

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI

STATE OF MISSOURI,
Plaintiff,

v.

Case No. 1216-CR04722-01

MICAH MOORE,
Defendant.

**MOTION TO EXCLUDE MOORE'S STATEMENTS BASED ON
LACK OF CORPUS DELICTI**

Before an accused's statements can be introduced into trial against him, there must be evidence that a crime has been committed. Bethany Deaton's lifeless form was found in the back of her parked minivan at Longview Lake on October 30, 2012. A bag over her head and an empty bottle of pills in the car - a classic method of suicide - and a note were just some of the indicators that this young woman had taken her own life and just part of the rationale for the medical examiner initially ruling her death a suicide. Nearly two years later, the manner of death is undetermined. And, according to the admission of lead detective Penny Cole, there is no evidence, excepting the completely uncorroborated and unreliable inculpatory statements by Micah Moore, that Bethany's death was anything other than a suicide. Accordingly, this motion in limine seeks to exclude Moore's statements on the basis of lack of corpus delicti. The motion proceeds in three parts. The first explains the law regarding corpus delicti. The second contains a summary of the facts supporting the lack of evidence of homicide. The information provided comes from the State's investigative file, medical records, defense investigation and depositions and is intended to be a summary only of the evidence the defense will present at an evidentiary hearing on this motion. In the third part, the defense postures that absent evidence of homicide, Moore's statements must be excluded.

I. The law regarding corpus delicti

To establish the corpus delicti in a homicide case, the State must prove that someone is dead and that the criminal agency of another person caused the death. *State v. Jones*, 427 S.W.3d 191, 196 (mo. banc 2014). Unless that can be established, "out-of-court confessions, statements, or admissions by the accused are generally not admissible unless they are corroborated by independent evidence, either circumstantial or direct, showing the corpus delicti of the crime." *Id.*, (citing *State v. Edwards*, 116 S.W. 3d 511, 544 (mo. banc 2003)). Though this is necessarily a fact-intense analysis on a case by case basis, in this instance it is fairly straightforward. First, the evidence surrounding Bethany's death independent of Moore's statements support it is a suicide, not a homicide. Second, no detail or portion of any statement provided in Moore's interrogations with law enforcement supports that he or anyone else killed Bethany. A summary of the evidence follows.

II. Lack of Independent Evidence

A. Background and Preliminary Information

As with any unexplained death, after Bethany Deaton was found, she was transported to the medical examiner's office for examination and he concluded her death was a suicide. Meanwhile, law enforcement notified her next-of-kin, which included her husband of just two months, Tyler Deaton. Over the next several days, more information about Bethany's troubled mental state was revealed to those outside the small "community" in which she lived, including leadership at the International House of Prayer (IHOP), a local religious organization which all members of the community belonged.

The community, as it was referred to, comprised a group of approximately 20 young people, many from Texas and graduates of Southwestern University, a small college in Georgetown, Texas, living in a communal type arrangement in Grandview, Missouri. Spread between four homes - a men's home, a women's home and two married homes - the group led a very structured existence under Tyler's charismatic leadership, from sharing meals to household expenses to dedicated worship times and date nights and control over free time. After their marriage in late August 2012, Bethany and Tyler lived in the men's home with several others, including Moore. Because of the extraordinarily closeness of these young people, Bethany's death left all of them devastated and plagued with guilt for not taking steps to prevent it. In providing spiritual support to this group, IHOP leadership discovered just how structured their lives had become and some of the non-traditional beliefs that the group maintained. In IHOP's opinion, this was a cult.

Still overwhelmed with grief, the community also had to cope with the extraction of their leader from their midst at IHOP's insistence. IHOP leadership told Tyler he was no longer able to stay and had sessions for the community at Shiloh, a remote retreat center utilized by IHOP and its affiliates. During an evening session on November 8, 2012, it was made clear to the community that IHOP believed the community was not just a community but a cult and called into question everything they had been doing under Tyler's command. Leaders of the session made it clear that everyone had been hurt and controlled supernaturally and needed an exorcism, though the term exorcism wasn't expressly used. A large group of people, called the Prisoners of Hope - an IHOP affiliated prayer group - prayed for the group. Putting their hands on the cult members, shouting at demons to leave and scream-praying in tongues, soon had many in the group crying and yelling and falling to the floor. In that atmosphere - loud, frenetic, chaotic - all

the pent up emotion from their friend's death and from being accused of being a cult - spilled out. In the hours that followed, the men and women would be separated and it would come to light that Tyler had physically intimate relationships with several of the men. Homosexuality is strongly condemned within the church though Tyler had masterfully managed to convince these men that the relationship was one of intimacy, not sexuality. Ultimately it led to an unraveling of others within the group that were equally vulnerable and fragile. And, it led to the completely false statements by Moore relating to Bethany's death. Notwithstanding that Moore told police unequivocally while in custody, after he finally had some sleep, that he did not kill Bethany, murder charges were filed and a full investigation launched into Deaton's death.

B. Findings at the scene and examination by the medical examiner support the death certificate finding of suicide by asphyxiation

Bethany was discovered in the backseat, passenger side of her locked minivan at approximately 9:00 p.m. on October 30, 2012 by a park ranger patrolling at Longview Lake. A white bag was over her head with the red self-ties loosely tied. As is customary with any death scene, law enforcement responded and summoned the Detective Unit.

Detective Cole, lead detective in this investigation, found numerous items in the van including a plastic Walmart bag with a cellphone in it. On the consul was a box purporting to contain two bottles of 100 caplets each containing Equate-brand Acetaminophen PM. One bottle was unopened, the other was empty and in the cup holder. A Walmart receipt showing a purchase earlier that day at 8:54 a.m., was found in the front of the van.

The note found read, "My name is Bethany Deaton. I chose this evil thing. I did it because I wouldn't be a real person and what is the point of living if it is too late for that? I wish I had chosen differently a long time ago. I knew it all and refused to listen. Maybe Jesus will

still save me." Another small notebook was found also, containing troubled thoughts, lists and dreams. Other items were also found in the vehicle, including thank you notes, IHOP CDs, identification, a purse, duct tape, another bag, keys and a piece of clear plastic. In the rear passenger seat where her body was found was a purple pillow and in the cup holder was a pair of eyeglasses.

The body was transported to the medical examiner's office where an external examination of the body was done and toxicology. The body was released for burial shortly thereafter and the medical examiner signed the death certificate - identifying the cause of death as asphyxia and the manner of death suicide - on November 8, 2012.

Though not obtained until later, the Walmart video recording of the purchase confirmed Bethany bought the pills. Forensic handwriting analysis confirmed that the handwriting on the note and in the journal was Bethany's. DNA testing of numerous items in the vehicle did not find Moore's DNA anywhere, including on the bag itself, though Bethany's DNA is on the bag. And Moore's fingerprints were not found anywhere at the death scene (vehicle or otherwise). No physical or forensic evidence supported Moore had any connection with Bethany's death.

C. Additional follow up investigation provides no evidence of homicide

With only Moore's statements regarding Bethany's death to go on, and a recanted statement at that, law enforcement conducted a thorough investigation that focused on dozens of witness interviews, forensic testing and other follow up. According to testimony by Detective Cole during her deposition, there is no independent evidence to show that Bethany died at Moore's hands. Nonetheless, the investigation is summarized here.

Law enforcement conducted dozens of interviews, including people in the community and former members of the community, family members, and persons associated with IHOP as

well as Deaton himself. Their descriptions of the community lifestyle led by Tyler can be consistently characterized as disturbing yet only serve to explain the mentally unhealthy environment in which everyone, including Bethany and Moore, existed. These interviews also recreate the days and hours leading up to Bethany's death.

August - September 2012 - Approximately 2-3 months before Bethany died

Married in late August of 2012, Bethany and Tyler's marriage was anything but typical. Virtually every witness describes Bethany and Tyler's relationship the same way: Bethany—eager to please, doting, and madly in love with Tyler; Tyler—aloof, unemotional and physically unattached to his wife. The “couple” kissed once on their engagement. According to witnesses who saw them day after day, there was never any physical affection shared between them.

Their wedding has been described by guests as “awful,” “uncomfortable,” “difficult to watch,” and “a mistake.” Bethany wanted more than anything for Tyler to love her and to start their life together. Sadly, for both parties to this marriage, Tyler was incapable of loving Bethany in the way a heterosexual husband loves his heterosexual wife, and Bethany—naïve, inexperienced and mentally impaired, blamed Mr. Deaton’s inability to love her or refusal to love her on herself, believing it was something she could, or should, be able to change. A virgin, Bethany, like many young brides, eagerly anticipated her honeymoon and beginning a physical relationship with her husband. At her attempts to initiate a physical encounter with her husband by kissing him, Tyler shunned her advance, became angry and scolded her like a child—undoubtedly humiliating and devastating her. Bethany would spend the rest of her honeymoon reading the *Twilight* series. According to her closest friends as well as her husband, “Bethany was never the same way again.” Her anxiety and depression worsened and her “down spiral” began.

Upon their return from their honeymoon, Bethany and Tyler began their married life in the basement of the men's house. Because of Bethany's attempted physical relationship with her husband, she was punished for her "narcissism" by being shunned, isolated and ignored. As further punishment, she was not allowed to sleep in bed with Tyler, and the newly married Bethany was forced to sleep alone on the couch. At a time when she had been physically rejected in the most humiliating way a woman can be rejected she was also being socially rejected—excommunicated from those close to her. She could find no solace—no reprieve. Not surprisingly, Bethany's anxiety and depression worsened. These events are chronicled not just through witness interviews but lengthy emails exchanged between members of the community.

October 16, 2012 - Two weeks before Bethany died

Bethany came to her close friends several times in the days leading up to her death and told them that she "did not have a soul" and asked them if they believed she was "reprobate" or predestined to damnation with no hope of salvation. She was delusional and paranoid. In an October 16, 2012, members of the community emailed each other, and later held a meeting about Bethany's deteriorating mental health. The emails describe their fears that "if she [Bethany] continues down the reprobate path she may be do something stupid, even really stupid. This could range from quitting her job to trying to kill herself."

During this same time frame, Bethany requested a meeting with Eric Spady, a religious or spiritual counselor that had previously counseled Bethany on several occasions and one other occasion after her marriage to Tyler. Bethany was not the same Bethany Spady had counseled prior to her marriage to Tyler. At their October session, Spady recalls Bethany being very down and fearful of losing her job as a nurse because she could not focus or concentrate and she was fearful of messing up at work. Spady recalls that her speech was slow like she was

thinking before answering his questions. Because he is not a mental health professional, Spady told Bethany to seek professional help.

October 23, 2012 - One week before Bethany died

Bethany stood before her husband and told him she was going end her life by drinking the windshield wiper fluid she held in her hands. Tyler called 911 after speaking with a religious counselor who advised him to call 911 and get Bethany professional help. A Grandview police officer arrived on the scene and was told by Tyler and others that Bethany had “made statements for three weeks [about] wanting to die.” Bethany told the officer, “it would be easier to die than to change.” The officer agreed that she was acutely suicidal and that she had “very bad depression.” The detective determined that Bethany’s safety was in jeopardy and she was *taken into protective custody* and admitted into the psychiatric unit at Truman Medical Center on a mental health hold.

When Bethany was admitted into Truman Medical Center there was hope that she would receive the mental health treatment and protections she desperately needed and had been crying out for. She was prescribed mood stabilizers to treat depression and anxiety, and given medication to treat her insomnia. Nutritional deficiencies and weight loss were noted during intake, further indicators of depression, and she was given supplements to address her nutritional needs. Excerpts from Bethany's psychiatric records reveal:

- “Reports that she has been suicidal for about two weeks.”
- “In the emergency room she was making religiously preoccupied statements such as she was not able to gain back her salvation.”
- “She has mentioned thoughts of wanting to overdose.”
- “Patient was hearing voices, religious in nature.”

- “She presents with symptoms consistent with major depression, in addition to behaviors indicative of a personality disorder with obsessive-compulsive and dependent features.”
- “She was indicating voices in her head telling her that she was damned...and she was not able to gain back her salvation.”
- “Emergency room record reports that she was responding to unseen others...that she was religiously preoccupied and focused upon suicide because she could not regain her salvation.”
- “Patient states that she needs to end her life because “I’ve been believing that I can’t turn around and receive forgiveness. It would be better to kill myself.”

October 25, 2012 - Five days before she died

Bethany was released from Truman Medical Center against the wishes of her husband, who told the hospital staff that Bethany “was not ready to go home” and that she was “still suicidal.” According to Truman Medical Center’s own records, a nurse then asked Bethany if she was still suicidal she “looked overwhelmed as if she was having a problem answering” and was “ambiguous” and finally answered “well it could lead to that.” Bethany then refused outpatient medication and was discharged to manage alone.

October 29, 2012 - The night before Bethany died

Amanda Morris, one of Bethany's best friends and a member of the community who lived in the women's house, explained that in their community, everyone had chores to do and it was Morris' responsibility to make sure those chores were completed. On October 29, Bethany had not done her job and Morris told her that she did not want to "see her (Bethany) have to leave the team" because she had not done her duties. She then instructed Bethany that she needed to fulfill her duties. With tears in her eyes, Bethany looked at Morris and said, "I won't leave."

Later that evening, Tyler held an extraordinarily intense worship service, challenging those at a cross-roads in their lives to move into action.

October 30, 2012 - The day of Bethany's death

Joy Fears reported that she had been cooking breakfast while Amanda Morris was sitting at the kitchen table in the women's home. Bethany came over sometime between 8:00 and 8:30 and only stayed momentarily. She put a piece of paper with some numbers on the table as well as a large pocket knife that she wanted returned to David, another community member. Her affect was quiet and distant. Morris asked Bethany if she was going to work and Bethany said no. When Morris asked where she was going, Bethany said she didn't know.

That evening, when Morris realized that Bethany was missing, she looked at the piece of paper Bethany had provided and realized it contained an email and a password, although Morris realized immediately that a number was missing from the password. As Morris was responsible for the grocery shopping for the community as well as paying rent and utilities, the members gave her money to pay bills and Morris had access to Bethany's bank account. Morris accessed the account and discovered that earlier that day Bethany had been to Walmart and to the Flying J, a truck stop/convenience store, based on the withdrawal's from the account.

D. Moore's statements are false and uncorroborated

Moore's interviews at the Grandview police station began in the wee hours of the morning on November 9, 2012 in the wake of a lengthy, intense religious experience - called an exorcism by some present - designed to break up the "cult". It continued after he had a few hours of sleep and was transported to the Jackson County Sheriff's department. In response to initial questioning, Moore made statements about what he claimed happened, all of which were investigated or deemed so incredible that no investigation was necessary. Those statements

relating to Bethany's death and the lack of information supporting those statements, are detailed below.

1. No evidence of sexual assault

Though Moore claimed that he and others raped or otherwise sexually assaulted Bethany and recorded it on their iPad's, there was no evidence of sexual assault in the autopsy report nor was any such evidence found in any of the electronic equipment seized, all forensically analyzed. Review of Bethany's emails and journals suggested that in fact she was a virgin when she died - never even having sex with her husband who was in fact, a homosexual. And, her counselor saw no indication of sexual assault.

2. No evidence of being drugged

Moore claimed, upon prodding by law enforcement for detail, that he had put Seroquel in Bethany's water bottle, Seroquel that had come from one of their housemates. No Seroquel was found in Bethany's system. No water bottle was found in the vehicle, only a soda cup from the Flying J convenience store with a liquid that did not contain Seroquel. Though the housemate had a prescription for Seroquel, none of it was missing. Thus, there is no evidence to suggest that this is even remotely true.

3. Inaccurate description of scene

Moore claimed that Bethany was in the front seat. This is the only detail Moore stated in connection with a description of the death scene. Bethany in fact was found in the third row of her minivan. Thus, there is no evidence to suggest Moore was actually at the death scene.

4. No evidence of others present

Moore claimed that others were present when Bethany died, including his girlfriend and Boze Herrington. Follow up investigation, including numerous witness interviews and DNA testing, do not support this statement.

5. No evidence of others involved in the planning of Bethany's death

Moore also told police that at least four others were involved in the planning of Bethany's death. Law enforcement talked to each of those individuals and according to Detective Cole's sworn testimony, was satisfied none of them was involved in planning Bethany's death. Thus, this statement is false.

6. No evidence supporting Moore's claims regarding the timing of her death

Moore claimed that he had killed Bethany prior to his class at IHOPU which began at 10:00 a.m. The attendance sheets reveal that Moore signed into class that morning. In the afternoon, the sign-in sheets at the prayer room at IHOP as well as the video of the prayer room show Moore in the prayer room during his normal designated time. In Bethany vehicle was a receipt from Walmart where she purchased two-100ct bottles of generic acetaminophen with a sleep aid and the store videotape verified her purchase. Later that morning (and after Moore was in class), Bethany used her debit card to purchase a fountain drink and a fountain drink from the same convenience store was found in the cup holder in Bethany's van. And, video surveillance of the lake revealed that Bethany was not there before 10 a.m. Thus, there is no evidence to corroborate Moore's statement regarding the timing of her death. In fact, the evidence suggests it is blatantly false.

7. No evidence to suggest that anyone other than Bethany authored the journal found in the vehicle

In Bethany's van was found a journal and note that contained some of her distraught writings. Moore claimed he authored the journal. Notwithstanding, this statement, Moore was unable to describe the journal or its contents. Most significantly, the handwriting analysis conducted by the FBI revealed it to be Bethany's handwriting. Thus, there is no evidence to corroborate Moore's statement regarding the journal and in fact, the evidence suggests it too is blatantly false.

With every statement false or uncorroborated, one might wonder what drives a person to make false statements. Though the voluntariness and reliability of Moore's statements are the subject of a separate motion, certainly Moore's own fragile mental health factors into that understanding. Community members recalled and shared with law enforcement Moore's breakdown a few years earlier at Southwestern. Moore routinely sought therapy during 2012. And other mental health records support a fragile and vulnerable psyche.

E. The final autopsy report reveals death by asphyxia, manner undetermined.

Nearly twenty-three months after Bethany's death, the autopsy report is completed. After Moore's statements, Bethany's embalmed body was returned from Texas where it had been taken for burial. Examined thoroughly, the autopsy report revealed no significant findings beyond what had been found in the preliminary external examination. The medical examiner rendered the following opinion, "In my opinion, Bethany Ann Deaton died as a result of asphyxia. In consideration of the autopsy findings and due to the investigation of the circumstances of how the death occurred were inconclusive, the manner of death is undetermined."

III. With no independent evidence that Bethany's death is the result of a homicide, Moore's statements must be excluded.

The investigation into Bethany's death piqued law enforcement interest not because of her documented mental health problems, the death scene or the condition of her body but because of the highly unusual environment in which she lived. A member of a religious cult living in a communal living arrangement, married a short time to a charismatic cult leader who engaged in sexual relationships with some of the other men in the house is certainly enough to raise anyone's eyebrows - law enforcement, the media and the public alike. Yet in a death investigation, there must be evidence that a crime was committed. It is not enough that people behaved or had beliefs outside of societal norms. To that end, the death scene itself is a classic form of suicide - pills ingested to relax, a bag over the head to asphyxiate. A quick and painless method of death. No evidence of struggle or resistance, Bethany's body is in relaxed form in the back seat of her vehicle. The bag over her head is not tied tightly. A nearby pillow and her glasses in the cup holder suggest that she was going into the drug-induced sleep the acetaminophen with sleep aid was designed for. The autopsy report offers no support that a crime has been committed. The medical examiner points to the inconclusive nature of the investigation as the reason it must modify its previous finding of suicide to the manner of death as undetermined. Undetermined does not mean that a crime has been committed. It means that from the information the medical examiner has, he does not know. Yet based on what Detective Cole admitted to during her deposition, there is no evidence outside of Moore's statement that he killed Bethany to substantiate that a homicide occurred. Not only was that statement recanted during the interrogation itself, every other statement that was made was found to be false, contrary to other evidence or simply uncorroborated. Without independent evidence that

Bethany's death was caused by another person (a homicide), Moore's statements are inadmissible. *State v. Jones*, 427 S.W.3d 191, 196 (mo. banc 2014).

Based on the proffered evidence and law as set forth herein, the defense requests an evidentiary hearing and ultimately, an order excluding Moore's statements.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I, Melanie S. Morgan, do hereby certify that a true and accurate copy of the foregoing was served on opposing counsel and counsel of record by the Missouri E-Filing System on October 9, 2014.

/s/ Melanie S. Morgan