

State of Oregon  
v.  
Willy Freeman



**LAW 16 EVIDENCE**  
**GUADALUPE RAMIREZ**  
**MARTHA AGUILAR**

**MARCH 22, 2017**

# Background



- DEFENDANT WILLY A. FREEMAN IS BEING CHARGED WITH THE MURDER OF DEVON FROST.
- FREEMAN AND FROST WERE BUSINESS PARTNERS FOR A RESTAURANT.
- FROST OWED OVER \$200,000 TO A LOAN SHARK, LOU CONTRALTO.
- FROST HAD EMBEZZLED A SUBSTANTIAL AMOUNT OF MONEY FROM HER AND FREEMAN'S BUSINESS, WHICH CAUSED THEM TO GO BANKRUPT.
- THERE WAS AN INSURANCE POLICY PENDING PAYOUT AS A RESULT OF FROST'S DEATH.
- DURING INVESTIGATION ONLY FREEMAN'S FINGERPRINTS WERE FOUND, NOT CONTRALTO

# Overview



- **STATEMENT: DEFENDANT WILLY A. FREEMAN'S**
- **EXHIBIT 7: SUPPLEMENTAL INVESTIGATION REPORT**
- **EXHIBIT 8: PICTURE TAKEN DURING INVESTIGATION**

# Statement: Willy A. Freeman



- **A STATEMENT IS OFFERED FROM DEFENDANT WILLY FREEMAN ON HIS HISTORY WITH DEVON FROST.**
- **KEY POINTS IN THE STATEMENT INCLUDE:**
  - FREEMAN'S BACKGROUND AND LACK OF EXPERTISE IN FINANCES
  - INITIAL INTRODUCTION OF BOTH PARTIES
  - BUSINESS CONTRACT (50-50 SPLIT ARRANGEMENT) AND LOCATION OF BUSINESS
  - ASSIGNMENT OF EACH PARTIES DUTIES
  - SUCCESS AND UNFORESEEN DOWNFALL OF THE COMPANY
  - INTRODUCTION OF LES MOORE (AUDITOR) TO ASSIST BUSINESS.

# Statement: Willy A. Freeman



- OVERHEARING FROST'S CONVERSATION
- CONFRONTATION BETWEEN FROST AND FREEMAN
- FREEMAN'S OFFER TO ASSIST FROST
- FREEMAN'S SUGGESTION TO TURN CONTRALTO IN
- JUSTIFICATION THAT HE DIDN'T HESITATE TO GIVE FINGERPRINTS
- LAST TIME FROST WAS SEEN ALIVE
- POSSIBLE IDENTIFICATION OF CONTRALTO AT THE SCENE
- RECOGNITION OF GRIGG'S PAST HISTORY WITH EVIDENCE TAMPERING
- THE BUY-SELL AGREEMENT AND THE VALUE OF THE POLICY.

# Federal Rule of Evidence



- **FRE 401 : TEST FOR GENERAL RELEVANCE**
- **EVIDENCE IS RELEVANT IF:**
- **(A) IT HAS ANY TENDENCY TO MAKE A FACT MORE OR LESS PROBABLE THAN IT WOULD BE WITHOUT THE EVIDENCE; AND**
- **(B) THE FACT IS OF CONSEQUENCE IN DETERMINING THE ACTION.**

# Testimony: Willy A. Freeman



## Argument For

- **RULE 801.** DEFINITIONS THAT APPLY TO THIS ARTICLE; EXCLUSIONS FROM HEARSAY
- THE FOLLOWING DEFINITIONS APPLY UNDER THIS ARTICLE:
- **(A) STATEMENT.** “STATEMENT” MEANS A PERSON’S ORAL ASSERTION, WRITTEN ASSERTION, OR NONVERBAL CONDUCT, IF THE PERSON INTENDED IT AS AN ASSERTION.

## Argument Against

- **EVIDENTIARY OBJECTION:**
- **OPINION/SPECULATION** WITNESSES MAY NOT NORMALLY GIVE THEIR OPINIONS IN THE STAND. JURIES MUST DRAW THEIR OWN CONCLUSIONS FROM THE EVIDENCE.

# Argument Against: Example



- “LOU CONRALTO IS LYING ABOUT ME THREATENING DEVIN AND “BRANDISHING” A KNIFE, THAT IS RIDICULOUS! CONTRALTO OBVIOUSLY DOESN’T WANT THE FINGERS TO BE POINTING AT HIM/HER FOR DEVIN’S MURDER.”
- “GIVEN RIGGS’ PRIOR EVIDENCE TAMPERING, I KNOW WHY THE ORIGINAL OF DEVIN’S NOTE, WAS LOST IN THE EVIDENCE ROOM.



# Conclusion



- THE STATEMENT GIVEN BY FREEMAN IS RELEVANT TO THE CASE, BECAUSE IT CAN BE SUBJECT TO CROSS-EXAMINATION AND WAS GIVEN UNDER PENALTY OF PERJURY.
- SOME STATEMENTS COULD BE TAKEN OUT FOR BEING IRRELEVANT, OR A SPECULATION NOT STANDING WITH THE PARTICULAR CASE.

# Exhibit 7 : Supplemental Investigation Report



## Supplemental Investigation Report

- 03-27-10 11:00 Contralto, in presence of counsel, provides statement. Frost owed Contralto over \$200,000 due to gambling losses. Contralto says Frost was making payments but he/she had been tailing Frost to make sure she didn't skip town. Contralto was present night of March 20<sup>th</sup> in alley across street from Shallots back door to kitchen. Contralto observed Freeman arguing with Frost and telling her she ruined her business, and that they were bankrupt and would not be able to continue to operate. Then Contralto saw Freeman brandish a kitchen knife and point it at Frost making her go back into the kitchen toward the cooler. Contralto later saw that Freeman left alone. Contralto waited for a ½ hour then left. Frost never left.
- 03-27-10 14:30 Freeman brought in for questioning. Confronted with Contralto's statement. Freeman was adamant that it was all lies, and just Contralto's way of escaping murder. Freeman consents to provide fingerprints.
- 03-29-10 8:00 Returned to Shallots to retrieve kitchen knife. Several paring knives located and only one kitchen knife with an 8 inch blade. Sent to lab for fingerprint analysis.
- 03-29-10 9:00 Moore questioned further about financial aspects of Shallots. Restaurant is bankrupt. Moore had advised Freeman that would have to close business. Moore also aware that Freeman is the beneficiary of a \$500,000 insurance policy for a buy-sell agreement for a deceased partner's interest in the business.
- 03-30-10 Additional fingerprint analysis results received. Fingerprint analysis shows that Freeman's fingerprints are on padlock to cooler, cooler door, and kitchen knife.
- 03-30-10 16:00 Contralto released. Freeman arrested.

# Federal Rule of Evidence



- **RULE 403: EXCLUSION OF RELEVANT EVIDENCE ON GROUNDS OF PREJUDICE, CONFUSION, OR WASTE OF TIME**
- **ALTHOUGH RELEVANT, THE SUPPLEMENTAL INVESTIGATION REPORT, MAY BE EXCLUDED IF ITS PROBATIVE VALUE IS OUTWEIGHED BY THE DANGER OF UNFAIR PREJUDICE, IF IT CONFUSES THE ISSUES, IF IT IS MISLEADING, OR IF IT CAUSES UNDUE DELAY, WASTES OF TIME, OR IS A NEEDLESS PRESENTATION OF CUMULATIVE EVIDENCE.**

# Arguments



## In support of Admissibility

- PUBLIC RECORDS AUTHORS ARE “EXPERTS” IN THEIR RESPECTIVE FIELDS, IN THIS CASE DETECTIVE RIGGS.
- **RULE 803(A)** DOES NOT REQUIRE THESE AUTHORS TO BE CROSS-EXAMINED OR FOR THE AUTHOR TO BE AVAILABLE FOR DEPOSITION.

## In support of Exclusion

- REPORTS ARE OFTEN KNOWN TO INCLUDE EVALUATIVE CONCLUSIONS OR OPINIONS.
- EX: FREEDMAN OPINIONATES ON CONTRALTO’S STATEMENT BY SAYING HE WAS JUST AVOIDING BE BLAMED FOR THE MURDER.

# Conclusion



- THE EVIDENCE IS INADMISSIBLE BECAUSE IT DOES NOT PROVIDE FACTUAL FINDINGS BUT RATHER STATEMENTS AND OCCURRING EVENTS.
- CAN BE INTERPRETED AS A "NEEDLESS INTERPRETATION OF CUMULATIVE EVIDENCE"

# Exhibit 8: Picture



**THE ORIGINAL PHOTOGRAPH TAKEN BY DETECTIVE RIGGS AT THE SCENE OF THE CRIME AND ACCURATELY DEPICTS THE VICTIM AND THE SURROUNDINGS AT THE TIME OF DETECTIVE RIGGS' INVESTIGATION.**

# Admissible Evidence



- PHOTOGRAPH WAS TAKEN RIGHT AFTER THE INCIDENT, DURING THE INVESTIGATION THEREFORE IT IS ADMISSIBLE PHYSICAL EVIDENCE.
- PHOTO IS RELEVANT UNDER FRE 401, THE PICTURE WOULD MAKE THE FACT THAT SHE MIGHT HAVE BEEN KILLED BY SOMEONE WITH A “L” IN THEIR NAME.

End



• **QUESTIONS?**



# References



- **CORNELL UNIVERSITY LAW SCHOOL**  
[HTTPS://WWW.LAW.CORNELL.EDU/RULES/FORE](https://www.law.cornell.edu/rules/fore)
- [http://www.classroomlaw.org/files/posts-pages/resources/mock\\_trials/1011\\_part1.pdf](http://www.classroomlaw.org/files/posts-pages/resources/mock_trials/1011_part1.pdf)
- [http://www.classroomlaw.org/files/posts-pages/resources/mock\\_trials/1011\\_part2.pdf](http://www.classroomlaw.org/files/posts-pages/resources/mock_trials/1011_part2.pdf)