

DISPATCH

WHEN CAN A WOMAN WHO KILLS HER ABUSER CLAIM SELF-DEFENSE?

A murder case in Poughkeepsie tests a new law that allows for more lenient sentencing for crimes committed by victims of domestic violence.

By Rachel Louise Snyder

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Illustration by Rachel Levit Ruiz

Nicole Addimando met Christopher Grover in 2008, when they were coaches at Mr. Todd's Gymnastics, in Poughkeepsie, New York. At first, they were just friends. Addimando lived with her mother, Belinda, in an apartment complex that Belinda managed. She was nineteen, tiny and delicate, with inky-black hair that fell down her back like a scrim. Her sister described her as shy and introverted. Grover, who was twenty-one, had a gymnast's build, short and powerfully muscular. People

who knew him described him as charming, childlike, and playful, if sometimes short-tempered. He loved video games and had a black belt in tae kwon do. Addimando called him her best friend.

After they started dating, Addimando later said, she told Grover that she had been sexually assaulted by a neighbor when she was five years old. He told her that they didn't have to rush into a sexual relationship until she felt ready, and they waited for about a year. But, when they did start having sex, sometimes she would ask him to stop and he wouldn't.

In 2011, Addimando started working at a nursery school. She loved her job, her sister later said, and had always wanted children of her own. The following year, Addimando became pregnant, and she moved with Grover to the town of Salt Point. Money was tight. On and off, she saw a licensed clinical social worker, Robin (Dusty) Nason, for counselling sessions, and slowly confided in Nason about the assault she suffered as a child. After her son, Ben, was born, though, she quit seeing Nason. She quit her job at the nursery, too, and was building a small photography business. One day, in February, 2013, when Ben was about six weeks old, Addimando said that Grover made a sexual advance toward her, and, when she declined, he slammed her face into the door frame of Ben's room, then forced himself on her.

Grover, she said, began to develop a penchant for forced sex. Addimando wondered if she was doing something to bring on the abuse or if she was obligated to allow him the kind of sex he wanted. She learned that Grover had videotaped one of the sexual assaults without her knowledge. She brought the camera and memory card with the footage on it to Nason's office and played some of it for her. "She was mortified," Nason told me. "She was, like, 'What did I do wrong? Did I not say no enough?' . . . She was scared to death to confront him."

By September, 2014, Addimando was living with Grover and Ben in an apartment in Hyde Park and was pregnant with another child. One morning, she was in the kitchen, taking her prenatal vitamins, when she shrugged off a kiss from Grover. She testified that he bit her on the shoulder and slammed her face onto the counter, twice, then sexually assaulted her. Two days later, pain was still radiating up from her jaw and she couldn't chew. She called Sarah Caprioli, who worked at Family Services, a victim-assistance program. Caprioli convinced her to obtain a forensic-nurse exam at Vassar Brothers Medical Center. In notes, the examiner wrote that Addimando spoke in "barely audible whispers." She refused to file a police report. She believed that, if she did, Grover would retaliate by taking Ben away from her.

Two days after this exam, as Addimando was fixing eggs for Ben's breakfast, Grover told her that she'd better be making enough for him, too. "Yes, sir," she replied sarcastically. Grover, she said, forced her to the floor, admonished her for being disrespectful, put a metal spoon into the gas flame on the stove, and assaulted her with it. Caprioli accompanied Addimando to another exam at Vassar Brothers Medical Center. The report describes Addimando as "nervous, whispering, poor eye contact, shaking." The examiner took photographs of her injuries, which included a bite mark on her shoulder and burns to her breasts, thighs, and genitalia. Caprioli again encouraged Addimando to report Grover to law enforcement, and again she refused.

Addimando and Grover's second child, a daughter they named Faye, was born in February, 2015. In the course of that year, Grover became fixated on pornography. Addimando testified that he began to construct homemade sex toys out of PVC piping, cement glue, and athletic tape, and he would insert them into her vagina and anus. He tied her up. He fashioned a rubber ball into a gag. He assaulted her vaginally with a gun. He used the belt from her bathrobe to strangle her until she almost passed out. She often had black eyes and bruises. Caprioli administered a domestic-violence risk assessment, which placed Addimando in the highest-risk category for homicide. (Criteria included sexual assault, abuse while pregnant, gun ownership, and strangulation.)

Addimando discovered that Grover was still filming the abuse. He uploaded the videos to PornHub, under the user name groverrespect, with titles like “Bound and Pound” and “Break a Bitch.” She said that he saved the videos on external hard drives. In November, 2015, advocates from Family Services contacted Jason Ruscillo, a detective in nearby Hyde Park. Ruscillo learned that Addimando had been making allegations of abuse and that pornographic images of her were appearing on PornHub without her consent. For the meeting with Ruscillo, Caprioli prepared an affidavit attesting to the abuse Addimando had described, but Addimando refused to sign it.

Addimando made several visits to a midwife, Susan Rannestad. (Rannestad shares a practice with the midwife who delivered Faye.) She told Rannestad that she was worried about losing custody of her children. She was also concerned that Grover would allege that her injuries were self-inflicted. At one visit, in the spring of 2017, Rannestad could not complete a pelvic exam because of the extreme swelling around Addimando’s vaginal and anal areas. Her “insides were on the outside,” Rannestad said.

On September 26, 2017, Addimando and Grover received a call from Child Protective Services. The agency had received an anonymous report from a mother whose child attended Mr. Todd’s Gymnastics, who was concerned because she had learned of Addimando’s injuries and had witnessed Grover losing his temper with his students. The following morning, C.P.S. visited Addimando and Grover’s apartment and interviewed them separately. Afterward, at Grover’s behest, Addimando began calling people whom she thought C.P.S. might contact for information about the couple. By the time Grover returned home that night, she had called her sister and Grover’s parents, brother, and boss, asking them to tell the agency that everything was fine. Addimando feared that C.P.S. would discover the years of abuse she had endured and would take away her children, who were then four and two. But she also hoped that the agency’s investigation might motivate Grover to change his ways.

At approximately 2 A.M. the next morning, a police officer named Richard Sisilli was travelling south on Taft Avenue, in Poughkeepsie, on his way to a call, when he stopped at a traffic light behind a red Dodge Caliber. When the light turned green, the Dodge did not move, so he sounded his air horn. Nicole Addimando got out of the driver’s side of the car, wearing only socks on her feet. Ben and Faye were inside, in car seats. Sisilli later testified, “She told me she tried to leave, but he said he would kill her. . . . She said he’s still in the apartment and the gun had just gone off.” Sisilli put together the pieces of the story as she told it: that there was a fight, that she thought her boyfriend would kill her, that she had shot him, that he was lying on the couch.

Then she asked him, “What do I do now?”

Illustration by Rachel Levit Ruiz

On July 2, 2018, Nicole Addimando pled not guilty to charges of second-degree murder, first- and second-degree manslaughter, and second-degree criminal possession of a weapon. Her jury trial began in March of this year, in Poughkeepsie. (I was not permitted to interview Addimando, whose accounts in this piece are derived from trial transcripts. I spoke to the prosecution and defense teams in her case on background. Grover's family members declined to comment.) Addimando claimed that Grover had threatened to kill her and himself just before she shot him in self-defense. They had been lying on the couch, she said, when Grover pulled out his gun. She kneed him in the groin and struck his arm, and Grover dropped the gun onto the floor, at which point she grabbed for it. He told her she would never shoot him, she recounted, and threatened to kill her. She lunged toward him and pulled the trigger.

Chana Krauss, the prosecutor, maintained that Addimando had not acted in self-defense—that, in fact, she had killed Grover in his sleep. The medical examiner, Kia Newman, testified that an autopsy could not determine whether Grover was asleep at the time of death but that he was most likely lying down when he was killed. Internet searches on Grover's phone, made in the hours before he was killed, included “what will happen if someone was asleep and then someone shot them in the head” and “Will police know if ahe [sic] was asleep when I shoot her?” The prosecution maintained that Addimando, not Grover, had conducted the searches on the night of his death.

The abuse that Addimando suffered is among the most extreme I have ever come across in a decade of reporting on domestic violence. (I began looking into this case because Addimando had a vocal group of supporters on social media, who sometimes quoted from my book on domestic violence, “No Visible Bruises,” on placards at public protests and on Instagram.) At trial, both sides agreed that Addimando had sustained significant injuries over several years, but the prosecution attempted to seed doubts about who had perpetrated the abuse. Krauss hypothesized that Addimando was self-injuring. But her wounds followed no discernable pattern, and some of them—such as the bite marks on her shoulder—were in places she couldn't reach. Once she was taken into custody, she developed no new injuries.

Krauss also hypothesized that a different man had abused Addimando and uploaded the Pornhub videos, or that she had uploaded them of her own volition. Early in her relationship with Grover, Addimando alleged, she had been sexually assaulted on several occasions by a man named Cesar, who was an employee of her mother's. She did not report the abuse, she said, because she

worried that no one would believe her, or that her mother would somehow get into trouble. Around that time, a police officer named Dave Tomaine, whose daughter took classes at Mr. Todd's, noticed bruises on Addimando. When he asked her about them, she offered vague responses. Tomaine invited her to move in with his family, and, during that period, Addimando was having sex with Tomaine, too. (Tomaine did not testify during the trial and could not be reached for comment.)

The presence of Cesar and Tomaine in the narrative aided the prosecution's argument that there was no way to prove that Grover was responsible for the physical and sexual abuse that Addimando had suffered. Addimando herself sometimes questioned whether she was confusing or conflating memories of Cesar's abuse with Grover's. (Memory lapses are common in victims of sexual assault and abuse. Despite her history of head trauma and strangulation, Addimando has never been evaluated for traumatic brain injury.) Stuart Kirschner, a forensic psychologist who frequently serves as an expert witness for prosecutors, testified that the fact that Addimando gave "different accounts at different times to different people" cast doubt on her allegations. He said that Grover did not match the profile of an abuser, because he did not appear to exhibit morbid jealousy and allowed Addimando to move with relative freedom, including visits to therapists. "If he's a batterer," Kirschner told the court, "he's putting her on a really long leash." Kirschner also testified that he didn't believe it was possible to state definitively that the Pornhub videos were not consensual, or at least "partly consensual."

The prosecution also raised the couple's text-message history to question whether Grover could have been as abusive as Addimando claimed. During the trial, Krauss read out exchanges between the two. During a back-and-forth about what to do with Faye when she had a fever, Addimando texted Grover, "Are you this stupid?" and "WTF is wrong with you? I think you might have some sort of mental disorder." Krauss asked why, if Grover was as controlling as Addimando claimed, she would dare to send him combative messages. Addimando replied, "I definitely fought back with my words. And I was asking for it, I guess, because he punished me for it."

The most famous example in America of a battered woman killing her partner was that of Francine Hughes, a severely abused Michigan housewife who, in 1977, set fire to the bed her husband was sleeping in. Her case became the TV movie "The Burning Bed," starring Farrah Fawcett, which was watched by more than thirty million households—more than half of the total viewing audience—the night it aired, in 1984. Hughes was acquitted of murder, by reason of temporary insanity, and Fawcett's portrayal of her cemented an image of a battered woman who resorts to a kind of desperate vigilantism—one that judges and juries might find sympathetic. But Hughes's case was an exception. Juries rarely conclude that killing an abusive partner can be "a reasonable response to an unreasonable situation," Sue Osthoff, the co-founder and director of the National Clearinghouse for the Defense of Battered Women, said.

After three days of deliberation, on April 12th, a jury found Addimando guilty of second-degree murder and second-degree criminal possession of a handgun, the most severe charges she could have been convicted of. She is currently awaiting sentencing and faces twenty-five years to life in prison. But, under a new bill, the Domestic Violence Survivors Justice Act, which Governor Andrew Cuomo signed into law in May, her sentence could be reduced to between five and fifteen years, provided Addimando can prove that domestic violence contributed to her criminal act.

If the judge in her case decides that she is eligible, Addimando's could be the first murder conviction to test the new sentencing guidelines. (The court will rule on her eligibility in February, and she will be sentenced shortly after.) Earlier this year, [in a manslaughter case in Buffalo](#), a judge declined to apply the D.V.S.J.A. in sentencing the defendant, Taylor Partlow, who was given eight years for the stabbing death of her boyfriend. Although the judge acknowledged that Partlow was abused, he held that the

violence did not rise to the “substantial” level that would make her eligible for a more lenient sentence. Like Addimando, Partlow had multiple witnesses testifying to the severity of her abuse; one of them, who saw her immediately after she killed her boyfriend, said Partlow was naked and had a fresh black eye.

The D.V.S.J.A. has been a long time coming. In the late nineties, sentencing reforms in New York State introduced an exception for victims of domestic violence who committed first-time violent felonies. But advocates say that the reforms rarely led to less punitive sentences. In 2007, the New York State Sentencing Commission made further recommendations that domestic violence be considered in sentencing, but it took another four years for a version of the D.V.S.J.A. to be introduced to the Senate and another eight for it to pass. Ana Oliveira, the president and C.E.O. of the New York Women’s Foundation, said of the D.V.S.J.A., “It begins to acknowledge in the law that there’s something else going on. You kill your torturer. Is that the same thing as a torturer killing you?”

While the D.V.S.J.A. attempts to contextualize self-defense in domestic-violence cases, it does nothing to address the many abuse victims who make plea deals. Karla Fischer, a psychologist and lawyer who has consulted on more than two hundred cases in which victims killed abusers, estimates that eighty per cent of victims in those cases took plea deals rather than face a homicide charge. In a case from Schenectady, the defendant, Jacqueline Smalls, had twice obtained orders of protection from her boyfriend, Adrian King, who had been arrested several times for beating and choking her. Late one night in August, 2012, King burst into Smalls’s apartment and attacked her; she stabbed him once with a knife, killing him. She was charged with second-degree murder but pled down to first-degree manslaughter. She is now serving fifteen years.

Although there are no national statistics on how many women are jailed for killing their abusers, a 2005 study by the Department of Corrections and Community Supervision in New York found that sixty-seven per cent of women imprisoned for killing someone close to them (excluding children) had been abused by their victim. “When women kill their partners, it’s almost always in self-defense,” Osthoff said. “When men kill their partners, it’s because they think they are going to leave.”

For a defendant to prove that she acted in self-defense, she must demonstrate that she believed, with cause, that a threat to her life or significant bodily harm was imminent. In the prosecution’s response to the D.V.S.J.A. submission, Krauss argued that whether Addimando had suffered abuse at Grover’s hands was immaterial if the defense could not prove that she was being abused at the precise moment when she killed him. “This Court does not need to determine whether or not the defendant was the victim of domestic violence,” Krauss wrote. The D.V.S.J.A. statute “is very clear, not close in time, not recent, but at the time of the offense.”

But Leigh Goodmark, the author of “Decriminalizing Domestic Violence” and a professor of law at the University of Maryland, said that imminence is difficult to pin down when severe domestic abuse is involved. She drew a distinction between a sudden attack by a random stranger “versus someone you’ve studied for a long time, whose tendencies you know very well. You can easily believe the threat is imminent, because you know what is coming based on your past experience.”

To determine whether an act of violence was an act of self-defense, the legal system must start to take into account “the social realities that victims face—a lack of alternatives and how dangerous it is to leave,” Kit Kinports, a professor at Penn State Law, who has written extensively about battered women and self-defense, told me. In 2012, Canada rewrote its self-defense law to take into account the “size, age, gender, and physical capabilities of the parties to the incident” and evidence of an abusive history

between the parties, which serves to “contextualize the accused’s experience so as to allow their actions to be viewed and understood as objectively ‘reasonable’ in the circumstances.”

I asked Kinports if such nuances could literally allow people to get away with murder. “You are allowed to get away with killing someone,” she said, “if you’re acting in self-defense.”

Dusty Nason told me that Addimando used to drive around for hours, though her dissociation was so extreme that she sometimes didn’t remember doing it. Her car was a place where she tried to work up the courage to leave Grover. It was her refuge, Nason said. Sometimes she brought her children with her. At least once, she went to stay at her mother’s apartment, but Grover found her there and brought her home again.

The most common question asked of a domestic-violence victim—and the prosecution asked it repeatedly during Addimando’s trial—is why she doesn’t just leave. There are many answers. She may fear retaliatory violence from her abuser. She may be afraid of losing custody of her children. (Research by Joan Meier, a professor of clinical law at George Washington University, has found that raising claims of domestic or child abuse can significantly harm a mother’s chances in custody disputes.) She may be financially dependent on her abuser. She may love and care about her abuser. “The same things that everyone in this courtroom misses about him, I loved, too,” Addimando testified of Grover. “That’s why I didn’t leave. He was a great father. He was a fantastic coach. But he was different behind closed doors.”

An oft-cited statistic among domestic-violence advocates is that it takes, on average, seven attempts for a victim to leave an abusive relationship for good. But leaving is not an event so much as it is a process—one that requires carefully laid groundwork. In “No Visible Bruises,” I wrote about a woman who prepared to leave her abuser by secretly putting her father’s house in her name and pursuing a nursing degree, so that she could support her children on her own. Her leaving was years in the making, and her abuser killed her before she could follow through.

Decades of research, including a groundbreaking femicide study from 2003, by Jacquelyn Campbell, and a three-country study from 1993, by Margo Wilson and Martin Daly, shows that the most dangerous time for a victim is when she is leaving the relationship. “Wives in all three countries incurred substantially elevated risk when separated,” the Wilson and Daly study stated. When Kirschner, the prosecution expert, was asked at trial if Addimando’s halting attempts at leaving Grover put her at a higher risk of homicide, he told the court, “Not necessarily.”

In her final years with Grover, Addimando began confiding in a friend, Elizabeth Clifton. Clifton taught music classes for babies and toddlers, but she was a social worker by training. Addimando brought Ben to her classes when she was pregnant with Faye. Clifton noticed black eyes and bruises on Addimando and suspected violence at home, but Addimando was closed off, quiet. Clifton earned her trust through months of after-class conversations about early-childhood education and children’s music. Finally, in April, 2016, Clifton gently asked Addimando if she felt safe at home. They had a talk that lasted nearly two hours, in which Addimando slowly revealed her life with Grover. After that day, they began messaging frequently, sometimes for hours at a time. (Addimando implied that Grover monitored her texts, so they always communicated via Facebook Messenger.) Clifton offered to call the police several times, but Addimando told her not to. Everyone knew Chris and liked him, she told Clifton. She hoped it would get better, and she feared that no one would believe her.

Clifton tried many times to convince Addimando to leave Grover, and she came close. Once, Clifton invited Addimando and the kids to stay at her place. Addimando packed up Ben and Faye in her car. “She’d get close and then get scared and then drive past,”

Clifton said. She watched Addimando's car from her living-room window, going back and forth in front of her house, for hours.

"She did try to leave him," Clifton said. "There's really no way for her to have done this right, except for her to die. Maybe then people would believe her."

Rachel Louise Snyder is the author of the books "No Visible Bruises," "What We've Lost Is Nothing" and "Fugitive Denim." She first contributed to the magazine in 2013.

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