

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 \* \* \* \* \*