

OFFICE OF
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SECOND JUDICIAL DISTRICT

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December 13, 2019

Detective Lieutenant Rhonda Thomas
Paragould Police Department
Sent via Email @ Rhonda.thomas@paragouldcity.org

Re: *Prosecutor review of case file regarding Rockie Weber*

Lieutenant Thomas:

I was asked by Scott Ellington to review the case file and make a charging decision based on an investigation in which you completed with regard to an incident that occurred on December 4, 2019, involving Rockie Weber and Amy Barrett..

After reviewing all of the information provided to me, I find the following facts to be both relevant and compelling in making my decision:

On December 4, 2019 an incident occurred between Rockie Weber (hereinafter referred to as "Rockie") and Amy Barrett (hereinafter referred to as "Amy"), of this there is no doubt. As a result, Amy Barrett called 911 and stated that Rocky had pushed her down and left the residence. The dispatch officer immediately informed deputies that Amy was intoxicated.

Sgt. Jimmy Huffstetler and Deputy Jeff Wolfenbarger were the first to arrive on scene. Sgt. Huffstetler indicates in his narrative that he could immediately smell the odor of intoxicants about the breath and person of Amy. According to Sgt. Huffstetler, Amy went on to say that Rockie disabled Amy's phone because he suspected she was talking to another man. Amy further stated that Rockie got the keys and was attempting to leave the residence when she grabbed the keys from him. A struggle for the keys ensued. Sgt. Huffstetler's narrative indicates that following that, Amy stated that Rockie twisted the keys out of her hand and threw her onto the hardwood floor, causing her to land on her right elbow.

Sgt. Huffstetler administered a PBT test and that Amy blew a 0.17. As a result, Sgt. Huffstetler was unable to get a written statement from Amy because she was under the influence. Sgt. Huffstetler goes on to say in his narrative that Deputy Wolfenbarger informed him that the juvenile told him that Rockie ripped the keys out of Amy's hand and then threw her down onto the floor.

Based on the above information Sgt. Huffstetler felt like he had enough at the time to charge both parties with Domestic Battery 3rd Degree.

Deputy Wolfenbarger, in his narrative, tells a somewhat different story regarding what the juvenile informed him. Deputy Wolfenbarger stated in his narrative that the juvenile told him that Rockie "pulled the keys out of her hands and then Mrs. Weber fell to the ground."

Lt. Patrick Lenderman interviewed Rockie that night, who told a very similar story which differed in the fact that he stated Amy was attempting to leave and he took the keys from her because he stated he knew she had been drinking too much to drive. He stated that when he took the keys, Amy punched him in the head three times. He said that when he got the keys, he turned to leave and Amy fell attempting to hang on to his clothing from the rear.

On December 5, 2019, Crimes Against Children Division Investigator Jamie Moore conducted a courtesy interview with the juvenile. According to CACD Moore, the juvenile stated that Rockie pushed Amy down but was unable to provide any details about how it happened or any specifics. According to the CACD Moore, she felt like the juvenile did not actually witness Rockie push Amy down, only that her mom fell and hurt her elbow in the midst of a heated argument. Finally, CACD Moore reported that the juvenile did say she observed Rockie and Amy struggling for the car keys and that Rockie takes away Amy's car keys when she has been drinking.

Finally, on December 6, 2019 Amy and Rockie were interviewed by Detective Lt. Rhonda Thomas. Rockie tells essentially the same story, just with more details than he initially gave. Amy's story is substantially different and inconsistent with her first statement.

Amy says she remembered Rockie trying to take the keys from her and that she thought he pushed her but that it is really hard for her to remember because she was intoxicated. She stated she never would have called 911 if she would have had a working phone and that she doesn't remember falling but does remember calling 911. Amy also told Detective Lt. Thomas that she doesn't like he was trying to hurt her when the incident occurred and that Amy signed a decline of prosecution form because she did not want to go forward with any charges.

It is further undisputed that both Rockie and Amy had minor injuries as a result of the dispute that occurred on December 4, 2019.

After reviewing this information and the applicable law, I decline to approve charges against Rockie Weber for Domestic Battery 3rd for the following reasons:

First, the intoxication of the victim and potentially only witness, coupled with her inconsistent statements to different law enforcement officers. This creates a credibility issue. The Deputies on scene felt she was far too intoxicated to fill out or sign any kind of witness statement that evening. When she was interviewed later she stated she doesn't even remember falling and that it was all foggy that night.

Second, the only other potential witness, other than Rockie who maintains his innocence, is the juvenile. Although, Sgt. Huffstetler stated that Deputy Wolfenbarger told him the juvenile stated that Rockie threw Amy down onto the floor, Deputy Wolfenbarger, who was the one that actually spoke with the juvenile that evening, stated that she only told him that Amy fell to the ground. This coupled with the testimony of the CACD investigator who, based on her training and experience, felt like the juvenile did not actually witness

Rockie throw Amy down further muddy the water.

Finally, the fact that Amy does not want to pursue charges is also a factor in the decision. Because of this, if charges were filed and Amy was called to testify it is highly probable that Amy would not only not help the prosecution's case, but would be impeached due to her inconsistent statements and level of intoxication.

I do want to point out that I understand that Sgt. Huffstetler felt like he had probable cause to charge both parties with Domestic Battery 3rd on scene, and he might have. However, Sgt. Huffstetler had very limited information and was likely concerned with erring on the side of caution and protecting all parties. I was provided with much more information than Sgt. Huffstetler had available to him and based on that information there is not enough to support charging Rockie Weber with Domestic Battery in the 3rd Degree.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris E. Brown". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Chris E. Brown
Deputy Prosecuting Attorney 2nd Judicial District