

Bond Review Hearing Notes

Cause #21 SL-CR 00998

State of Missouri (Plaintiff)

vs.

Angela Freiner (Defendant)

March 23, 2021

* Judge James Sullivan - 22nd Circuit

* Temporarily sitting in - 21nd Judicial Circuit - St. Louis County

* Division 40 via Webex

* Assistant Prosecuting Attorney Jessica Nagy - for Plaintiff

* Defense Counsel - Evita Tolu

My notes as Judge is speaking:

- We've had some technical difficulties
- Desire to open Court Session at 9am
- Jail has not provided necessary link for Defendant's appearance, who is confined...
- Ms Tolu, do you have an announcement....? Your client is not present...

Notes as Ms. Tolu is speaking:

- Due to technical difficulties and my client has been detained for 2 weeks, I'd like to proceed....

(Note: Judge asks Ms. Tolu about waiving Defendant's appearance for the hearing re Bond, Ms. Tolu says Yes.)

Judge:

- ...have reviewed the Court filings and Defendant's motion for ROR ...Ms. Tolu would you like to proceed...

Ms. Tolu:

- ...here to ask this Court to release my client on personal recognizance consistent with Rule 3301 C and Rule 3305 ...and to reconsider cash only bail of 75,000. My client will give a written promise to appear or in the alternative....conditions to reasonably assure my client's appearance ...

- She is in jail due to her inability to afford bail

- Numerous factors in my client's life that support release on her promise to appear:

- Assessment risk is very low

- Has family ties ...father, brother, in St. Louis County

- Has cleaning business in St. Louis County

- Educated - Associates Degree - University of Arizona

- Good moral character

- No convictions of offense

- Pays taxes and financial obligations
- Supports her family financially, emotionally,
- Contributes to community - helps parents in difficult custody / divorce proceedings
- Advocate for child safety
- Currently suffers from anxiety, panic attacks, depression waves
- Condition will worsen if she's detained
- Lived in the area all her life, 42 years
- No criminal record
- My client - pro se litigant - habeas corpus proceedings - Family Court - filed by James Judy - father of 14 yr old Delilah
- Delilah was born / raised by my client...

Judge interrupts:

Ms Tolu at this time....looking at factors in 33.01...filed under 33.05...underlying case is not germane to the Court's decision re Bond...so focus attention on factors that Court should consider to reduce Bond. Underlying case is "not that".

(Note: Ms. Tolu says she understands, and Judge interrupts to tell her to proceed with the factors of 33.01 - he sounds rather annoyed in his tone - asks her to "please proceed".)

Ms. Tolu:

- My client requests the Court for an order for Release ...written promise to appear...or non-financial conditions to assure her appearance in Court... pursuant to Rule 3301 and 3305.
- Specifically - 3301 D - *(quotes legal description)*
- Strong ties to the community - father, brother, domestic partner,
- There are 3rd party custodians to assure her presence in Court
- Incarcerated only because of inability to pay bail
- Bail Review Process are required by 3301 and 3305.
- Rules, Missouri Constitution, Due Process, etc - requires Court to implement release conditions ...
- If there must be financial conditions, client requests no more than \$1000.00
- Client is indigent under Missouri laws and US Constitution - Statute 600.086

- Charged with Class D Felony - Tampering with Judicial Officer - bail \$75,000
- Cash Only - with no explanation why monetary conditions required to ensure her presence in Court / keep community safe.
- Government Risk Assessment very low
- No inquiry made re ability to pay / less restrictive options were not explored
- I am here Pro Bono
- Confined since March 8 - suffering significant consequences if detention prolonged - also harm her daughter, domestic partner, family, business,
- Consequences include inability to reunite with daughter who is suffering from depression, anxiety, and expressed she's suicidal.

(Note: At the mention of the child feeling suicidal, the Prosecuting Attorney just made a face clearly invalidating the child. She appears to be annoyed that the child's distress was mentioned. As soon as Ms. Tolu said the word "suicidal" just now it looked as though the Prosecutor stuck her tongue out "inside her mouth" - She pushed out the bottom of her mouth under the right side of her lip. It's a little hard to describe with words, but I can mimic it in person.

This is upsetting to me because I understand what the poor child is going through after

pleading with Judge Zellweger, who is the alleged "Victim" in this proceeding, for safety and protection from a man she says has been molesting her, being threatened in response that if she resists then her mother will be jailed, then being locked up in a Mental Ward. I have witnessed the same dismissive and contemptuous attitude towards 2 of my own children who have been pleading for protection, who have also turned suicidal because of being forced to face their abuser. The Police and Doctors in my case are very concerned about my suicidal children's lives, but the Child Protection Workers have the same attitude towards them that this Prosecutor appears to have towards Angela's daughter. If in fact discussing the abuse is not relevant to this proceeding, the least any human being could do would be to show some compassion for the child who was denied protection after so bravely trying to advocate for herself, and perhaps comment on how it's horrible that the child is feeling suicidal but unfortunately that's not something that can be addressed at this time, and will be addressed at the appropriate time...

But there was clearly no compassion towards the child at all from this Prosecutor - only contempt towards the mention of the child's suffering. This utter lack of empathy for a child in distress and complete disregard for her life is not ok, in my opinion. This child's distress is not just an "alleged story" that the Prosecutor can roll her eyes at or stick her tongue out at - this child's distress has been captured on an Audio File as she was

pleading with the so-called "Victim" in this proceeding to please NOT force her to her abuser who has been molesting her. The empathy that so many "Professionals in Power" lack for children is quite disturbing to witness over and over and over...

Ms. Tolu:

- Angela is also suffering - anxiety - distress - no access to her daughter and family
 - Unable to earn income for family expenses
 - Separated from domestic partner
 - She is demoralized - lost faith in our judicial system that placed her in jail for trying to save her daughter from abuse...
-

(Note: I was looking the other way just now but I think I noticed the Judge and Prosecutor shaking their heads - Prosecutor appears to want to interrupt - clearly annoyed - not wanting Ms. Tolu to talk about abuse.)

Ms. Tolu:

- Angela's daughter was begging the Court to prevent her from suffering...

Prosecutor objects:

-Your Honour, I object - already discussed this topic multiple times

Judge:

- Objection sustained - getting into argument phase - more appropriate for trial -
not appropriate at this time - anything else relative to motion for ROR?

Ms. Tolu:

- Continued detention costs taxpayers

- Doesn't promote public safety

- Rule 3301 C - (*quotes details of the Rule*)

- So if Court feels promise to appear not sufficient - there are alternatives

- Court could order to report daily - electronic monitor ...Poses no danger

- Court must apply presumption of innocence - not preconceived opinions of

Prosecutor

(Note: As Ms. Tolu continues to explain the duties of the Court, the Judge interrupts, cuts her off, and thanks her.)

* The audio is out all of a sudden.

* Ms. Tolu says she sees there's a BreakOut Session.

* A Female voice just whispered something but I didn't hear it clearly.

* Silence

* Prosecutor asks Ms. Tolu if she can hear her. Ms. Tolu says Yes. Prosecutor says ok, she wants to make sure it's not her internet.

* Prosecutor and Judge leave the session.

* There are Orange Triangles marked in the corner of their Squares. Not exactly sure what that indicates, but everyone else's square is clear, and not marked.

* One Minute has passed. Still silence. We are waiting for Judge and Prosecutor to come back.

* The other Mom is messaging me now. Is there is some kind of collusion between the Judge and the Prosecutor? I'd like to know if it's procedure for them to have a private meeting at this time?

* It's now almost another full minute of silence and the Judge just came back but we can't hear him.

* Now we hear him. He says he heard Ms. Tolu through his Court Reporter's Office.

Judge:

- This is frustrating - for those who don't believe in this technology
- Breakout Session ending in 5 seconds so we have to deal with the other Mr.

Sullivan again.

(Note: Silence again. I notice that Mike Volpe and Megan Fox are not here anymore. I just asked the other Mom if she knows where they went because I saw them join in the beginning.)

* Judge is appearing now as the Co-Host.

Prosecutor:

- it's an issue that there might not be a home plan for Angela - if she's not able to be in Home Detention -
- Huge issue considering this is an issue with Tamperingbeing a Judicial Office...and safety in jeopardy
- Spoken with the victim - very fearful of her life - life of her family - fearful for the Defendant to be released - as expected when someone receives multiple

threats -

- Threats started off at one level - continued to escalate to a point of being

threatening -

- Since the charges the victim has gotten multiple threats from others involved with the case who have been in contact with different members of the case.

- Victim threatened by many others because of this

- Very very fearful

- In addition - I respect she has family here but I also believe she has family out of state - I do believe that the daughter she speaks of is also out of state at this point

- so I don't believe there is a custody issue having to take care of her daughter

(Note: There's an echo on the Prosecutor's side now)

- There's no other options but monetary at this pointto secure return to court

- State's position at this point

- Also no incentive to follow Bond Orders - doesn't have respect for judicial system

Judge:

- Looked in legal file - Any prior felony or misdemeanour convictions?

Prosecutor:

- To my knowledge, No...

* Ms. Tolu asks to speak - Judge replies with "Briefly"

* I just heard a male voice tell the Judge that Jail is on. I guess that means they are finally bringing Angela to the camera.

Ms. Tolu:

- Ms Nagy said that Ms. Freiner does not have family in St. Louis and she poses a flight risk...

Judge:

- Excuse me Ms. Tolu - that is not what I heard Ms. Nagy say. She did indicate that there were family members in the metropolitan area. Correct Ms Nagy?

Prosecutor:

- Correct.

* Ms. Tolu wants to clarify that Ms. Nagy indicated that there is family out of state.

* Judge agrees, she did indicate that.

* Ms. Tolu asks Ms Nagy to clarify which family Angela has out of state

* Ms. Nagy says she clarified that her daughter was out of state.

*(Note: This feels like a manipulation because this was the end of Ms. Nagy's response but she was just trying to imply a minute ago that Angela is a flight risk because she has family out of state, **AND** that her daughter is also out of state. Why is Ms. Nagy not clarifying that she just talked about other family out of state **in addition** to the daughter? Why is Ms. Nagy leaving out half of her sentence from just a minute ago?)*

Ms. Tolu:

- How does that impose a risk of flight with her daughter out of state?

* Ms. Nagy is not responding

Judge:

- Court ready to make a ruling at this time

- Based on Rule 33.01 - Nature of offense Tampering with a Judicial Officer is

very serious - however - Class D Felony - Lesser Felony - Defendant has no prior

Felony or Misdemeanour convictions -

Ruling / Order:

- Defendant is confined in St. Louis County and because of circumstances beyond

Court's control, does not appear ...Defense Counsel waives Defendant's

appearance...

- Motion for ROR ... Defendant is to be hereby released on her own recognizance

- specific conditions ...shall not contact directly or indirectly any state witnesses

or families -

- Matter was set previously for preliminary hearing on April 5 - still a good date?

* Ms. Tolu asks for continuance.

* Judge is hesitating - asking why

* Ms. Tolu says she is not a criminal lawyer - needs time to prepare

* Judge is still hesitating - not responding

* Prosecutor speaks - says she's fine with that

* Judge says ok - asks for date - then says he'll enter this order today and enter supplemental order on how to communicate on April 5 -

* Judge hopes it will be in person - he does not like this - the "Blocks of Names" (*showing on the Webex Screen*)

* Judge prefers to have everyone in person

* Now Judge says Ms. Freiner is present. He says "Great"

(Note: But I know I heard someone tell the Judge a while ago that "Jail" was there so this is not news to the Judge at this point. I just texted the other Mom again, "See? I knew I heard that Jail was there a while ago.")

May not be a big deal, but I just want to make that note that this is not sudden new info.

When the Judge was stating his ruling a minute ago, he noted for the record that Angela wasn't there but when he said that, he had already known that "Jail" was there - obviously, with Angela.)

* Judge talks about the order he is entering

* No preliminary hearing on April 5 - no need for witnesses on that date

* Hopes the 21st circuit will be opened up by that time if it's safe

Prosecutor:

- Are we going to add non-monetary conditions considering the threats - such as

GPS, Home Detention,

- If she's being released - I request Remote .com

- It reviews all social media of Defendant

* Judge is not sure what Remote .com is

* Prosecutor explains how it provides supervision over social media - facebook -

email - internet usage -

* Judge asks where to sign up

* Prosecutor can get it - part of pre-trial release program

* Judge likes the idea - very good idea -

- asks Ms. Tolu if she objects - she does not object

*Angela asks if she can speak with Ms. Tolu afterwards - but Judge says that's not going to be possible

* Judge is now going over the Order with Angela. Basically repeating what he already stated for the record a few minutes ago, plus the Remote .com registration.

* Judge tells Angela he doesn't even want her to put any State Witness names in a google search.

* Judge tells her to not contact them directly or indirectly - through a 3rd party - or her bond will be revoked

* Prosecutor asks if there will be any further supervision over Angela and Judge says Not at this time unless there is an indication a witness is being threatened or harmed.

* Judge mentions the GPS or House arrest may be an issue since she may be losing her housing so the Judge denied the State's request

* Judge clarifies if Angela violates her conditions, she will be jailed again.