



IN THE DISTRICT COURT OF CALHOUN COUNTY, ALABAMA

STATE OF ALABAMA	)	
	)	
V.	)	Case No.: DC-2026-001800.00
	)	
ADEGBOYEGA DANIEL TOBILOBA	)	
Defendant.	)	

ORDER

The Court held a hearing pursuant to Code of Alabama, 1975, 15-13-3, often referred to as Aniah's Law, on August 3, 2026, at 10:30 a.m. The State of Alabama was represented by the Hon. Rose Walton. The Defendant was present, represented by the Hon. Michael LaPlante. Proceedings were recorded by court reporter Olivia Parker.

The Defendant comes charged with the offense of Rape in the First Degree, as provided in Section 13A-6-61, for which he was held initially without bail after arrest, as required by law.

In considering whether there are any conditions or combination of conditions that would reasonably ensure the defendant's appearance in court or protect the safety of the community and of any person, the court shall apply following factors:

- a. The nature and circumstances of the offenses charged.
- b. The weight of the evidence against the defendant.
- c. The history and characteristics of the defendant, including, but not limited to the defendant's character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning appearance at court proceedings, and whether, at the time of the current offense, the defendant was on probation, parole, or on other release pending trial, sentencing, appeal, or completion of sentence for an offense.
- d. The nature and seriousness of the danger to any person or the community if the defendant is released.

Before considering the above factors, the Court makes the following findings of fact:

On the evening of July 28, 2026, [REDACTED] visited the [REDACTED] apartment of Daniel Tobiloba Adegboyega to watch a movie (after [REDACTED] suggested going to her apartment instead, a suggestion which the defendant rejected), an encounter

that quickly escalated into an alleged rape. It is noted that there is a substantial size disparity (Defendant approximately 7'0"/265 lbs versus victim 5'5"/200 lbs). According to [REDACTED], the defendant made unwanted sexual advances, and despite her repeated refusals, he snatched her phone and keys, pinned her to the bed, and forced her to engage in sexual intercourse. She further alleged that when she attempted to leave, the defendant locked the door and forced her into a second act of intercourse, which ceased only upon the arrival of police officers responding to a welfare check. This check had been initiated by her roommate, [REDACTED], who had previously advised against the visit and received a series of alarming text messages from [REDACTED], including, "You were right. He's trying to fuck," and "He's holding me down. I can't leave." When [REDACTED] attempted to call her friend, the defendant answered the phone and questioned her involvement, prompting her to contact law enforcement. In his subsequent interview, Mr. Adegboyega admitted to the sexual encounter but vehemently denied the use of force, characterizing the interaction as consensual, while acknowledging that he had taken the victim's phone to confront [REDACTED]. The investigation has yielded significant physical evidence, including the victim's blood-stained sweatpants and underwear, a completed rape kit, and items recovered from the defendant's apartment, such as semen stained bedsheets, towels, and the tank top he was wearing during the incident. Digital evidence, including the defendant's phone and the text exchange, is currently being processed.

The hearing also addressed the defendant's immigration status through the testimony of Ty Unruh, an agent with Immigration and Customs Enforcement (ICE). Agent Unruh testified that Daniel Tobiloba Adegboyega is a Nigerian citizen whose F-1 student visa expired on May 25, 2023, and whose passport expired on July 15, 2024. Consequently, an active ICE detainer has been placed on the defendant. Agent Unruh explained that should the defendant be released from local custody, ICE would immediately take him into custody, transport him to a detention facility in Jena, Louisiana, and initiate removal proceedings before an immigration judge. While the agent confirmed that his records showed no prior criminal convictions or arrests for the defendant, he maintained that the agency's priority is to place the defendant in removal proceedings. On cross-examination, however, the agent acknowledged that he could not testify with certainty that the defendant would be removed, as that determination rests solely with an immigration judge.

In contrast, the defense presented the testimony of [REDACTED], who has served as the defendant's host father since the defendant arrived in the United States from Nigeria at age fifteen. [REDACTED] described the defendant as an integral member of his family, characterizing him as a "gentle" and "friendly" individual with no history of disciplinary issues during his high school years in Iowa or his subsequent collegiate career at the University of South Florida and UC Riverside. Addressing the defendant's immigration status, [REDACTED] testified that the visa issues were the result of a prior university's failure to file necessary paperwork, and he confirmed that active efforts to reinstate the defendant's status were underway with the assistance of Jacksonville State University. [REDACTED], who drove thirteen hours to attend the hearing, expressed his full commitment to ensuring the defendant's compliance with all court conditions,

including GPS monitoring and court appearances, should a bond be granted. He emphasized that the defendant remains a student on a full athletic scholarship, despite his current suspension from the basketball team, and argued that the defendant possesses strong community ties and lacks the characteristics of a flight risk.

The Court considers the following factors in light of the findings of fact:

A. Nature and Circumstances of the Offense

The charged offense is first-degree rape involving alleged use of physical force, pinning, restraint, locking the door to prevent exit, and two separate acts of penetration after the victim verbally and by conduct indicated non-consent. The substantial size disparity (Defendant approximately 7'0"/265 lbs versus victim 5'5"/200 lbs) is relevant to the ability to overcome resistance. The events occurred in Defendant's private living space after he declined the victim's suggestion to meet in a location where other people were present. These circumstances weigh in favor of a finding of danger to the victim and the community.

B. Weight of the Evidence

At this early stage the evidence consists of: The victim's detailed statement describing force and non-consent; contemporaneous text messages and the roommate's welfare-check call and statements; blood on the victim's clothing in locations consistent with forced intercourse; physical evidence recovered from the scene (sheets with observed semen, clothing matching descriptions); and the defendant's partial admissions (presence, intercourse, awareness of texting, answering the phone) while denying force.

Laboratory results, complete cellphone extraction, and any additional investigation remain pending. The evidence presented is sufficient to support the charge at the preliminary stage and is stronger than a bare accusation, but it is not yet fully developed. The Court notes the incomplete nature of the investigation as would be expected by the short amount of time after arrest before Aniah's Law hearings are required to be held.

C. History and Characteristics of the Defendant

No prior criminal history, arrests, or known disciplinary issues were presented. Defendant has strong long-term ties to a host family in Iowa that considers him a son and is prepared to supervise and support compliance with conditions. He has maintained student athlete status across multiple institutions.

Counterbalancing factors include: Extremely limited ties to Alabama (residence of only a few months, solely for athletic participation); current immigration status (visa and passport expired; ICE detainer already lodged); housing in the same complex as the alleged victim, as arranged through the athletic program; suspension from the

basketball team, which may affect long-term scholarship and housing stability.

The ICE detainer creates a realistic possibility of removal from the jurisdiction while the case is pending, independent of any intentional flight by Defendant.

D. Danger to the Victim, Community, or Others

The nature of the charged offense (forcible rape involving physical restraint and prevention of departure), the size disparity, the location in Defendant's private residence, and the fact that [REDACTED] are significant. Release into the same complex, even with no contact conditions, presents practical enforcement challenges. [REDACTED] willingness to supervise is noted but must be weighed against geographic distance (Iowa) and the short duration of Defendant's presence in Alabama.

E. Risk of Non-Appearence / Flight

Defendant has no prior criminal history or history of failing to appear, nor has he been the subject of any disciplinary actions at the colleges he has been attending. The host family offers strong personal support and is prepared to ensure compliance. However, immigration status and the active ICE detainer create a substantial risk that Defendant may be removed from the United States (and thus from the Court's jurisdiction) before resolution of the criminal case; Alabama ties are minimal and recent; housing and scholarship status are tied to athletic participation that has already been suspended.

These circumstances elevate the risk that Defendant may not remain available for trial even if he personally intends to appear. Removal threatens to extinguish the criminal proceedings completely. Ensuring the Defendant remains within the jurisdiction of this Court throughout the pendency of the case is necessary to protect both the integrity of the process and the interest of all parties.

In summary, the evidence supports a finding that the charged offense is a serious violent Class A felony involving alleged force against a significantly smaller victim in a private setting. Corroboration exists through texts, the welfare check and following statements, blood evidence, and partial admissions.

Factors that mitigate the case for detention include the absence of any prior criminal record, the strong support of a long-term host family willing to supervise, and the early stage of the investigation.

Factors in favor of detention purposes include the nature of the force alleged, the living proximity of the parties, the limited local ties, and the active ICE detainer that independently threatens Defendant's continued presence in the jurisdiction.

Based on the foregoing, the Court further finds that the State, by clear and

convincing evidence, has proven that no condition or combination of conditions of release will reasonably ensure the Defendant's appearance in court or protect the safety of the community or any person.

It is therefore ORDERED that bail in this case is hereby DENIED and that the Defendant be held on NO BOND.

DONE this 4th day of August, 2026.

/s/ RANDY J. MOELLER
DISTRICT JUDGE
