, well, she would make them drink  
2 vinegar until they threw up.

3 I've spoken to the counselor for the children,  
4 and he's indicated an argument could be made that if a  
5 parent knew about the abuse as it occurred, like it did  
6 in this case, that a prison sentence may be  
7 appropriate. It could be argued -- and, again, he is  
8 not making these recommendations, this is my discussion  
9 with him -- or he's not making a recommendation either  
10 way.

11 Argument could be made that a person's  
12 sentence, prison sentence, could signal to the victims,  
13 especially M-1, that there are consequences for  
14 allowing the victims to be traumatized the way they  
15 were. An argument could also be made that if a parent  
16 knew about sexual abuse and the children know they  
17 knew, that they should not have contact with the  
18 children in the future. Ms. Adams knowingly and  
19 willingly allowed her children to live in a prison of  
20 abuse. The children all know that there's a  
21 possibility of their mother going to prison.

22 As is indicated in the literature,  
23 anecdotally, it is very rare when an abused child does  
24 not love its parents. According to the counselor,  
25 these children do love their parents, I would say

1 except with the exception of possibly M-2. Would they  
 2 be sad if their mother went to prison? Of course they  
 3 would. Would they be sad if they did not see their  
 4 mother? Of course they would. However, as I  
 5 articulated, it could be particularly palliative for  
 6 M-1 to see that there were consequences.

7 Thus, I believe that a prison sentence would  
 8 be just in this case. No one knows the actual effect  
 9 it will have on the children either way, but obviously  
 10 they were subjected to severe trauma, and Ms. Adams  
 11 chose to do nothing to stop it.

12 THE COURT: Thank you, Ms. Dailey.

13 Ms. Scott, as the children's CASA, would you  
 14 like to make any comments?

15 MS. SCOTT: Yes.

16 Your Honor, I appreciate the opportunity to  
 17 make one more statement about the lives of these six  
 18 children. They are all precious children and, excuse  
 19 me, this has been absolutely one of the most horrific  
 20 experiences for everybody concerned in this room.

21 That said, my concern is for the future of  
 22 these six children. Individually, they are all very  
 23 bright; very, very bright. They can repeat scripture,  
 24 other than M-2, but they did not live in a home that  
 25 demonstrated the scriptures that they have memorized.

1           They are currently in homes where they are  
 2 being shown how people who love each other actually act  
 3 towards each other. This is something new for these  
 4 children, truly since the last session of placements in  
 5 september of 2017. They're all making progress, but  
 6 they all are still suffering.

7           Their therapist is -- they all love their  
 8 therapist and they all trust him, and they do talk  
 9 about being with each other and seeing each other.  
 10 Their sibling visits are getting better, but I have  
 11 grave concerns that any of these children would be  
 12 benefited by ever being in a home with any of their  
 13 other siblings in placement. And that, again, is going  
 14 to go in the dependency court. But it is my opinion  
 15 that these children's best opportunity to survive and  
 16 to succeed will be to have zero contact with their  
 17 biological mother. Thank you, sir.

18           THE COURT: Thank you, Ms. Scott.

19           Ms. Ransom, is there anything you would like  
 20 to say on behalf of the State?

21           MS. RANSOM: Yes. Thank you, Your Honor.

22           Paul Adams was arrested on February 8, 2017.  
 23 There really can be no question at this point that  
 24 Defendant Leizza Adams knew what Paul Adams was doing,  
 25 at the very least to M-1, at least six to seven years

1 before that date. Despite this knowledge, Leizza Adams  
2 had three more children with Paul Adams, and she stood  
3 by and allowed the defendant to perpetrate sexual,  
4 physical, and emotional abuse on all of the children in  
5 that household.

6 As to M-1 and M-2 in particular, since they  
7 were the subject of the state's indictment, the state  
8 did file emotional and physical harm aggravators on  
9 July 3rd, 2017. There can be absolutely no question  
10 that M-1 and M-2 suffered horrific emotional and  
11 physical harm in that household, Your Honor.

12 The state is also entitled to rebut the  
13 defendant's mitigation with additional aggravators  
14 under the state v. McGill case, Your Honor. During the  
15 course of this hearing we have heard evidence and we've  
16 just received a statement from the guardian ad litem  
17 that this defendant expresses no remorse for what she's  
18 visited upon M-1 and M-2.

19 Indeed, if you look at Dr. Sparrold's report,  
20 you'll see towards the end the defendant, who  
21 absolutely at that time in February 2018 omitted any  
22 acknowledgment of the fact that she knew of the abuse,  
23 she goes so far as to blame M-1 and assert that M-1  
24 never told her what was going on, and the report makes  
25 an allusion to that reference.

1           In addition to the lack of remorse, Your  
2 Honor, there is an additional aggravator of the  
3 defendant to refuse to accept responsibility for her  
4 actions. She demanded a no contest plea, and  
5 throughout the testimony there has been an emerging  
6 theme where defendant will claim she can't remember  
7 certain details, but when it makes her a victim, she  
8 remembers a lot of details.

9           We heard from Detective Borquez and again in  
10 Dr. Sparrold's report the defendant is fine with  
11 talking about her own, you know, abuse as a child, her  
12 sexual abuse as a child. She's fine with claiming when  
13 it suits her, because the testimony of law enforcement  
14 was that when she was asked about domestic violence,  
15 she really didn't talk too much about it. But the  
16 details have now come out after she pled no contest  
17 with these allegations of extreme domestic violence at  
18 the hands of the defendant.

19           She's more than happy to now claim that she  
20 suffered these experiences and that she herself is the  
21 victim, but she omits her own conduct. She does this  
22 repeatedly, she does it uniformly when it suits her  
23 advantage. She doesn't disclose that she committed  
24 violence against her children, and she absolutely denied  
25 repeatedly to law enforcement that she knew anything

1 about the abuse that she had unquestionably known about  
2 for seven years, Your Honor.

3 So that goes not only to her lack of  
4 responsibility but, Your Honor, under State v.  
5 Dominguez and the catchalls, 13-701(D)(26), Your Honor  
6 may consider the defendant's conduct after -- after  
7 arrest and after investigation with authorities and her  
8 repeated lies when asked directly about her knowledge.

9 As testimony was presented by Agent Allen,  
10 Agent Edwards, and Case Officer Borquez, she didn't  
11 equivocate, she didn't struggle to communicate with  
12 them with respect to her affirmative "noes" when she  
13 was asked if she knew. We now know that to have been  
14 an utter falsehood. And it was stated to save herself.

15 The presentence report identifies no  
16 mitigators, Your Honor. The lack of reaction that  
17 we've heard about with respect to this defendant, the  
18 defendant now wants to claim that her emotional  
19 deadness is from the abuse that she decided to disclose  
20 after entering the plea, the State would suggest  
21 there's a very different reason. That is the reason  
22 that she wasn't surprised at all because she knew this  
23 was happening for years and years, and she didn't want  
to get in trouble for it so she kept it a secret.

24 The testimony further establishes, Your Honor,  
25

1 that probation is not going to help this defendant.  
 2 we've heard that she's been in services for 18 months  
 3 with respect to attempting to rehabilitate for her  
 4 children, and it's not working.

5 Ms. Dailey detailed very succinctly why I  
 6 think someone who thinks she should have her children  
 7 drinking vinegar to punish them after 12 or 15 months  
 8 of training, she's not an individual who's going to  
 9 benefit from probation at all. And, indeed, even her  
 10 counselor, Ms. Gray, testified that this defendant  
 11 after a year of counseling is evidencing no progress.

12 Instead of probation under the facts before  
 13 this court, Arizona authority supports a prison term.  
 14 The State v. Maldonado case, Your Honor, from 2003 a  
 15 woman was sentenced to at least 13 years for sexual --  
 16 allowing her 14-year-old daughter to stay overnight  
 17 twice with a 22-year-old boyfriend. Thirteen years for  
 18 the sexual conduct as an accomplice and 1.5 years in  
 19 that case for child abuse, Your Honor. And that was  
 20 simply two incidents with a child, a 14-year-old child,  
 21 who wished to go to her boyfriend's house. This we are  
 22 talking about numerous, numerous years of violent  
 23 sexual abuse against not one but two children.

24 Under State v. Vanwinkle a father who had no  
 25 prior felony history, Your Honor, threw a child into a

1 car while he was attempting to flee police; he got four  
2 years for child abuse.

3 And State v. Riffle, which has some  
4 similarities to this situation, a woman who had no  
5 actual hands-on involvement in the crimes perpetrated  
6 against the couple's infant that resulted in the death  
7 of the couple's infant, was sentenced to prison for  
8 child abuse.

9 This defendant not only allowed the abuse to  
10 continue, but she facilitated it, five, six years after  
11 she found out. She directed M-1, apparently for  
12 convenience in getting her to school, at least that's  
13 her explanation now, she directed the daughter she knew  
14 was being raped to sleep in the room where her husband  
15 stayed. And she knew that he would stay there  
16 overnight.

17 She also stood by while, despite offers of  
18 assistance and the ability of her friends to assist  
19 her. This is not a domestic violence victim who did  
20 not have resources, which is the common -- this is not  
21 like a domestic violence victim who is socially  
22 isolated. She had the support of the church, she had  
23 Border Patrol Agent Warr with a very detailed and  
24 concrete plan. And we also just heard from the  
25 defendant's brother who said that the parents would

1 absolutely have helped, and we know the parents are  
2 capable of doing so. They gifted the brother a home  
3 just so he could try to adopt the children.

4 Dr. Sparrold in her report that's admitted  
5 into evidence, Your Honor, also notes that this  
6 defendant had access to resources and simply elected  
7 not to utilize them to help the children.

8 Your Honor also heard the description of the  
9 video that brought the horrors of the Adams household  
10 to light. Agent Edwards noted that this was the worst,  
11 of the thousands and thousands -- or among the worst of  
12 the thousands and thousands of images that he's seen.  
13 He also testified that this heinous act occurred in the  
14 living room in an open floor plan house and you could  
15 hear children in the background. There were no secrets  
16 in that household, Your Honor, when a perpetrator is so  
17 brazen as to do these sorts of things in the living  
18 room.

19 For seven years Leizza Adams was aware of what  
20 was going on, and she did nothing to help her daughter,  
21 and instead threw them to the wolf and put them in that  
22 room so that he would have easy access to his victim.  
23 And then he also spread to the infant, M-2, when she  
24 must have approximately three to five weeks old.

25 Leizza Adams should spend a year in prison for

1 every single year she stood by and let those children  
2 be abused. The State asks that Your Honor sentence  
3 Leizza Adams to 3.5 years consecutive on each count for  
4 a total sentence of 7 years in prison.

5 THE COURT: Thank you, Ms. Ransom.

6 Mr. Hicks, if there's anything you would like  
7 to say on behalf of Ms. Adams, you may.

8 MR. HICKS: Your Honor, there's a couple of  
9 things going on in the room, and they've been here all  
10 along. One is Paul Adams. Paul Adams was a sociopath,  
11 Paul Adams was a monster, Paul Adams was a manipulator,  
12 chronic liar, a guy who actually committed terroristic  
13 threats even against Border Patrol. Paul Adams was an  
14 abuser of children, and Paul Adams has paid for that,  
15 and he paid for it with his life. He died in prison,  
16 took his own life by suicide, and that's a penalty.

17 You know, Martin Bormann in world war II, he  
18 was sentenced to death, took his own life before they  
19 could hang him. Nobody ever said he wasn't punished.  
20 Paul Adams was punished, and Paul Adams deserved to be  
21 punished, and Paul Adams is gone.

22 And throughout these proceedings there's been  
23 this thing of the need to find someone to punish  
24 because Paul Adams isn't here. That's one person in  
25 the room. The other is the children. We are here to

1 sentence Leizza Adams. We're not here to decide what  
2 happens to the children, we're not here to decide  
3 whether they're severed, we're not here to decide  
4 whether they should be placed in one place or another.  
5 We're not here to do those things. Those belong to a  
6 different judge, and they aren't something that should  
7 be in this hearing.

8 what's in this hearing is really very simply,  
9 should Leizza Adams go to prison or not. Should she  
10 get probation. And that is the decision that's in this  
11 room. We can't -- I don't want to get these mixed up,  
12 so I'm going to hand them back. But the reason I came  
13 over here was I wanted you to look at, if you haven't,  
14 the photo of the family, because it contains a photo of  
15 Paul Adams. And Paul Adams, as illustrated in the  
16 photo, he's not the monster look-alike that we think he  
17 should be. He looks like a charming young man.

18 Sociopaths are like that. Sociopaths are  
19 incredibly convincing, sociopaths can lie without  
20 feeling any emotion whatsoever, they can do things to  
21 people without feeling any pain or any shame. That's  
22 the pattern, and it's a well defined pattern, and Paul  
23 Adams fits it in every detail. There's no doubt that  
24 he's a bad person, that he was a sociopath, but that's  
25 not the issue here.

1           The issue here is does Leizza Adams, does she  
2 deserve to be punished by sending her to prison, where  
3 her counselor says she very well may not survive. Or  
4 does she deserve to be placed on probation? She's  
5 admitted to wrongdoing. She spoke for an hour with the  
6 probation officer, she has written out a detailed  
7 statement for the probation officer, she has  
8 participated in every session and everything that CPS  
9 wants her to do. She may not be good at it, but she's  
10 done it. She still visits her children whenever they  
11 allow her to. There's no question that she loves her  
12 children, and there's no question from the testimony  
13 that her children love her.

14           The question is does she fit in that category  
15 that we should throw her away? And totally setting  
16 aside what Paul Adams did, and totally setting aside  
17 that it would make it easier for the children to be  
18 adopted out or any of that stuff, and the answer is no,  
19 absolutely no, no, no, no.

20           I'm not taking away at all from what happened  
21 to the children. It's beyond belief and it's terrible.  
22 I'm not taking away that you or I or most other people  
23 would have done something different. I'm not taking  
24 away any of the harm or the pain, but you need to  
25 consider other things.

1           There's no doubt that she is mentally  
2 impaired. There's no doubt about that. There's no  
3 doubt that she suffers, probably from childhood, what  
4 we used to call Asperger's or a form of autism that's  
5 been talked about pretty much at length in this  
6 presentence hearing, so much so that Elise Gray asked  
7 for a report, explained the reasons for that, that she  
8 talks in parables and that her sentences are  
9 disjointed, and you have to go back and go over things  
10 to understand.

11           All those things, that's an illness. It's an  
12 illness she probably had from childhood. It's an  
13 illness that causes her to focus on a few things: her  
14 church, her children, things like even knitting, things  
15 that interest her, but she can be turned off by other  
16 things. That's the disease. It's not the person.

17           Secondly, there is no doubt that Leizza Adams  
18 suffers from post-traumatic stress disorder. And that  
19 is not only brought out by the experts, but it is  
20 brought out by what happened to her. To get her to say  
21 anything about anything is practically impossible, to  
22 get it done in a way that you can understand what's  
23 being said, especially if you're a man.

24           The best way is to get her to write stuff.  
25 And her brother knew that. Her brother had the

1 training, and her brother spelled out the questions,  
2 sent them to her, had her type them up, went over them  
3 with her, made sure he understood them, went over the  
4 answers to see if he could get more out of her. And we  
5 got more in that than we've ever gotten from any other  
6 place.

7           Is it what happened to her? I don't think so.  
8 I think that there's things that you and I have not  
9 heard yet that are infinitely worse. She can't go  
10 there, she won't go there. And you can call that that  
11 she is faking or anything else. She's not. She's not  
12 faking at all. To go there means pain. To break the  
13 scabs off means pain. And she has not been willing, as  
14 of yet, to do a lot of that.

15           But you've read the questionnaire. The one  
16 that got me the most, I think, is where he said --  
17 where she said, he never used anything to mark me, and  
18 he only used restraints the first year. I mean, that  
19 is minimizing. He only used restraints the first year.  
20 He's a cop, that's what he does.

21           He told her that your nerves process both  
22 pleasure and pain, so you need to process both while  
23 he's raping her. He used her anus when every  
24 anniversary and after each birth until she could get  
25 away from him and stop him from holding her in place.

1 And she says at the end of it, I don't tell everything,  
2 just what I can think of. I don't want to remember,  
3 which is why Shaunice Warr would ask several nights in  
4 a week and get more answers in more weeks or months  
5 later.

6 "I learned long ago how to be distracted and  
7 focus on tasks. And I told him when asked if as a  
8 witness you swear to tell the truth, the whole truth,  
9 and nothing but the truth, well, it's not possible  
10 because I can't. I don't want to remember, and I don't  
11 want to talk about how stupid I was to keep hoping and  
12 waiting for him to change and be better."

13 All the way down to that last sentence where  
14 she says that I'm talking about stupid, the "I don't  
15 want to remember" is absolutely true. And things can  
16 happen to you that you simply don't want to remember.  
17 An example is going to the bishop. She did a interview  
18 with the FBI. Later on her then attorney wanted her to  
19 go over her diaries to see if there's anything that  
20 could help her. Instead, she finds this entry where  
21 she and her husband went to the bishop.

22 All she has to do if she's trying to deceive  
23 people is get rid of the diary, send it back out to San  
24 Diego, don't ask for it in the first place. But that's  
25 not what she did. She felt that she had a duty to

1 correct the situation, so she went to the FBI officer  
2 that goes to her church and is the head FBI officer on  
3 the case.

4 MS. RANSOM: I have to object. This is not in  
5 evidence. I have to object. And it's also an  
6 inaccurate recitation of the facts.

7 THE COURT: Well, some of this is not in  
8 evidence. I'll sustain the objection.

9 MR. HICKS: Your Honor, she went to that FBI  
10 officer, as it was testified in the first part of the  
11 hearing by the FBI officer, and tried to tell him, and  
12 he told her, "Don't talk to me, go talk to your  
13 attorney," so she did. But there is no evidence at  
14 all -- if she simply doesn't tell anybody or even after  
15 she discovers it, if she just don't tell anybody, then  
16 it's never known by anyone. She's the process that  
17 brought it into -- out into the open.

18 Is that the actions of someone that is capable  
19 of hiding a whole bunch of stuff? I don't think so. I  
20 think it's the actions of someone who suffers from a  
21 very severe set of symptoms that causes her to not even  
22 be able to process what does her good and what does her  
23 harm. That's an example.

24 THE COURT: Mr. Hicks, I need to make sure  
25 that Ms. Adams has some time to address the court, and

1 then I need some time to do what I have to, so if  
2 there's something else important that you haven't  
3 covered, go ahead and cover it, but we do have to move  
4 on.

5 MR. HICKS: The probation officer recommends  
6 probation, and she very eloquently explains why. And  
7 she nailed it. And she went out of her way to do it.

8 The psychologist for the children says it  
9 would be harmful for the children for her to go to  
10 prison, and that's the last part of the original  
11 Sheehan report from June 1st, which is after most of  
12 the things she recounted here, where at that time she  
13 recommended probation and felt that it would be harmful  
14 for the children.

15 This is not -- it would be an absolute  
16 travesty to send this person to prison, an absolute,  
17 horrific travesty. I am unwilling to believe that you  
18 will do that.

19 THE COURT: Thank you, Mr. Hicks.

20 Ms. Adams, is there anything you would like to  
21 say on your own behalf?

22 THE DEFENDANT: No, sir.

23 THE COURT: All right. Well, as more than one  
24 person has said during the course of this hearing, this  
25 is, if not the most, at least one of the most

1 horrendous cases of child molestation, child abuse,  
2 child sexual assault that this court has ever dealt  
3 with. One of the worst I've heard of. And the one who  
4 did by far the most horrendous acts isn't here to  
5 receive his punishment. He inflicted punishment on  
6 himself, I suppose you can look at it that way. In any  
7 event, he's not here.

8           And in considering the case before me, which  
9 is the case of Ms. Leizza Adams, who is here, the  
10 obvious question, the one that people have gone back to  
11 more than once during the course of this hearing, is is  
12 Ms. Adams a victim or is she a perpetrator? And in my  
13 view she is both.

14           It is not unusual for people to be victimized  
15 and also to victimize others. This is not the first  
16 time that that has happened, and I wish I didn't have  
17 to say this, I wish it weren't true, but it is true,  
18 this will not be the last time that someone is both a  
19 victim and a perpetrator. Someone who has been a  
20 victim, not only a victim of her husband, but a victim  
21 of others who were not before the court and never have  
22 been before this court, but also someone who has  
23 victimized others. Not in the same way her husband did  
but nonetheless in very real ways.

24           The court, if I knew, if I knew what would  
25

1 best help these children, and I'm talking here about  
2 M-1 and M-2, they're the victims, although the sons  
3 are, to a different extent, they're victims of all of  
4 this as well. I mean, their family fell apart the same  
5 way everybody else, the family of the daughters fell  
6 apart. If I knew what best would help these children,  
7 whether it was probation without a day in jail on up to  
8 the maximum aggravated sentences ordered to be served  
9 consecutively, if I knew what the best thing was to  
10 help them, I would do it, and I believe that any  
11 legally available sentence that I could impose here  
12 could be justified and would be justifiable.

13 I don't know here, I don't know whether  
14 sending Ms. Adams to prison on both counts, one count,  
15 or neither count would best help these children heal  
16 and move on. I don't know whether placing Ms. Adams on  
17 probation on both counts, one count, or neither count  
18 would best assist that healing.

19 I do believe, however, that though I don't  
20 know for a certainty, I think that as far as I can  
21 tell, it would be more harmful in terms of the  
22 children's understanding of and appreciation for what  
23 they went through to recognize and give effect to the  
24 recognition that what happened to them was completely  
25 unacceptable in today's society or really any society,

1 ever.

2 Ms. Adams, if you had done what you should  
3 have done and could have done back in either 2010 or  
4 2011, it's a little unclear to me whether it was the  
5 one year or the other year, when you first learned for  
6 a certainty what your then husband had done with M-1,  
7 your older daughter, if you had called the police,  
8 if -- well, I didn't hear from the bishop directly, he  
9 wasn't here to testify. I'm hesitant to make judgments  
10 or pronouncements about his situation when I haven't  
11 directly heard it from him -- but I will say had he  
12 called the police or taken some other action rather  
13 than apparently acted out of hope rather than out of  
14 some sense of responsibility for these children, had he  
15 done something, had you done something, Ms. Adams, back  
16 in 2010 or 2011, these crimes wouldn't have happened.

17 Even if you hadn't called the police, which  
18 you had an obligation to, had you just left the -- had  
19 you just left the situation. And there was, in the  
20 presentence report an indication that -- that at least  
21 at one time when you were driving that crossed your  
22 mind. You could have driven to San Diego or other  
23 places. And I suspect that if that crossed your mind  
24 once, it crossed your mind more than once, several  
25 times. Maybe you thought about it a lot, I don't know.

1           If you had done that, or if you had taken up  
2 the other border patrol agent who testified here in  
3 June, up on her offer as to getting assistance, then  
4 these two crimes, Ms. Adams, that you're being  
5 sentenced for today would not have happened at all.

6           Count 1 happened in June 2015. Count 2  
7 happened from somewhere between or within the time span  
8 of March 29, 2015, through February 8, 2017. Those  
9 things wouldn't have happened. If when the bishop  
10 called you in here, "Listen to what Paul is telling me  
11 about raping your" -- at that time your only daughter,  
12 if you had done something, if the bishop had done  
13 something, if someone had acted out of a sense to help  
14 these children and not worrying about, well, am I going  
15 to get into a problem with the church or things along  
16 those lines, whatever people were thinking.

17           If people were acting out of a sense of  
18 responsibility for these children, then these two  
19 crimes wouldn't have happened at all against -- the  
20 older child, M-1, would still have been the victim of  
21 Mr. Adams' conduct up to that point, but it wouldn't  
22 have continued. It wouldn't have continued for years,  
23 and M-2 wouldn't have been victimized at all, because  
24 she hadn't yet been born. But she wasn't protected,  
25 she wasn't protected by you, she wasn't protected by

1 the bishop, she wasn't protected certainly not by her  
2 father, she wasn't protected by anybody.

3 well, and yet you are a victim. I do accept  
4 the fact that Mr. Adams abused you, raped you,  
5 physically assaulted you, played mind games, did all  
6 the things that severely abusive spouses will do on  
7 occasion. And here the occasion lasted apparently  
8 throughout the entirety of the marriage until Mr. Adams  
9 was arrested.

10 And I take into account in reaching that  
11 conclusion not only what you have stated but also your  
12 diagnosis as having suffered post-traumatic stress  
13 disorder. What's the trauma? Well, being raped and  
14 beaten and abused by Mr. Paul Adams for many years.  
15 That's an obvious answer that comes to mind.

16 And I've also considered exactly what was  
17 argued by the State with regard to the recording. No  
18 one asked me to look at the video, thank goodness, and  
19 I sustained the objection to the audio, as stated on  
20 the record earlier, but I heard enough about what's  
21 there.

22 I'm not able to diagnose Paul Adams, I'm not  
23 able to diagnose anybody. I'm not qualified to do  
24 that. But certainly if someone were to tell me, some  
25 qualified person were to tell me that Mr. Paul Adams

1 was a sociopath, I don't see how I could possibly  
2 disagree with that based on everything I've heard about  
3 what he did.

4           And he molested his older daughter for nine  
5 minutes, more than nine minutes on a couch in the  
6 living room when there were children somewhere in the  
7 vicinity. I have no way of knowing whether Leizza  
8 Adams was there also in the vicinity or not. That was  
9 the basis for my sustaining the objection. I don't  
10 know if she was there. But the fact that he,  
11 Mr. Adams, was so brazen as to commit that act in the  
12 living room when children, his other children, pardon  
13 me, are in the vicinity and talking such that their  
14 comments, some of them anyway, can be heard and  
15 understood, tells me that he didn't care.

16           And to my limited understanding, that's one of  
17 the marks of a true sociopath is that that person  
18 really doesn't care what anyone else thinks,  
19 necessarily, if their opinion doesn't work to the  
20 sociopath's advantage.

21           I've kept you all long enough. Let me make  
22 certain findings here. With regard to Count 1, the  
23 court has considered all possible mitigating factors  
24 and all possible aggravating factors that I believe are  
25 available. To the extent that I do not find any

1 particular aggravating circumstance to be the case,  
 2 that means I've implicitly rejected it. To the extent  
 3 that I don't find a particularly mitigating  
 4 circumstance to be the case, that means I've implicitly  
 5 rejected it.

6 In mitigation as to Count 1, I do find that a  
 7 lack of any prior criminal history of this defendant,  
 8 Ms. Leizza Adams, that is a mitigating circumstance  
 9 under ARS 13-701(E)(6).

10 I've also considered what I believe to be  
 11 unusual or substantial duress, although not such duress  
 12 that would constitute a defense to prosecution. That  
 13 is a mitigating circumstance under ARS 13-701(E)(3).  
 14 And, more specifically, although I think it's clear  
 15 from my earlier comments, I believe that the sustained  
 16 and horrendous physical and sexual abuse that this  
 17 defendant has suffered or had suffered at the hands of  
 18 her husband, that constitutes the duress set forth in  
 19 the statutory reference I've just made.

20 I will say that I have considered and rejected  
 21 a mitigating circumstance under (E)(2), that is that  
 22 the -- and this is just quoting the language -- the  
 23 defendant's capacity to appreciate the wrongfulness of  
 24 the defendant's conduct or to conform the defendant's  
 25 conduct to the requirements of law was significantly

1 impaired, but not so impaired as to constitute a  
2 defense to prosecution. There's been no evidence that  
3 Ms. Adams' major depression or the PTSD -- the PTSD  
4 that she suffered impaired her ability to cognitively  
5 understand the wrongfulness of her conduct in not  
6 calling the police or at least not getting out of the  
7 house and getting somewhere else.

8 It's a little bit closer and less clear as to  
9 any impairment of her capacity to conform her conduct  
10 to the requirements of law, as I understand depression,  
11 again, not claiming to be an expert, but my  
12 understanding is it is a mood disorder, it's not a  
13 cognitive disorder, but it might under some  
14 circumstances interfere with someone's ability to  
15 report a crime, such as a sexual crime against a child,  
16 but I have rejected that for present purposes as a  
17 mitigating circumstance because the evidence is clear,  
18 Ms. Adams, that you had other opportunities to get out  
19 of the situation, to get away. You were offered those,  
20 and you could have and should have taken advantage of  
21 what you were offered or even followed up on what you  
22 yourself thought of.

23 In aggravation I have considered -- and this  
24 applies to Count 1 still -- the emotional harm to these  
25 two victims. Obviously, so much of the emotional harm

1 was caused by Paul Adams, but in my view is clear  
2 enough that some of the harm resulting to them, to  
3 those children, resulted from the fact that you didn't  
4 protect them from their father. That is an aggravating  
5 circumstance under ARS 13-701(D)(9).

6 And in the case of M-1, that harm that you  
7 caused by not protecting her from Paul Adams, that  
8 lasted for years. Obviously, in the case of M-2, that  
9 was for a much shorter time, but still a significant  
10 amount of time. I consider that a particularly weighty  
11 aggravating circumstance here.

12 It is the determination of the court as to  
13 Count 1 that though there are the mitigating and  
14 aggravating circumstances that I have outlined, that  
15 neither the mitigators or the one aggravator that I  
16 have found cause this court to conclude that anything  
17 other than the presumptive term of 2.5 years is  
18 appropriate, and I determine that as to Count 1, 2.5  
19 years, the presumptive term, is appropriate, and that  
20 is what is now imposed. That is not a calendar year  
21 sentence. That will begin today. Apparently, no time  
22 in jail has been served, so no credit is given.

23 This may sound odd to say it, but I will say  
24 under the law, that neither Count 1 nor Count 2 is a  
25 dangerous offense. And obviously neither one is a

1 repetitive offense, so they are nondangerous and  
2 nonrepetitive.

3 With regard to the prison sentence on Count 1,  
4 as I've said, that does begin today. I am not going to  
5 impose the otherwise applicable requirement for  
6 community supervision. That normally would be  
7 one-seventh of the prison term imposed. The reason I'm  
8 doing that is that I am going to place you on probation  
9 on Count 2.

10 And the court does that because I do not  
11 believe that you should be left without some  
12 supervision or guidance after you are released from  
13 prison. I believe that you would benefit from that  
14 supervision and guidance, and I believe that also  
15 society would benefit as well.

16 It is the order of the court placing you on  
17 probation for four years on Count 2, beginning upon  
18 your release from prison. The conditions of probation  
19 are in writing. They will be taken over to you in just  
20 a few moments. There are places for you to sign on  
21 these documents. Your signature on these documents  
22 will accomplish two things.

23 First of all, by signing, you are agreeing to  
24 the orders that I'm making today as to Count 2. Also  
25 by signing, you are acknowledging receipt of copies of

1 these documents. As soon as you sign, the bailiff will  
2 tear off your copies, set them aside for you for a  
3 moment and then hand them to you. You will have those  
4 copies to take with you when you leave the courtroom  
5 today.

6 The main document is called the Uniform  
7 Conditions of Supervised Probation. That consists of  
8 three pages. On the first page of the Uniform  
9 Conditions you'll see the crime that you're placed on  
10 probation for, you will see how long you're on  
11 probation, namely, four years. You will see when that  
12 begins, namely, upon your release from prison. You  
13 will see ten numbered paragraphs here on the first  
14 page. Those are part of the standard conditions. You  
15 must obey each and every one of those.

16 On the second page there are additional  
17 conditions you must obey. 11 through 15 inclusive are  
18 part of the standard conditions. You must obey each  
19 one of those. Number 16 seems not to be a practical  
20 concern for you. I am ordering that you not consume or  
21 possess any substances containing alcohol. As I said,  
22 based on the report, I don't think that's any kind of  
23 issue for you.

24 Number 21, I am ordering 30 days of jail time.  
25 That is deferred. I'm not ordering that, but that's a

1 separate document. This is jail time that you never  
2 have to do, and I would hope after the two and a half  
3 years that the court has ordered today on Count 1 that  
4 no further time behind bars would be warranted.

5 Number -- going back to the Uniform Conditions  
6 number 22, you may not have any contact with the  
7 victims without a court order in the dependency action.  
8 So, in other words, what I'm doing is I'm leaving any  
9 contact, once you're on probation, to be governed by  
10 whatever the dependency court may order, assuming  
11 those, I'm not sure what the status will be at that  
12 time, but that's my order.

13 You must also actively participate in and  
14 complete any program of counseling or treatment deemed  
15 appropriate by the probation department. You shall  
16 also supply a full set of fingerprints to law  
17 enforcement. The third page has my signature. There's  
18 a place for you to sign there. I mentioned the  
19 deferred incarceration sanction document, that has my  
20 signature, and there's a place nearby for you to sign.

21 Then we have the financial judgment and order.  
22 And it orders the fine, stipulated fine of \$500 plus a  
23 surcharge of 83 percent. That's \$415 in addition. If  
24 you're able to pay the fine and the surcharge in full  
25 today, then do so. If not, there is a payment plan set

1 out here in this document that also takes into account  
2 the monthly probation supervision fees of \$75 per month  
3 while you're on probation, and that doesn't apply until  
4 you're released from prison.

5 Also, unless you pay the fine and the  
6 surcharge in full today, there's a one-time time  
7 payment fee of \$20. You must pay that today. There's  
8 a one-time probation assessment of 25 -- \$20, excuse  
9 me, which you must pay today, and there's a one-time  
10 law enforcement assessment of \$13, which you must pay  
11 today.

12 The bailiff will take these documents over to  
13 you, Ms. Adams, for your signatures where indicated.

14 I need to dismiss the counts called for in the  
15 plea agreement, counts 13, 15, 17 through 20 inclusive,  
16 and 22 through 26 inclusive of the indictment are  
17 hereby dismissed with prejudice. I believe all the  
18 other counts other than those and other than the two  
19 that the defendant was just sentenced for they pertain  
20 to Paul Adams, and those have been dismissed already.

21 A few additional things before we're done.  
22 Ms. Adams, you will need to be taken into custody as  
23 soon as we're done here, initially by court security,  
24 and then you will be transferred to the custody of the  
25 Cochise County Sheriff. The Sheriff shall take you

1 into custody, and the Sheriff shall transport you to  
2 the Department of Corrections. And the Department of  
3 Corrections shall take you into custody to serve out  
4 the sentence which I have imposed this date.

5 Any previously set conditions of release are  
6 hereby vacated. Any bond that may have been posted is  
7 hereby exonerated.

8 Ms. Adams, you have the right to ask for  
9 post-conviction relief from the orders that I have just  
10 made. If you would like to ask for post-conviction  
11 relief, you have to start that process within 90 days  
12 of today's date. Otherwise, you lose your right to ask  
13 for post-conviction relief. You also have the right to  
14 be represented by a lawyer in post-conviction relief  
15 proceedings. If you cannot afford a lawyer, you get a  
16 lawyer appointed to represent you at no expense to you.

17 The bailiff is going to ask you to sign a  
18 notice form that tells you about your post-conviction  
19 relief rights. Please sign the form. The signed copy  
20 will be added to the file. And the bailiff will give  
21 you, Ms. Adams, an extra copy. That is yours to keep.  
22 It is for your guidance.

23 And, finally, the bailiff will need to get  
24 your fingerprints, Ms. Adams, a fingerprint of your  
25 right index finger and a print of your left index

1 finger. Those are taken by an electronic scanner. So  
 2 as soon as you sign things, please accompany the  
 3 bailiff as he directs you, and those prints will be  
 4 sent electronically to the Department of Public Safety.  
 5 We'll make sure that that happens. And a print of the  
 6 right index finger will be added to the sentencing  
 7 document.

8 (Fingerprints taken.)

9 THE COURT: Did they take?

10 THE BAILIFF: (Indicating.)

11 THE COURT: All right. Thank you.

12 Is there anything further on this matter at  
 13 this time?

14 MR. HICKS: No, Your Honor.

15 MS. RANSOM: No, Your Honor.

16 THE COURT: Thank you.

17 Ms. Adams, I'm sure you're disappointed, if  
 18 not downright unhappy at the orders that I've made. I  
 19 do hope that things will be better for you and for your  
 20 children from this moment forward while you're in  
 21 prison, after you get out while you're on probation,  
 22 and beyond. Good luck.

23 At recess.

24 (Proceedings concluded at 5:25 p.m.)

25 \* \* \* \* \*

C E R T I F I C A T E

I, SUSAN P. AULETTA, certify that I took the shorthand notes in the foregoing matter; that the same was transcribed under my direction; that the preceding pages of typewritten matter are a true, accurate and complete transcript of all the matters adduced, to the best of my skill and ability, dated this 20th day of September 2018.

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SUSAN P. AULETTA, RMR  
AZ CERTIFIED REPORTER  
AZ CR NO. 50257

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