

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

RECEIVED

Certiorari to Spartanburg County

OCT 25 2017

Honorable R. Ferrell Cothran, Circuit Court Judge

S.C. SUPREME COURT

ROBERT LEE, JR.

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2017-000187

APPENDIX

LAURA R. BAER
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

VALERIE GARCIA GIOVANOLI
Assistant Attorney General
P. O. Box 11549
Columbia, SC 29211

ATTORNEYS FOR RESPONDENT

ATTORNEY FOR PETITIONER

INDEX

INDEX	i
TRANSCRIPT OF TRIAL (November 28- December 1, 2011).....	1
FINAL BRIEF OF APPELLANT	597
FINAL BRIEF OF RESPONDENT	611
COURT OF APPEALS’ OPINION.....	646
REMITTITUR	648
APPLICATION FOR POST-CONVICTION RELIEF	650
STATE’S RETURN.....	657
POST-CONVICTION RELIEF HEARING TRANSCRIPT (January 11, 2016)	662
POST-CONVICTION RELIEF HEARING EXHIBIT	
a. Applicant’s Exhibit 1 (Visitation Summary Report)	767
ORDER OF DISMISSAL.....	777
INDICTMENT.....	795
SENTENCING SHEET	797

1 STATE OF SOUTH CAROLINA)
2 COUNTY OF SPARTANBURG) IN THE COURT OF GENERAL SESSIONS

3 The State,)
4 -vs-) TRANSCRIPT OF RECORD
5 Robert Lee, Jr.,) 2010-GS-42-5387
6 Defendant.) November 28 - December 1, 2011
7 Spartanburg, South Carolina
8
9

10 B E F O R E:

11 HONORABLE J. DERHAM COLE, JUDGE; and a jury
12
13
14

15 A P P E A R A N C E S:

16 DERRICK BULSA, ESQUIRE
17 CHAD GRAHAM, ESQUIRE
18 Attorneys for the State

19 BRENDAN M. DELANEY, ESQUIRE
20 Attorney for the Defendant
21
22

23 Linda D. Moffitt
24 Circuit Court Reporter
25

1	<u>INDEX</u>	
2	<u>WITNESSES</u>	<u>PAGE</u>
3	JOHN BURGESS (SW) In-camera	
4	Direct examination by Mr. Bulsa	40
5	Cross-examination by Mr. Delaney	53
6	LOUIS NELSON (SW) In-camera	
7	Direct examination by Mr. Bulsa	57
8	Cross-examination by Mr. Delaney	67
9	DEBORAH COOK (SW)	
10	Direct examination by Mr. Bulsa	97
11	Cross-examination by Mr. Delaney	100
12	Redirect examination by Mr. Bulsa	101
13	Recross-examination by Mr. Delaney	102
14	RACHEL COOK (SW)	
15	Direct examination by Mr. Bulsa	102
16	Cross-examination by Mr. Delaney	129
17	Redirect examination by Mr. Bulsa	135
18	AUDREY HIGGINS (SW)	
19	Direct examination by Mr. Bulsa	142
20	Cross-examination by Mr. Delaney	152
21	Redirect examination by Mr. Bulsa	154
22	Recross-examination by Mr. Delaney	156
23		
24		
25		

1	<u>INDEX</u>	
2	<u>WITNESSES</u>	<u>PAGE</u>
3	FRANKLIN SMITH (SW)	
4	Direct examination by Mr. Bulsa	157
5	Cross-examination by Mr. Delaney	165
6	Redirect examination by Mr. Bulsa	169
7	Recross-examination by Mr. Delaney	169
8	DELORIS GREEN (SW)	
9	Direct examination by Mr. Bulsa	170
10	Cross-examination by Mr. Delaney	175
11	JONATHAN ROSA (SW)	
12	Direct examination by Mr. Bulsa	178
13	Cross-examination by Mr. Delaney	200
14	Redirect examination by Mr. Bulsa	207
15	Recross-examination by Mr. Delaney	208
16	MATTHEW COOK (SW)	
17	Direct examination by Mr. Bulsa	211
18	Cross-examination by Mr. Delaney	232
19	Redirect examination by Mr. Bulsa	235
20	KAMAIYA MCMAHAN (SW)	
21	Direct examination by Mr. Graham	236
22	Cross-examination by Mr. Delaney	242
23	Redirect examination by Mr. Bulsa	245
24		
25		

1	<u>INDEX</u>	
2	<u>WITNESSES</u>	<u>PAGE</u>
3	LEANDRA BROOKS (SW)	
4	Direct examination by Mr. Graham	246
5	Cross-examination by Mr. Delaney	250
6	BETTY RUTH MILLER (SW)	
7	Direct examination by Mr. Graham	251
8	Cross-examination by Mr. Delaney	263
9	JERRY HARRIS (SW)	
10	Direct examination by Mr. Graham	266
11	Cross-examination by Mr. Delaney	274
12	Redirect examination by Mr. Graham	275
13	MARKEISHA WHITMIRE (SW)	
14	Direct examination by Mr. Bulsa	275
15	Cross-examination by Mr. Delaney	282
16	STANLEY HUNTER, SR. (SW)	
17	Direct examination by Mr. Bulsa	283
18	Cross-examination by Mr. Delaney	295
19	COURTNEY WESTFALL (SW)	
20	Direct examination by Mr. Bulsa	296
21	Cross-examination by Mr. Delaney	340
22	Redirect examination by Mr. Bulsa	350
23	MYLNOR BEACH (SW)	
24	Direct examination by Mr. Bulsa	351
25		

1	<u>INDEX</u>	
2	<u>WITNESSES</u>	<u>PAGE</u>
3	MIKE SHAW (SW)	
4	Direct examination by Mr. Bulsa	354
5	RANDY EUGENE BOGAN (SW)	
6	Direct examination by Mr. Bulsa	357
7	Cross-examination by Mr. Delaney	359
8	JENNIFER BROWN (SW)	
9	Direct examination by Mr. Bulsa	359
10	Cross-examination by Mr. Delaney	360
11	Redirect examination by Mr. Bulsa	361
12	Recross-examination by Mr. Delaney	362
13	Redirect examination by Mr. Bulsa	363
14	MARYANN BOEHM (SW)	
15	Direct examination by Mr. Bulsa	364
16	Cross-examination by Mr. Delaney	369
17	THELMA JEAN HUNTER (SW)	
18	Direct examination by Mr. Bulsa	369
19	Cross-examination by Mr. Delaney	382
20	Redirect examination by Mr. Bulsa	385
21	Recross-examination by Mr. Delaney	387
22	JEWELL HARRIS (SW)	
23	Direct examination by Mr. Bulsa	391
24	Cross-examination by Mr. Delaney	398
25		

1	<u>INDEX</u>	
2	<u>WITNESSES</u>	<u>PAGE</u>
3	GEORGE GIST (SW)	
4	Direct examination by Mr. Graham	399
5	JENNIFER CARRION (SW)	
6	Direct examination by Mr. Bulsa	404
7	Cross-examination by Mr. Delaney	413
8	Redirect examination by Mr. Bulsa	417
9	CINTYNA TRAVIS (SW)	
10	Direct examination by Mr. Graham	418
11	Cross-examination by Mr. Delaney	426
12	JOHN ERIC GALLMAN (SW)	
13	Direct examination by Mr. Bulsa	428
14	LOUIS NELSON (SW)	
15	Direct examination by Mr. Bulsa	430
16	Cross-examination by Mr. Delaney	452
17	Redirect examination by Mr. Bulsa	456
18	JOHN BURGESS (SW)	
19	Direct examination by Mr. Bulsa	458
20	Cross-examination by Mr. Delaney	491
21	Redirect examination by Mr. Bulsa	491
22	TINA HURNE (SW)	
23	Direct examination by Mr. Bulsa	492
24	Cross-examination by Mr. Delaney	494
25		

1	<u>INDEX</u>	
2	<u>WITNESSES</u>	<u>PAGE</u>
3	DR. JOHN DAVID WREN (SW)	
4	Direct examination by Mr. Bulsa	496
5	Cross-examination by Mr. Delaney	515
6	DIANA MURRAY (DW)	
7	Direct examination by Mr. Delaney	524
8	Cross-examination by Mr. Bulsa	525
9	SHEERA LEE (DW)	
10	Direct examination by Mr. Delaney	527
11	Cross-examination by Mr. Bulsa	529
12		
13	Jury qualification	16
14	Jury sworn	83
15	Opening statements	90
16	Closing arguments	539
17	Jury charge	559
18	Verdict	591
19	Sentence	594
20	Certificate	596
21		
22		
23		
24		
25		

1	<u>EXHIBITS - SUPPRESSION</u>		
2	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u> <u>EV.</u>
3	S-1	Preinterrogation waiver form	41
4	S-2	Voluntary statement	43
5	S-3	Preinterrogation waiver form	46
6	S-4	Voluntary statement	46
7	S-5	Consent to search	46
8	S-6	Preinterrogation waiver form	
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			

1	<u>EXHIBITS</u>		
2	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u> <u>EV.</u>
3	S-7	Photograph	113 114
4	S-8	Photograph	113 114
5	S-9	Photograph	113 114
6	S-10	Photograph	113 114
7	S-11	Photograph	113 114
8	S-12	Photograph	115 116
9	S-13	Photograph	115 116
10	S-14	Photograph	115 116
11	S-15	Photograph	115 116
12	S-16	Photograph	115 117
13	S-17	Photograph	115 117
14	S-18	Photograph	115 117
15	S-19	Photograph	115 117
16	S-20	Photograph	115 117
17	S-21	Photograph	115 117
18	S-22	Photograph	115 117
19	S-23	Photograph	115 117
20	S-24	Photograph	115 117
21	S-25	Photograph	115 117
22	S-26	Photograph	115 117
23	S-27	Photograph	119 120
24	S-28	Photograph	119 120
25	S-29	Photograph	119 120

1		<u>EXHIBITS</u>	
2	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u> <u>EV.</u>
3	S-30	Photograph	119 120
4	S-31	Photograph	119 120
5	S-32	Photograph	119 120
6	S-33	Photograph	123 124
7	S-34	Photograph	123 124
8	S-35	Photograph	123 124
9	S-36	Photograph	123 124
10	S-37	Photograph	123 124
11	S-38	Photograph	123 124
12	S-39	Photograph	123 124
13	S-40	Photograph	123 124
14	S-31	Photograph	123 124
15	S-32	Photograph	123 124
16	S-33	Photograph	123 124
17	S-34	Photograph	123 124
18	S-35	Photograph	123 124
19	S-36	Photograph	123 124
20	S-37	Photograph	123 124
21	S-38	Photograph	123 124
22	S-39	Photograph	123 124
23	S-40	Photograph	123 124
24	S-41	Photograph	123 124
25	S-42	Photograph	123 124

1		<u>EXHIBITS</u>		
2	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
3	S-43	Photograph	123	124
4	S-44	Photograph	123	124
5	S-45	Photograph	123	124
6	S-46	Photograph	128	128
7	S-47	Photograph		150
8	S-48	Photograph		150
9	S-49	Photograph		150
10	S-50	Photograph		154
11	S-51	Photograph		271
12	S-52	Calendar	297	298
13	S-53	Diagram	303	303
14	S-54	Photograph	303	304
15	S-55	Photograph	303	304
16	S-56	Photograph	303	304
17	S-57	Photograph	303	304
18	S-58	Photograph	303	304
19	S-59	Photograph	303	304
20	S-60	Photograph	303	304
21	S-61	Four swabs	310	311
22	S-62	Photograph	312	
23	S-63	Photograph	312	
24	S-64	Photograph	312	312
25	S-65	Photograph	312	312

1	<u>EXHIBITS</u>		
2	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u> <u>EV.</u>
3	S-66	Photograph	312 318
4	S-67	Photograph	318 318
5	S-68	Photograph	318 318
6	S-69	Photograph	318 318
7	S-70	Photograph	318 318
8	S-71	Photograph	318 318
9	S-72	Photograph	318 318
10	S-73	Photograph	318 318
11	S-74	Photograph	318 318
12	S-75	Letter	318 322
13	S-76	Diagram	325 326
14	S-77	Photograph	325 326
15	S-78	Photograph	325 326
16	S-79	Map	325 326
17	S-80	Map	330 596
18	S-81	Photograph	334 335
19	S-82	Photograph	334 335
20	S-83	Photograph	337 338
21	S-84	Bag for swabs	354
22	S-85	Photocopies of container	358
23	S-86	Photograph	484 484
24	S-87	Photograph	488 488
25	S-88	Map	488 488

1		<u>EXHIBITS</u>	
2	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u> <u>EV.</u>
3		S-89 Diagram	496 502
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			

1	<u>EXHIBITS - SUPPRESSION</u>			
2	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
3	D-1	Affidavit	68	70
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				

EXHIBITS

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
C-1	Report and letter		76
C-2	Question from the jury		558

Jury qualification

1 (Proceedings November 28, 2011)

2 THE COURT: Are we ready for the panel?

3 MR. DELANEY: Yes, sir.

4 THE COURT: Okay. Bring them in.

5 where is this event alleged to have occurred?

6 MR. BULSA: Prince Hall Apartments here in the city of
7 Spartanburg.

8 (The following takes place in the presence of the jury
9 venire.)

10 THE COURT: All right. Ladies and gentlemen, we are
11 ready to begin with jury selection in the first case that's
12 going to require some of your participation. And the title
13 of that case is the State vs. Robert Lee, Jr.

14 Mr. Lee has been accused by the state through the
15 solicitor with having committed the crime of murder. The
16 state alleges that by way of this indictment -- an
17 indictment is simply a charging paper. It is the means by
18 which any person is brought into this court and is formally
19 accused of having a crime.

20 And in this particular case the state alleges that
21 Robert Lee, Jr. did here in Spartanburg County on or about
22 June the 12th of 2010 wilfully and with malice aforethought
23 kill one Rebecca Christine Rosa by stabbing her and that
24 she died as a proximate result of that act or acts.

25 Now, as to that charge and as to the indictment the

Jury qualification

1 defendant has entered a plea of not guilty. A plea of not
2 guilty places upon the state because they brought the
3 charge to establish a defendant's guilt beyond a reasonable
4 doubt. And therefore we're going to be selecting 13 of you
5 to participate in the trial of the case.

6 You're simply going to be called upon to listen to
7 testimony and to consider other evidence in the case. From
8 that evidence you will decide the facts. In other words,
9 you will determine what, if anything, occurred on June the
10 12th of 2010 as it relates to these allegations.

11 Once you decide what those facts are you will apply
12 the law that I will have provided you, and you will
13 determine whether or not the defendant has been proven
14 guilty of the crime beyond a reasonable doubt. And if he
15 has, then your verdict would be guilty. And if he has not,
16 then your verdict would be not guilty.

17 Now, before we begin with jury selection in this case
18 I've got some questions that I'm going to be asking you.
19 And the purpose of the questions is to determine whether or
20 not there is some reason why any one of you jurors should
21 not be selected to participate in the trial of this
22 particular case.

23 And so as these questions are asked of you should you
24 need to respond to them, I'll ask that you simply please
25 stand, and I'll address those matters with you

Jury qualification

1 individually.

2 The first thing I'm going to do is to introduce some
3 people to you. That's going to include the defendant.
4 That will include some of the persons who are -- were
5 related to the victim in this case. That will also include
6 potential witnesses to be called during the trial of the
7 case. That will include the lawyers involved in the
8 presentation and trial of the case.

9 And so the purpose of these introductions is to find
10 out if any juror knows anybody involved in the trial of
11 this case, as well as whether or not you know anybody who
12 is related to any of these people involved in the case.

13 In other words, you might know -- might -- you might
14 not know someone who is introduced to you personally, but
15 you might know some member of their family. So if you know
16 these people, you have any connection with them, whether it
17 be by blood or by marriage or whether it be an employment
18 connection, a social connection, a church connection or any
19 other type of connection or you just happen to have met
20 them somewhere, you just happen to know them, I'm going to
21 ask that you stand as that person's name is called.

22 We will address that connection and whether or not it
23 would interfere with your ability to be fair or effect your
24 judgment in the case.

25 Now, first of all, as I told you, the person who is

Jury qualification

1 the defendant, the person accused of the crime, is Robert
2 Lee, Jr.

3 Mr. Robert Lee, Jr., if you will, stand and face the
4 jury panel please, sir.

5 (Whereupon, the defendant and Mr. Delaney stood.)

6 THE COURT: Mr. Robert Lee, Jr. is the gentleman in
7 the white shirt without the jacket on. The gentleman
8 standing with Mr. Lee is Brandon Delaney. He is Mr. Lee's
9 lawyer. He'll be assisting him in the trial of this case.

10 Thank you. Be seated.

11 The person who is alleged to have been the victim of
12 this event is Rebecca Christine Rosa. And I'll ask if she
13 has family members who are present -- if you as family
14 members will, please stand and face the jury panel so that
15 they may see who you are. And by seeing you they may know
16 whether or not they knew Ms. Rosa.

17 (Whereupon, the victim's family members stood.)

18 THE COURT: All right. You may be seated.

19 Presenting the case on behalf of the state is Derrick
20 Bulsa who is the Deputy Solicitor for the 7th Judicial
21 Circuit.

22 (Whereupon, Mr. Bulsa stood.)

23 THE COURT: Potential witnesses, those that may be
24 called to testify during the trial of the case, include
25 Mylnor Beach with the Department of Public Safety; Tammy

Jury qualification

1 Belcher, Maryann -- how do you pronounce that?

2 MR. BULSA: Boehm, I think.

3 THE COURT: Boehm, B-O-E-H-M. Mary Ann Boehm. She's
4 employed by the South Carolina Law Enforcement Division.

5 Randy Bogan employed the coroner's office; Leandra
6 Brooks; Jennifer Brown employed by the State Law
7 Enforcement Division; John Burgess employed by the
8 Department of Public Safety; Jennifer Carrion; Corey
9 Condrey; Debora Cook; Matthew Cook; Rachel Cook; J.E.
10 Gallman with the Public Safety Department; George Gist;
11 Deloris Green; Jerry Harris; Jewell Harris; Thelma Jean
12 Harris; Audrey Higgins; Nikki Hughes with the State Law
13 Enforcement Division; Dervin Hunter; Stanley Hunter; Tina
14 Hurne with the Department Of Public Safety; Lou Jones with
15 the Department of Public Safety; Zakeya Jones; Selena
16 Kinard with the State Law Enforcement Division; Amanda
17 Lathan, Spartanburg Regional Medical Center; Officer Layton
18 with the Spartanburg Department of Public Safety; Kamaiya
19 McMahan; Betty Miller; Crystal Miller; Louis Nelson,
20 Department of Public Safety; Russell Porter, Department of
21 Public Safety; Jonathan Rosa; Mike Shaw, coroner's office;
22 Franklin Smith; Reginald Spurgeon, Spartanburg Public
23 Safety Department; Cynthia -- or Cintyna Travis; Courtney
24 Westfall, Department of Public Safety; Markeisha Whitmire;
25 Kevin Williams, a dentist; David Wren, pathologist.

Jury qualification

1 Are there any other potential witnesses on behalf of
2 the state?

3 MR. BULSA: No, Your Honor, but Chad Graham is
4 assisting me in the case.

5 THE COURT: Okay. Any other potential witnesses on
6 behalf of the defendant?

7 MR. DELANEY: No, Your Honor.

8 THE COURT: Chad Graham is also an assistant circuit
9 solicitor for the 7th Judicial Circuit. He'll be
10 participating in the trial.

11 All right. Does any member of the jury panel know
12 anybody who's been introduced to you or whose name has been
13 read as a potential witness in the case? If you know any
14 of those people, I would ask that you please stand.

15 All right. I'll start right here. And if you'll give
16 me your name and your juror number, and then tell me how
17 that question relates to you.

18 JUROR NO. 26: I'm Juror No. 26, Latunya Dodd Tanner.
19 Mr. Delaney handled my divorce case.

20 THE COURT: Okay. Would that have any bearing upon
21 your decision in this case if you were selected as a juror?

22 JUROR NO. 26: No, sir.

23 THE COURT: Thank you. Be seated.

24 Yes, sir.

25 JUROR NO. 164: No. 164. I happened to coach Mr.

Jury qualification

1 Bulsa several years ago.

2 THE COURT: And would that have any bearing upon your
3 decision in the case?

4 JUROR NO. 164: No.

5 THE COURT: Thank you. Be seated.

6 First row. You, sir.

7 JUROR NO. 170: Brian Wofford, 170. I'm a city
8 employee, so.

9 THE COURT: And what department?

10 JUROR NO. 170: Parks and recreation.

11 THE COURT: Okay. Would it have any bearing upon your
12 decision?

13 JUROR NO. 170: No, sir.

14 THE COURT: Thank you. Be seated.

15 Next row.

16 JUROR NO. 98: Ninety-eight. Classmate of Robert Lee
17 Jones.

18 THE COURT: You were classmates with who?

19 JUROR NO. 98: Robert Lee.

20 THE COURT: Oh, the defendant. All right.

21 JUROR NO. 98: Yes, sir.

22 THE COURT: And how long ago was that about?

23 JUROR NO. 98: '05.

24 THE COURT: All right. Would that have any bearing
25 upon your decision in this case?

Jury qualification

1 JUROR NO. 98: No, sir.

2 THE COURT: All right. Thank you. Be seated.

3 Yes, sir.

4 JUROR NO. 98: No. 19, David Cox. Acquaintance or had
5 met Randy Bogan through the years, just said hello, nothing
6 involved or anything.

7 THE COURT: All right. Would that have any bearing
8 upon your decision?

9 JUROR NO. 98: No, sir.

10 THE COURT: Thank you. You may be seated.

11 As I have stated by reading the allegations in the
12 indictment to you, this is an event which the state alleges
13 occurred back on June the 12th of 2010.

14 It is alleged to have occurred on the grounds or in an
15 apartment at the Prince Hall Apartments located here in the
16 City of Spartanburg.

17 Does any member of the jury panel think you have
18 heard, seen or read anything that might relate to this
19 particular case? In other words, do you have any
20 information about this case that you have obtained from any
21 source whatsoever? If so, please stand.

22 (No response.)

23 THE COURT: Is there anything about the nature of the
24 charge itself -- what is alleged against the defendant --
25 is there anything about the nature of the charge itself

Jury qualification

1 that would prevent any juror from being able to be fair and
2 impartial to both sides in this case? If so, please stand.

3 (No response.)

4 THE COURT: Has any member of the jury panel or any
5 members of your immediate family -- and let's define
6 immediate family members as parents, spouses, children, or
7 siblings -- a parent, a spouse, a child or a sibling --
8 have you or any members of your immediate family ever been
9 the victim of any type of crime that might be characterized
10 as a violent crime?

11 And I am going to include in that category the crimes
12 of murder, manslaughter, criminal sexual conduct, armed
13 robbery, robbery, burglary, criminal domestic violence of a
14 high and aggravated nature, or any other similar type of an
15 offense.

16 Have you or a family member ever been the victim of
17 any such of crime? And while I'm asking the question I'll
18 ask you if you or any family member has ever been accused
19 of having committed any of those types of crimes. So
20 whether you or a family member are a victim or have been
21 accused of such, I would ask that you please stand.

22 All right. Now, I've got several standing. I'm going
23 to start on the front row and work my way back and then
24 across the aisle.

25 I will need for you to provide me with your name and

Jury qualification

1 your juror number. And if you prefer not to respond to the
2 question where you're standing, you feel free to come down
3 here and I will discuss it with you privately.

4 Okay. I'll start with you, ma'am.

5 JUROR NO. 129: Deana Scruggs, 129. My daughter was a
6 victim of domestic violence.

7 THE COURT: And would that have any bearing upon your
8 decision?

9 JUROR NO. 129: No, sir.

10 THE COURT: Thank you. Be seated.

11 Yes, ma'am.

12 JUROR NO. 68: Brittany Jeter. My juror number is 68.
13 And me and my mother both were victims of criminal domestic
14 violence.

15 THE COURT: And would that have any bearing upon your
16 decision in this case?

17 JUROR NO. 68: No, sir.

18 THE COURT: Thank you. Be seated.

19 Yes, sir.

20 JUROR NO. 17: Juror No. 17, Phillip Coleman. My
21 house was broken into about three years ago.

22 THE COURT: Would that have any bearing upon your
23 decision?

24 JUROR NO. 17: No, sir.

25 THE COURT: Thank you. Be seated.

Jury qualification

1 Yes, sir.

2 JUROR NO. 161: 161, Carol Webb. My daughter was a
3 victim of criminal domestic violence.

4 THE COURT: Would that have any bearing upon your
5 decision?

6 JUROR NO. 161: No, sir.

7 THE COURT: Thank you. Be seated.

8 Yes, sir.

9 JUROR NO. 46: Kenneth Goins, Juror 46. And I had a
10 nephew that was murdered.

11 THE COURT: And would that have any bearing upon your
12 decision in this case?

13 JUROR NO. 46: None.

14 THE COURT: Thank you. Be seated.

15 Yes, ma'am.

16 JUROR NO. 123: 123, Theresa Rogers. I had a brother
17 that was murdered.

18 THE COURT: And would that have any bearing upon your
19 decision in this case?

20 JUROR NO. 123: No, sir.

21 THE COURT: Thank you. Be seated.

22 Is or has any member of the jury panel or any members
23 of your immediate family ever been employed as law
24 enforcement officers -- you or that family member ever been
25 employed as a law enforcement officer of any kind? If so;

Jury qualification

1 please stand.

2 All right. I will start on the front row. I'll work
3 my way back and then across the aisle.

4 Name and number, please.

5 JUROR NO. 63: Jessica Hutchins, Juror 63. My husband
6 works for Gaffney City Police Department and I work for
7 Limestone Public Safety.

8 THE COURT: Okay. Would that have any bearing on your
9 decision?

10 JUROR NO. 63: No, sir.

11 THE COURT: Okay. Thank you. Be seated.

12 Yes, ma'am.

13 JUROR NO. 86: Ramon Martinez, 86. And my sister used
14 to work for the Spartanburg -- Spartanburg deputy sheriff.

15 THE COURT: Would that have any bearing on your
16 decision?

17 JUROR NO. 86: No, sir.

18 THE COURT: Thank you. Be seated.

19 Yes, ma'am.

20 JUROR NO. 68: My name is Brittany Jeter, Juror No.
21 68. And my daddy used to be the sheriff in Charlotte,
22 North Carolina.

23 THE COURT: Would that have any bearing on your
24 decision?

25 JUROR NO. 68: No, sir.

Jury qualification

1 THE COURT: Thank you. Be seated.

2 Yes, ma'am.

3 JUROR NO. 2: Sherard Ansley, Juror No. 2 My
4 son-in-law is a police officer in Columbia in the special
5 victims domestic violence area.

6 THE COURT: Would that have any bearing on your
7 decision?

8 JUROR NO. 2: No.

9 THE COURT: Thank you. Be seated.

10 Yes, ma'am.

11 JUROR NO. 3: Ronda Balliew, Juror No. 3. My husband
12 used to be a police officer in Greer about five years ago.

13 THE COURT: Would that have any bearing on your
14 decision?

15 JUROR NO. 3: No, sir.

16 THE COURT: Thank you. Be seated.

17 Yes, ma'am.

18 JUROR NO. 88: Juror 88, Bobbie Matthews. My step-dad
19 used to be with Spartanburg County. It's been many years
20 ago.

21 THE COURT: And would that have any bearing on your
22 decision?

23 JUROR NO. 88: No, sir.

24 THE COURT: Thank you. Be seated.

25 Has any member of the jury panel ever been called or

Jury qualification

1 subpoenaed to come to court and testify as a witness in the
2 trial of a criminal case, whether it be you were subpoenaed
3 or called by the state or by a defendant? Have you ever
4 testified in the trial of a case? If so, please stand.

5 All right. Tell me what your name and number is,
6 please, sir.

7 JUROR NO. 40: Ricky Ferguson, 40.

8 THE COURT: And were you called by the state or by a
9 defendant?

10 JUROR NO. 40: By the state.

11 THE COURT: And how long ago was that about?

12 JUROR NO. 40: About 20 years ago.

13 THE COURT: Okay. All right. Thank you. You may be
14 seated.

15 Anyone else?

16 (No response.)

17 THE COURT: Has anybody already made up your mind or
18 formed an opinion as how you think the case ought to be
19 decided based upon what you've heard and seen up this point
20 or based upon any other consideration? Have you already
21 formed an opinion or made up your mind as to the outcome?
22 If so, please stand.

23 (No response.)

24 THE COURT: Does any juror know of any reason
25 whatsoever why you cannot be fair and impartial if called

Jury qualification

1 upon to serve as a juror in this particular case? If so,
2 please stand.

3 (No response.)

4 THE COURT: Any other questions requested by the
5 state?

6 MR. BULSA: No, Your Honor.

7 THE COURT: By the defendant?

8 MR. DELANEY: No, Your Honor.

9 THE COURT: All right. Now, as your names are called
10 you'll be asked to come forward. You'll just come towards
11 me.

12 You'll see the desks where the lawyers are seated. If
13 you're towards the center or towards the center aisle, just
14 come up the center aisle. If you're towards the wall, you
15 can come around the desks where the lawyers are seated.

16 But I'll need for you to take a stance out here. The
17 bailiff will show you. He'll be standing there where you
18 are to stand. And you'll just turn and face your fellow
19 jurors.

20 Each side has an opportunity to have you excused from
21 service in the case, or both may agree to have you seated
22 for service in the case.

23 If either side asks that you be excused from serving
24 just go back and have a seat where you are now. If both
25 agree to have you seated for service in the case you'll be

Jury qualification

1 having a seat in the jury box to your right and to my left.

2 So if you'll simply come forward as your name is
3 called you'll be instructed if you have been selected or
4 excused from service.

5 THE CLERK: Juror 144, Myra Taylor.

6 What says the state?

7 MR. BULSA: Please present the juror.

8 THE CLERK: What say the defense?

9 MR. DELANEY: Please excuse the juror.

10 THE CLERK: Juror 155, Scott Waddell.

11 What say the state?

12 MR. BULSA: Please present the juror.

13 THE CLERK: What say the defense?

14 MR. DELANEY: Please present the juror.

15 THE CLERK: Juror 3, Ronda Balliew.

16 What say the state?

17 MR. BULSA: Please present the juror.

18 THE CLERK: What say the defense?

19 MR. DELANEY: Please excuse the juror.

20 THE CLERK: Juror 26, Latunya Dodd.

21 What say the state?

22 MR. BULSA: Please excuse the juror in this case.

23 THE CLERK: Juror 79, Ronald Lancaster.

24 MR. DELANEY: Give me that number again. I'm sorry.

25 THE CLERK: Seventy-nine.

Jury qualification

1 What say the state?
2 MR. BULSA: Please present the juror.
3 THE CLERK: What say the defense?
4 MR. DELANEY: Please excuse the juror.
5 THE CLERK: Juror 38, Julie Farmer.
6 What say the state?
7 MR. BULSA: Please present the juror.
8 THE CLERK: What say the defense?
9 MR. DELANEY: Please present the juror.
10 THE CLERK: Juror 41, Sharon Finck.
11 What say the state?
12 MR. BULSA: Please present the juror.
13 THE CLERK: What say the defense?
14 MR. DELANEY: Please excuse the juror.
15 THE CLERK: Juror 85, Melissa Martin.
16 What say the state?
17 MR. BULSA: Please present the juror.
18 THE CLERK: What say the defense?
19 MR. DELANEY: Please present the juror.
20 THE CLERK: Juror 30, Gerald Edwards.
21 What say the state?
22 MR. BULSA: Please present the juror.
23 THE CLERK: What say the defense?
24 MR. DELANEY: Please present the juror.
25 THE CLERK: Juror 147, Tammy Tolleson.

Jury qualification

1 What say the state?
2 MR. BULSA: Please present the juror.
3 THE CLERK: What say the defense?
4 MR. DELANEY: Please excuse the juror.
5 THE CLERK: Juror 88, Bobbie Matthews.
6 MR. DELANEY: Repeat the number, please.
7 THE CLERK: Eighty-eight.
8 What say the state?
9 MR. BULSA: Please present the juror.
10 THE CLERK: What say the defense?
11 MR. DELANEY: Please excuse the juror.
12 THE CLERK: Juror 42, Amika Fowler.
13 What say the state?
14 MR. BULSA: Please present the juror.
15 THE CLERK: What say the defense?
16 MR. DELANEY: Please excuse the juror.
17 THE CLERK: Juror 96, Tammy Messer.
18 What say the state?
19 MR. BULSA: Please present the juror.
20 THE CLERK: What say the defense?
21 MR. DELANEY: Please present the juror.
22 THE CLERK: Juror 25, Erin Docherty -- Docherty.
23 What say the state?
24 MR. BULSA: Please present the juror.
25 THE CLERK: What say the defense?

Jury qualification

1 MR. DELANEY: Please excuse the juror.
2 THE CLERK: Juror 123, Theresa Rogers.
3 What say the state?
4 MR. BULSA: Please present the juror.
5 THE CLERK: What say the defense?
6 MR. DELANEY: Please excuse the juror.
7 THE CLERK: Juror 139, Conley Soden.
8 What say the state?
9 MR. BULSA: Please present the juror.
10 THE CLERK: What say the defense?
11 MR. DELANEY: Please present the juror.
12 THE CLERK: Juror 35, Chris Ervin.
13 What say the state?
14 MR. BULSA: Please present the juror.
15 THE CLERK: What say the defense?
16 MR. DELANEY: Present the juror.
17 THE CLERK: Juror 19, David Cox.
18 What say the state?
19 MR. BULSA: Please present the juror.
20 THE CLERK: What say the defense?
21 MR. DELANEY: Please excuse the juror.
22 THE CLERK: Juror 126, Evelyn Salters.
23 What say the state?
24 MR. BULSA: Please present the juror.
25 THE CLERK: What say the defense?

Jury qualification

1 MR. DELANEY: Present the juror.

2 THE CLERK: Juror 2, Sherard Ansley.

3 What say the state?

4 MR. BULSA: Please present the juror.

5 THE CLERK: What say the defense?

6 MR. DELANEY: Excuse the juror.

7 THE COURT: Wait just a minute.

8 Come back, Ms. Salters [sic]. I show you as having
9 exercised ten. Am I incorrect?

10 THE CLERK: I show ten.

11 THE COURT: That's all you had.

12 Ms. Salters, you can have a seat in the jury box. I
13 mean Ms. Ansley. Excuse me.

14 THE CLERK: Juror 124, George Runyon.

15 What say the state?

16 MR. BULSA: Please present the juror.

17 THE CLERK: What say the defense?

18 MR. DELANEY: Present the juror.

19 THE CLERK: Juror 17, Phillip Coleman.

20 What say the state?

21 MR. BULSA: Please present the juror.

22 THE CLERK: What say the defense?

23 MR. DELANEY: Present the juror.

24 THE CLERK: Juror 70, Jennifer Johnson.

25 What say the state?

Jury qualification

1 MR. BULSA: Please present the juror.
2 THE CLERK: What say the defense?
3 MR. DELANEY: Present the juror.
4 THE CLERK: For the alternate, Juror 175, Laura Wyatt.
5 What say the state?
6 MR. BULSA: Please present the juror.
7 THE CLERK: What say the defense?
8 MR. DELANEY: Present the juror.
9 THE COURT: Let's have one more alternate, please.
10 THE CLERK: Juror 54, Mary Henderson.
11 What say the state?
12 MR. BULSA: Please present the juror.
13 THE CLERK: What say the defense?
14 MR. DELANEY: Please present the juror.
15 (Whereupon, a jury was impaneled.)
16 THE COURT: All right. Those who have been selected,
17 I'll ask you to please go with a bailiff to a jury room,
18 and I'll bring you back in just a few minutes to excuse you
19 for lunch.
20 (The following takes place outside the presence of the
21 jury.)
22 THE COURT: Are there any matters that need to be
23 addressed regarding jury selection by the state?
24 MR. BULSA: No, Your Honor.
25 THE COURT: By the defendant?

1 MR. DELANEY: No, Your Honor.

2 (Whereupon, the remaining members of the jury venire
3 were excused.)

4 THE COURT: All right. Bring the jury in, please.

5 (The following takes place in the presence of the
6 jury.)

7 THE COURT: All right. Ladies and gentlemen, as I
8 told you, we're going to break for lunch, and then we'll
9 start with the trial of the case this afternoon beginning
10 at 3:00 o'clock, at 3:00 o'clock this afternoon.

11 So you're going to be excused now. Keep in mind as I
12 excuse you and throughout the course of the trial you are
13 not permitted to talk about this case in any fashion
14 whatsoever with any person whatsoever.

15 You're also never permitted to conduct any research or
16 do your own investigation into any issue that might arise
17 during the trial. You have to base any decision you make
18 upon the evidence presented during the trial of the case.
19 You're not allowed to supplement that knowledge by
20 conducting research or investigating outside resources.

21 Also, do not permit yourselves to be exposed to any
22 type of media coverage that might relate to the case,
23 whether that be television or radio or newspaper. Avoid
24 any media exposure as it relates to the case. So no
25 discussions, no research, no investigation, no media

1 exposure.

2 Do have a good lunch, and please report to your jury
3 room -- that's the room that you were just shown to.
4 Please report to that jury room at 3:00 o'clock this
5 afternoon.

6 If you're not sure how to get back to that jury room
7 you discuss that with the bailiff before y'all leave, and
8 he'll provide you with those directions.

9 okay. Have a good lunch. We'll see you at 3:00
10 o'clock this afternoon.

11 (The following takes place outside the presence of the
12 jury.)

13 THE COURT: Court is in recess until 2:30 at which
14 time we'll handle the Jackson vs. Denno motion.

15 (Whereupon, a recess was taken.)

16 THE COURT: Are you all ready?

17 MR. BULSA: We are ready to proceed.

18 MR. DELANEY: Yes, sir, Your Honor. We're making a
19 motion under the case of Jackson vs. Denno regarding the
20 admissibility or inadmissibility of two specific statements
21 given by Mr. Lee to detectives.

22 One took place on June the 16th I believe at city hall
23 by way of video -- video tape. It's on video tape.

24 The second was I believe two weeks later at the
25 detention center and was done by a tape recording only.

1 We're asking the state or we're asking this Court to
2 convene that hearing to determine whether or not those two
3 statements are admissible.

4 THE COURT: All right. The dates of the statement are
5 what?

6 MR. DELANEY: June 16th. And the second one, yeah,
7 June 30th.

8 THE COURT: All right. Mr. Bulsa.

9 MR. BULSA: Your Honor, for the record, there were
10 actually -- the defendant was actually spoken to on four
11 separate occasions. There were interview recordings made,
12 video interview recordings made of three of those
13 occasions, and the last occasion was an audio-taped
14 interview.

15 Just for the Court's record, he was interviewed on
16 June the 13th, a day after the victim was reported missing,
17 and then interviewed on June the 15th soon after her body
18 was located, then interviewed again on June 16th, which is
19 one of these interviews in question; and then reinterviewed
20 on June the 30th. The June the 30th incident was at the
21 Spartanburg County Detention Center and was just an audio
22 recording.

23 For purposes of this hearing the state intends to call
24 the officers involved in the interviews, and we do not
25 intend to play the video unless the Court or the defense

John Burgess (In-camera)
Direct examination by Mr. Bulsa

1 wishes it to be shown.

2 The state would first call Officer John Burgess in
3 relation to the June 16th incident.

4 JOHN BURGESS, having been
5 first duly sworn, testified as follows:

6 DIRECT EXAMINATION BY MR. BULSA

7 Q Officer Burgess, who are you employed with?

8 A City of Spartanburg.

9 Q In what capacity?

10 A I work for the public safety department. I'm in the
11 criminal investigation division.

12 Q Okay. And how long have you been an investigator?

13 A Since 2006.

14 Q Were you assisting in the investigation of the missing
15 person's report of Rebecca Rosa?

16 A Yes.

17 Q And were you aware that her body was located on
18 June the 15th?

19 A Yes.

20 Q And did you have the occasion to participate in the
21 interview of Robert Lee, Jr. on June the 16th?

22 A June the 16th, yes.

23 Q And what was Mr. Lee's relationship to Ms. Rosa to
24 your knowledge?

25 A It was her children's father.

John Burgess (In-camera)
Direct examination by Mr. Bulsa

1 Q Okay. Were they living together at the time of her
2 death?

3 A No. I don't believe so.

4 Q Okay. And do you recall where you interviewed him on
5 that day?

6 A On June the 16th we actually -- myself and
7 Investigator Tina Hurne went to the county jail to speak to
8 him about another matter. At that time he said he wanted
9 to speak to us and give us the interview again, and he was
10 brought back to city hall.

11 Q Had you previously interviewed him the day before?

12 A On June the 15th after her body was found there was a
13 crew. Sent a crew out to try to apprehend and locate
14 Mr. Lee, and he was. He was brought to city hall.

15 Q On June the 15th was he read his preinterrogation
16 waiver rights?

17 A Yes.

18 Q And did he understand those rights at that time?

19 A Yes. I think he, he made mention of something about
20 an attorney, but, like I said, I explained it over two or
21 three times. And he understood his rights.

22 Q Okay. And do you recall how long your first interview
23 with him was?

24 A I want to say it was about an hour and 15 minutes.

25 (Preinterrogation waiver form marked State's

John Burgess (In-camera)
Direct examination by Mr. Bulsa

1 Suppression Exhibit No. 1 for Identification.)

2 Q Let me show you what's been marked for this hearing as
3 State's Exhibit No. 1. Do you recognize that form?

4 A Yes. This would be the original form.

5 Q Okay. The original preinterrogation waiver form --

6 A Yes, sir.

7 Q -- on June 15th.

8 A Yes, sir.

9 Q It sets out his rights.

10 A It does. There's two blocks to it, the waiver of
11 rights, excuse me, statement of rights and then the waiver
12 of rights.

13 Q Okay. Did you go over that entire form with him?

14 A I did.

15 Q And did he understand each of those rights?

16 A He did. He put his initials by each one of the five
17 statement of rights that he signed, and then we went over
18 the waiver of right if he wants to speak to me and
19 Investigator Nelson, and he signed there too.

20 Q And did you note how long the interview took place?

21 A I have it down at 8:45 to 2200. So that's right at an
22 hour and 15 minutes.

23 Q Okay. You've got -- you use military time -- 2045 to
24 2200?

25 A 8:45 to 10:00 o'clock, yes.

John Burgess (In-camera)
Direct examination by Mr. Bulsa

- 1 Q Those are p.m.
2 A Yes, p.m., military time.
3 Q How did you conclude this interview with him?
4 A After he signed the -- probably just the voluntary
5 statement saying he -- that the statement he gave was on
6 video maybe.
7 Q Okay.
8 (Voluntary statement marked State's Suppression
9 Exhibit No. 2 for Identification.)
10 Q Show you State's Exhibit No. 2.
11 A Yes. That would have been where it was given at, the
12 time and date, and says the statement is on video. And,
13 again, he signed at the bottom. I provided him a copy of
14 both of these.
15 Q Did you write any type of written statement in which
16 you had him to sign?
17 A Not at that time, no.
18 Q Okay. So the only thing you had him sign was
19 acknowledgment of his preinterrogation waiver rights, the
20 waiver of those rights and then the notation that the
21 statement was on video.
22 A That's correct.
23 Q Did he at any time during the June 15th interview
24 exercise any of his rights?
25 A No.

John Burgess (In-camera)
Direct examination by Mr. Bulsa

- 1 Q So he never wished to stop speaking to you?
- 2 A He never made mention of that.
- 3 Q Did he ever ask that he wanted to speak to an
- 4 attorney?
- 5 A He did not.
- 6 Q Why did you actually end the interview?
- 7 A It was the same things being said over and over. No
- 8 more information was being given or provided by Mr. Lee.
- 9 Q And during that interview did he make any admissions
- 10 about knowing what had happened to his -- the mother of his
- 11 children?
- 12 A He did not. He did not know anything that we were
- 13 talking about.
- 14 Q Did he deny any involvement at all on that occasion?
- 15 A He denied involvement, yes.
- 16 Q Okay. So what happened to Mr. Lee after that
- 17 interview?
- 18 A He was transported to the county jail for booking.
- 19 And then that morning me and Investigator Hurne needed to
- 20 speak to him about a consent to search. We couldn't find
- 21 the property owner at his last known address. So we went
- 22 up there to speak with him about -- went up to speak to
- 23 Mr. Lee about the property owner, about consent to search.
- 24 Q Okay. And that was property on Miller Road?
- 25 A Yes, it was -- it would have been, yes, Miller

John Burgess (In-camera)
Direct examination by Mr. Bulsa

1 Drive -- as I have it.

2 Q Miller Drive. Okay. And just for the record, what
3 address did he put on his waiver form?

4 A Miller Drive.

5 Q Do you know the reason for the distinction between
6 and ?

7 A If I remember correct I think he said his relatives or
8 mother or somebody lives -- it's family owned property or
9 something, and he lives right across the street, I think.

10 Q Okay. So your purpose for going to see him the next
11 day on June the 16th was merely to speak to him about
12 searching his residence at Miller Drive.

13 A That's correct.

14 Q Tell us what took place when you arrived at the jail.

15 A Investigator Hurne and I went up there to speak to
16 him. This was around noon, about 12:00 p.m.

17 we walked in there. And as Robert was signing the
18 consent Robert told me that he spoke to somebody or told
19 somebody that morning about 0600 hours that he wanted to
20 speak to law enforcement.

21 So Investigator Hurne and I transported Robert back to
22 city hall. And we did the same preinterrogation waiver and
23 the statement after that.

24 Q So he told you that he wanted to speak to you again?

25 A Yeah. He said he told law enforcement -- and I can't

John Burgess (In-camera)
Direct examination by Mr. Bulsa

1 remember word for word -- but probably -- probably what I
2 told him, that nobody contacted me but we're here. And he
3 wanted to speak, speak to us about the -- about the death.

4 Q So he led you to believe that he had made a request
5 that he wanted to speak to law enforcement.

6 A That's correct.

7 Q And it was merely a coincidence that you were there to
8 ask him about the property.

9 A The consent to search, that's correct.

10 Q And you made arrangements to take him back to city
11 hall?

12 A That's correct.

13 Q Okay. And you met with him again at the city hall?

14 A We did. That interview began about 12:35.

15 Q Okay.

16 (Preinterrogation waiver form marked State's
17 Suppression Exhibit No. 3 for Identification; voluntary
18 statement marked State's Suppression Exhibit No. 4 for
19 Identification; consent to search marked State's
20 Suppression Exhibit No. 5 for Identification;
21 preinterrogation waiver form marked State's Suppression
22 Exhibit No. 6 for Identification.)

23 Q Since we have been talking about it let me go ahead
24 and introduce this State's Exhibit 5. Is that the consent
25 to search form you went over with Mr. Lee?

John Burgess (In-camera)
Direct examination by Mr. Bulsa

1 A Yeah. This is the actual original statement that
2 myself and Investigator Hurne went over.

3 Q That was a consent to search Miller Drive?

4 A Miller Drive, Spartanburg, yes.

5 Q And that was signed at what time by Mr. Lee?

6 A It was signed on June the 16th of 2010 at noon, at
7 1200.

8 Q So that predated the actual interview on June the
9 16th at city hall, is that right?

10 A Yes.

11 Q Okay. Let me show you State's 3 and 4. What are
12 those documents?

13 A These are two originals and one preinterrogation
14 waiver form, and then the waiver of rights. This was for
15 June 16th of 2010 at 12:35 p.m. Also, initialed that he
16 understands his five rights, and he signed. And he also
17 signed his waiver of rights saying he wanted to speak to me
18 about the death.

19 And the second form is the voluntary statement just
20 saying that the statement is on video. And it's also
21 signed by Mr. Lee.

22 Q So even though you had already gone over his rights
23 the day before you went over them again with him?

24 A That's correct.

25 Q Did anything change in his understanding of those

John Burgess (In-camera)
Direct examination by Mr. Bulsa

1 rights?

2 A Did not change.

3 Q I noticed on both of these forms that up near the
4 statement-of-rights heading the notation of 12th --
5 1-2-T-H.

6 A Yes.

7 Q What does that mean?

8 A I ask them how far do they go in school, and he told
9 me the 12th grade. So I put that on there to make sure he
10 understands the English language.

11 Q Okay. Did you in any way threaten him on either one
12 of those occasions?

13 A No.

14 Q Did you make him any promises?

15 A Never.

16 Q Was any coercion done?

17 A No.

18 Q In fact, each of these is video taped.

19 A These are video taped and voluntary. He could have
20 stopped at any time.

21 Q Okay. Was there any conversation with the defendant
22 prior to either one of these rights being signed that we
23 haven't already discussed?

24 A I don't believe so.

25 Q Okay. Because you talked about going to the jail and

John Burgess (In-camera)
Direct examination by Mr. Bulsa

1 meeting with him about the consent to search. And was the
2 conversation any more extensive than him telling you that
3 he wanted to speak to law enforcement again?

4 A If I remember correctly, we went up there to speak to
5 him about the consent. As we were going over that and
6 actually when he was signing it, that's when he told us
7 that he had told somebody about 6:00 o'clock that morning
8 that he wanted to speak to somebody. And I said, well, I
9 never got that message, do you want to speak to us now.
10 Yes. And he was transported back.

11 Q So you didn't attempt to interview him prior to
12 getting him back to city hall.

13 A No.

14 Q Okay. And were there any promises or anything made,
15 comments made at the jail?

16 A No.

17 Q Did he seem to be -- understand what was taking place?

18 A Yes.

19 Q On either instance did he have any trouble
20 understanding any of these rights?

21 A No.

22 Q Do you recall him asking for any explanation of any of
23 them?

24 A He did on the first time. He asked could he get an
25 attorney, and I explained to him that he could get an

John Burgess (In-camera)
Direct examination by Mr. Bulsa

1 attorney but we could not talk to him at that time. I told
2 him that that's his constitutional right if he wants an
3 attorney, so he has to make a decision whether he wants an
4 attorney or not. He proceeded without an attorney.

5 Q That was on June the 15th?

6 A June the 15th. He never made mention of anything on
7 June the 16th.

8 Q On June the 15th he never made any admissions.

9 A That's correct.

10 Q But on June the 16th, how long did that interview take
11 place?

12 A I want to say it's 40 minutes. Let's see. Actually a
13 little bit longer. About 15 minutes. Began at 12:35 and
14 ended at 1320, which is 1:20.

15 Q Okay. And other than State's Exhibit 4, notation that
16 the statement was on video, was there anything else put in
17 writing?

18 A No.

19 Q And during that interview did he talk about or
20 acknowledge having information about how Ms. Rosa died --

21 A Yes.

22 Q -- and how she came to be buried at another
23 location --

24 A Yes.

25 Q -- and what he did with the objects used in that

John Burgess (In-camera)
Direct examination by Mr. Bulsa

1 crime?

2 A Yes.

3 Q Did he appear to be in his right faculties
4 mentally-state-wise?

5 A Yes.

6 Q Did you have any concerns about whether he understood
7 what was going on?

8 A I didn't have any concern.

9 Q Were you interviewing him by yourself on these
10 occasions?

11 A The first time myself and Investigator Nelson
12 interviewed him. The second time I figured since he
13 approached me at the jail he wanted to speak, so I
14 interviewed him by myself.

15 Q But it was on video.

16 A It was on video.

17 Q Once the video -- once the interviews were ended and
18 the videos were turned off was there any more contact or
19 conversation with Mr. Lee?

20 A No more of a statement or interrogation, no. He would
21 have been transported back.

22 Q Okay. Now, there's been mention preliminarily in this
23 hearing of a June 30th interview. Did you take place in
24 that?

25 A I did not.

John Burgess (In-camera)
Direct examination by Mr. Bulsa

1 Q Who was the lead investigator in this case?

2 A Louis Nelson.

3 I think I need to add just one thing. The only other
4 contact we had was where he took us down to the river.
5 That was the only other contact after that.

6 Q Okay. And when would that have been?

7 A That would have been the same day later on that
8 afternoon.

9 Q June the 16th?

10 A Yeah, June the 16th.

11 Q Okay. So he spoke to you and gave you some
12 information about his version of what happened. And then
13 you actually checked him back out of the jail, or did you
14 take him out right away?

15 A He never went back to the jail. We, we left from
16 there I believe if I remember correctly. We left from the
17 jail after -- from city hall after we got a few people, and
18 we went down. He was going to show us where some items
19 were.

20 Q So once he began to talk, he continued to speak and
21 actually showed you a location where he claimed he did
22 what?

23 A That he threw a knife and the victim's cell phone into
24 a river.

25 Q All right. Thank you. Answer any questions

John Burgess (In-camera)
Cross-examination by Mr. Delaney

1 Mr. Delaney has.

2 MR. DELANEY: Thank you.

3 CROSS-EXAMINATION

4 BY MR. DELANEY

5 Q Good afternoon.

6 A Good afternoon.

7 Q Do you recall at any time Mr. Lee asking you do I need
8 a lawyer?

9 A The first time he, he -- I can't remember if he asked
10 or made a statement do-I-need-an-attorney and that's why I
11 explained to him.

12 Q Would you -- do you recall ever telling him that it
13 would be better for him if he cooperated and it would be
14 best if he talked anyway without a lawyer? Would that be a
15 statement you would have made to him?

16 A Maybe cooperation but not without an attorney. That's
17 his right.

18 Q When you -- you went to the jail on the 16th, and he
19 wanted to talk. You found out that he wanted to talk
20 there. Why transport him back to city hall? Why not just
21 talk to him while you were already at the jail?

22 THE COURT: Excuse me just a minute.

23 Would you mind finding a bailiff and telling him to
24 keep that door shut? I can't have a hearing if we're going
25 to have all of this milling in and out.

John Burgess (In-camera)
Cross-examination by Mr. Delaney

1 Anybody who is here to observe, if you want to observe
2 you're welcome to stay. But you need to be here on time.
3 And you break when we break. You just don't come in at
4 your own convenience. That's not the way this works.

5 Excuse me, Mr. Delaney.

6 MR. DELANEY: Thank you.

7 Q Why not just talk to him at the jail? Why back to
8 city hall?

9 A Because the interview was going to be recorded.

10 Q They don't have any video system at the jail?

11 A Not that I know of.

12 Q There was a point I believe during the video interview
13 on the 16th where you had received some telephone calls
14 from his mother. Do you recall that?

15 A Yes.

16 Q Do you know why she was contacted or if you initiated
17 the contact or if she called you? Do you recall how that
18 all went down?

19 A I'm not sure who contacted who, but she wanted to
20 speak to Robert. And I told him that I would let her speak
21 to him.

22 Q The forms you had him fill out, the ones that Mr.
23 Bulsa had shown to you, one was from the 15th, and then you
24 did another set on the 16th. And the one specifically from
25 the 16th on the video you can actually see Mr. Lee and you

John Burgess (In-camera)
Cross-examination by Mr. Delaney

1 filling it out.

2 was there ever any questioning of Mr. Lee done before
3 that video tape was, was, was started?

4 A I don't believe there would have been.

5 Q And initially when you went to get him to sign the
6 consent to search, what was your intent in doing that? why
7 did you want him to sign that?

8 A The -- we could not locate a property owner for
9 and he was -- he was cooperative prior to that first
10 interview. So I figured instead of trying to swear out a
11 search warrant on some information I didn't have at the
12 time I'd see if he wanted to give consent.

13 Q But he -- was he cooperative on the
14 June 15th interview?

15 A He was cooperative. He just denied any involvement.

16 Q And so based on the results of the
17 June 15th interview, on June 16th, that morning, you went
18 to the jail to get him to sign the consent to search only.

19 A That's correct.

20 Q Did you feel like based on the results of your
21 June 15th interview that he was withholding information
22 from you?

23 A He was withholding information, yes.

24 Q And what led you to that conclusion?

25 A Because the story was -- he was telling wasn't adding

John Burgess (In-camera)
Cross-examination by Mr. Delaney

1 up on June the 15th. I mean, there's very -- there was a
2 lot of unanswered questions that he couldn't explain and
3 didn't want to explain at that time.

4 Q Did you ever interview him again after June the 16th
5 even after -- or I should say -- there as a June the
6 16th interview and the June 16th trip to the river. Did
7 you have any interactions with Mr. Lee after the June the
8 16th trip to the river?

9 A I don't believe so. Let me look in the statement
10 here. I think that was the last time I had had any
11 dealings with Mr. Lee, was after he took us down to the
12 river.

13 Q Did you ever make any promises -- on June the
14 16th when you went to the jail, did you talk to Mr. Lee at
15 the jail?

16 A Yeah, we had a general conversation, yes.

17 Q At that point did you tell Mr. Lee that if he talked
18 to you he would not be charged with murder?

19 A Absolutely not.

20 Q Did you make any like promises to Mr. Lee at any time
21 in return or any, any golden promise to get him to come to
22 talk to you?

23 A Never.

24 MR. DELANEY: No further questions, Judge.

25 MR. BULSA: Nothing further of this officer.

Louis Nelson (In-camera)
Direct examination by Mr. Bulsa

1 THE COURT: You may step down.

2 MR. BULSA: The state calls Louis Nelson.

3 LOUIS NELSON, having been
4 first duly sworn, testified as follows:

5 DIRECT EXAMINATION BY MR. BULSA

6 Q Investigator Nelson, how long have you been with the
7 city of Spartanburg?

8 A For nearly five years.

9 Q What's your capacity there?

10 A I'm an investigator with the criminal investigation
11 division.

12 Q Were you the lead investigator on this case?

13 A Yes, sir.

14 Q Do you recall when you were first assigned it?

15 A First assigned, I believe it would have been on the
16 14th of June to the case.

17 I was initially called out by patrol. I do believe it
18 was on a Sunday. It was on June the 13th. And I came out
19 and spoke with some of the officers and gathered some
20 information that particular night.

21 Q And did -- were you treating this as a missing
22 persons?

23 A At that particular point I was treating the case as a
24 missing persons.

25 Q And did you speak with the defendant at any time in

Louis Nelson (In-camera)
Direct examination by Mr. Bulsa

1 relation to June the 13th?

2 A Yes, sir, I did. I spoke to him initially that same
3 night that I came out based on the information that was
4 gathered by officers that went over to Prince Hall
5 Apartments where the victim lived.

6 Q And did you -- did you think Mr. Lee was a suspect, or
7 what did you think happened to Ms. Rosa at that time?

8 A Well, at that time Ms. Rosa -- I was uncertain. There
9 was a witness that stated that someone driving a blue
10 Durango was parked around the back, rear, of the building,
11 apartment building. And I later found out that Mr. Lee
12 also owned a blue Durango and he had two children in common
13 with Ms. Rosa. So that -- that would make him a person
14 that I would need to go speak to since information was
15 somewhat of a description of him and his vehicle.

16 Q Okay. And how did you come to speak with him that
17 day?

18 A I began to call some of Ms. Rosa's family members. I
19 spoke with -- I do believe I spoke with a brother. I
20 believe I spoke with the mother that night when I was
21 called in.

22 And I got basically some information, background
23 information, on her. They felt it was unusual for her to
24 be missing, to be gone that long and not call anyone when
25 she had three children.

Louis Nelson (In-camera)
Direct examination by Mr. Bulsa

1 And based on the information that I had I began to
2 ask, you know, about Mr. Lee and where I might be able to
3 find him so I could speak to him.

4 They gave me a general area that I might be able to
5 find him out near the county landfill. He had some
6 relatives, his family members. They lived in that area.
7 And they also told me that he and Rebecca lived out in that
8 particular area in a trailer.

9 So after just getting that information I recalled from
10 a previous case that I was in the area dealing with another
11 case. So I kind of figured out where I needed to go based
12 on the previous involvement with another case.

13 Q With Mr. Lee?

14 A Not with Mr. Lee. It was another investigation I was
15 working on.

16 Q All right. Did you go to Miller Drive looking for
17 him?

18 A I ended up going to Miller Drive that night at
19 approximately 2:00 or maybe 3:00 o'clock in the morning,
20 somewhere in that timeframe.

21 Q So this was June the 13th?

22 A By then I think it was the 14th.

23 Q Are you sure? Have you got your notes? Look at your
24 notes to see when you first spoke to him.

25 A I believe it would have been June the 14th when I

Louis Nelson (In-camera)
Direct examination by Mr. Bulsa

- 1 spoke with him, because when I got called in it was late at
2 night on the 13th.
- 3 Q Did you record it, officer?
- 4 A Yes, sir, I did.
- 5 Q When did you talk to him?
- 6 A It would have been actually on the 13th of June of
7 2010.
- 8 Q Okay. Where did you talk to him?
- 9 A When I spoke to him, I spoke to him at city hall in
10 the interview room.
- 11 Q How did he come to be at city hall?
- 12 A Because after I went out to Miller Drive and
13 located -- I believe it was his aunt's residence across the
14 street from where he used to live -- I knocked on the door
15 until someone answered.
- 16 Mr. Lee answered the door, and I asked him if he would
17 come to city hall so I could speak to him, because
18 Ms. Lee -- Ms. Rosa was missing and I just wanted to talk
19 to him.
- 20 Q Okay. And how did he get to city hall?
- 21 A He went back and got his aunt up, and his aunt drove
22 to city hall. And we got out at city hall. And she waited
23 upstairs while I went into the interview room with Mr. Lee.
- 24 Q So his aunt drove him to city hall.
- 25 A Yes, sir.

Louis Nelson (In-camera)
Direct examination by Mr. Bulsa

1 Q And you met with him at city hall.

2 A Yes, sir, I did.

3 Q And how did that interview go?

4 A well, I just basically asked, asked him to recount the
5 events the last time that he saw her, did he have any
6 involvement or anything with her being missing or had he
7 caused her any harm.

8 Q Okay. Did you consider him in custody at that time?

9 A No, sir, I did not.

10 Q Were you treating him there as a witness, a potential
11 witness?

12 A Particularly a potential witness.

13 Q Okay. And did you make him any promises during that
14 occasion, that if he told you what he knew he would gain
15 any favors?

16 A No, sir, I didn't.

17 Q All right. And going to that for background, because
18 what was the next time you actually had a conversation with
19 him?

20 A The next time I spoke with him would have been, I do
21 believe, on the 15th of June of 2010.

22 Q Okay. And where was that interview?

23 A That interview also was at city hall in the interview
24 room.

25 Q Okay. Was that the one that Investigator Burgess has

Louis Nelson (In-camera)
Direct examination by Mr. Bulsa

1 testified about on June the 15th?

2 A Yes, sir. He and I both sat in on the interview.

3 Q Okay. And that would have been the subject of the
4 interview noted in State's Exhibits 1 and 2?

5 A Yes, sir. That's correct.

6 Q Did you have any conversation with him outside of the
7 interview room pertaining to the case in question?

8 A No, sir, I didn't.

9 Q Okay. After the interview on the 15th was he
10 arrested?

11 A Yes, sir, he was.

12 Q Okay. Did you have an occasion to meet with him the
13 next day on the 16th?

14 A I didn't -- I didn't go into the interview room. I
15 was in the building upstairs where the interview was
16 conducted, but I was not present in the interview room.

17 Q Why would you not have participated?

18 A When Investigator Hurne and Investigator Burgess
19 returned from the jail Investigator Burgess informed me
20 that Mr. Lee said that he wanted to speak to them about
21 what, what happened. And based on that if he wanted to
22 speak with Investigator Burgess to get at the truth and the
23 facts of what had happened, you know, I encouraged him to
24 go for it.

25 Q Okay. During the June 15th interview, who did the

Louis Nelson (In-camera)
Direct examination by Mr. Bulsa

1 primary interview of the defendant?

2 A That would have been Investigator John Burgess.

3 Q But you were in the room.

4 A No, sir, I wasn't in the room. I was, I was --

5 Q The 15th you weren't in the room?

6 A Oh, on the 15th, yes, sir, I was. That was. Yes,
7 sir, on the 15th I was.

8 Q And did you ask him questions during that interview?

9 A Yes, sir, I did.

10 Q And most of it was Investigator Burgess.

11 A Yes, sir.

12 Q And on June 16th you were in the building but didn't
13 participate.

14 A I did not participate, correct.

15 Q All right. Did you participate in the traveling of
16 the defendant down to Tibbs Drive --

17 A No, sir.

18 Q -- after that interview?

19 A No, sir.

20 Q What was your next contact with Mr. Lee?

21 A It would have been June the 30th of 2010.

22 Q And how did you come to be in contact with him?

23 A Based on some of the statements that we -- we had
24 obtained from witnesses I believed that there was a second
25 person possibly involved in disposing of the body of Ms.

Louis Nelson (In-camera)
Direct examination by Mr. Bulsa

1 Rosa. And there was some other rumors that -- they were
2 coming to us also throughout the course of the
3 investigation.

4 And at that time since the last, you know the last,
5 contact that we did have with Mr. Lee was somewhat positive
6 I just wanted to go back out and speak with him to see if
7 he would want to share any further information regarding in
8 particular the person that -- this second person that was
9 supposedly seen in the vehicle with him.

10 Q Okay. And where -- what did you do?

11 A Investigator Spurgeon and I, we went out to the
12 Spartanburg County Detention Facility, and I met with
13 Mr. Lee.

14 I requested that he be brought up. They brought him
15 up to the front. Once he was brought up I told him that I
16 wanted to speak with him, and he said that that was okay.

17 I read him his Miranda warnings, his rights. And he
18 signed his rights.

19 Q All right. Hold on. Let me stop you there.

20 Okay. Let me show you State's Exhibit No. 6 for this
21 hearing. Was this the form you went over with him?

22 A Yes, sir, it is.

23 Q Okay. And is it similar to the other two Miranda
24 forms, preinterrogation waiver forms, one and three?

25 A Yes, sir.

Louis Nelson (In-camera)
Direct examination by Mr. Bulsa

- 1 Q He continued to tell you that his address was [REDACTED]
2 [REDACTED] is that right?
- 3 A Yes, sir.
- 4 Q Okay. Who lived at that address?
- 5 A I do believe -- I believe that's where Ms. Betty
6 Miller -- I think that's where his aunt lived.
- 7 Q His aunt, Betty Miller?
- 8 A I believe that's correct.
- 9 Q Was that the house you knocked on to get him to the
10 door?
- 11 A Yes, sir.
- 12 Q Okay. All right. And he acknowledged he understood
13 these rights?
- 14 A Yes, sir, he did.
- 15 Q And he agreed to speak with you?
- 16 A Yes, sir.
- 17 Q And where did you speak with him?
- 18 A I spoke with him in the -- it's basically a medical
19 examination room. It's pretty much the only place they
20 have at the -- at the jail to do a --
- 21 Q Why didn't you take him to city hall?
- 22 A Because I feel like whenever I wanted to speak with
23 him would be brief, and I just wanted to see if he would
24 divulge any information. So I didn't feel that it was
25 important to take him all the way back to the jail to

Louis Nelson (In-camera)
Direct examination by Mr. Bulsa

1 video-record, just to video-record, a very short session of
2 what I felt would be a short interview.

3 Q So you expected it to not take so long.

4 A No, sir. That's exactly right.

5 Q Did you take any measures to record this interview?

6 A Yes, sir. With it being the type of investigation it
7 was I felt like at the least I should audio-record it, and
8 I did.

9 Q All right. So what did you have, a hand tape
10 recorder?

11 A I had one of the small recorders, digital recorder.

12 Q Okay. All right. And how long did this interview
13 actually last?

14 A From 2056 to 2145, which is from 8:56 p.m. to
15 9:45 p.m. So just under, about 49 minutes.

16 Q Okay. Was that longer than you expected?

17 A Yeah. It may have went a little longer.

18 Q All right. During that interview were there any
19 promises made to Mr. Lee?

20 A No, sir, no promises were made.

21 Q Did he clear up anything for you?

22 A He basically provided the same information that we
23 already knew.

24 Q You went over the information he gave you on
25 June 16th again?

Louis Nelson (In-camera)
Cross-examination by Mr. Delaney

1 A Yes, sir. That would be correct.

2 Q Okay. All right. Did you check to see if he had an
3 attorney representing him before you went down there?

4 A I asked him if he had been assigned counsel or if
5 anyone had been to speak with him or he had an attorney
6 that was assigned to him at that time, and he told me no.

7 Q Okay. So you didn't check anywhere. You just asked
8 him what --

9 A I just asked him verbatim.

10 Q Okay. So according to him he didn't have an attorney.

11 A According to what he told me, yes, sir.

12 Q And he indicated he would speak to you at that time
13 without an attorney.

14 A Yes, sir.

15 Q Okay. Did he understand what he was doing?

16 A Yes, sir, he did to me.

17 Q Thank you. Answer any questions Mr. Delaney has.

18 A Yes, sir.

19 CROSS-EXAMINATION

20 BY MR. DELANEY

21 Q Good afternoon.

22 A Good afternoon.

23 Q So your first meeting with Mr. Lee was on June 13th, is
24 that correct?

25 A Yes, sir, that would be June 13th, yes, sir.

Louis Nelson (In-camera)
Cross-examination by Mr. Delaney

1 Q And that's when you went to the aunt's house to try to
2 find him, is that correct?

3 A Yes, sir.

4 Q And so aunt drives Robert back to city hall, and you
5 question him on June the 13th, is that correct?

6 A That's correct, sir.

7 Q And why no preinterrogation waiver form on June the
8 13th?

9 A Because at that time he wasn't a suspect.

10 Q Do you recall what information -- let me rephrase
11 that. Is the information he divulged to you on June 13th,
12 did that turn him into a suspect?

13 A No, sir.

14 Q What, quote, turned him into a suspect?

15 A Just the corroboration of all of the witness
16 statements and what we found throughout the course of the
17 investigation within the next 48 hours.

18 Q The June 15th interview, was that you and Investigator
19 Burgess together on video tape?

20 A Yes, sir. That's correct.

21 (Affidavit marked Defendant's Suppression Exhibit No.
22 1 for Identification.)

23 Q So you had the June 13th, no preinterrogation waiver
24 form. And June 15th you have a preinterrogation waiver
25 form with Investigator Burgess. And then your next contact

Louis Nelson (In-camera)
Cross-examination by Mr. Delaney

1 with Mr. Lee is on June 30th?

2 A Yes, sir.

3 Q I'm going to show you a document here that's been
4 marked Defendant's Exhibit 1. Can you read what the title
5 of that is?

6 A "Affidavit of indigency and application for counsel."

7 Q Do you know what that document is?

8 A It appears to be an application for a public defender.

9 Q And do you know who filled that out and signed it?

10 A I see the defendant's name on it, Mr. Robert Lee, Jr.

11 Q And is it -- is it signed on the last page?

12 A Yes, sir.

13 Q And is there a date on there?

14 A Yes, sir.

15 Q And what date is that?

16 A It's dated the 17th of June.

17 Q So he applied to get a lawyer on June the 17th, and
18 then you talked to him on June the 30th.

19 A Yes, sir.

20 Q Did you ever make any statements to Mr. Lee that he
21 wouldn't be charged with murder if he cooperated?

22 A No, sir.

23 Q On the June 30th interview did Mr. Lee ever ask you if
24 Robert Hall was his lawyer?

25 A Robert Hall. No, sir, I don't recall. I don't

1 remember him asking me about Robert Hall.

2 MR. DELANEY: I move to enter Defendant's 1 into
3 evidence, Judge, for this hearing.

4 MR. BULSA: No objection.

5 THE COURT: It's admitted.

6 (Affidavit marked Defendant's Suppression Exhibit No.
7 1.)

8 MR. DELANEY: No further questions.

9 MR. BULSA: Nothing further.

10 THE COURT: You may step down.

11 MR. BULSA: Your Honor, that's the state's showing on
12 this matter.

13 THE COURT: Mr. Delaney, do you wish to offer any
14 evidence?

15 MR. DELANEY: No, Your Honor. Just argument.

16 THE COURT: Okay. I will be glad to hear from you.

17 MR. DELANEY: Thank you, Judge.

18 I will start with the June 30th interview first, the
19 audio-tape interview. I think Mr. Lee's application for
20 counsel executed on June the 17th is a clear showing at
21 that time that he raised his hand for a lawyer and said I
22 would like a lawyer. And that's contained in Defendant's
23 Exhibit 1.

24 So I think any questioning of him after June the
25 17th was improper, and so that would take out the June 30th

1 audio-tape interview.

2 As to the contents of the June 16th interview, the
3 video-taped interview at city hall with Investigator
4 Burgess, I think there were certain promises made to
5 Mr. Lee at that time that led him to believe that if he
6 made statements he would get certain carrots in return in
7 order for him -- for him to speak. And they've offered if
8 I may -- they've offered state's Exhibits 3 and 4 showing
9 the preinterrogation waiver form and the voluntary
10 statement.

11 At that time Mr. Lee was in that interview room for,
12 you know, several minutes prior to the video being cut on,
13 and then he was taken away from that interview room
14 afterwards.

15 So although we're requesting that the entire
16 June 16th video tape be inadmissible we certainly feel
17 that, again, kind of working backwards from June 30th, that
18 trip to the river, that any information they gathered from
19 that -- he wasn't properly given his rights and understood
20 that he was continuing to give them a statement once he
21 left that interrogation room.

22 So we would ask that any evidence gathered after the
23 exit from that interrogation room, that not be admissible
24 because that interrogation form was signed at the
25 conclusion of the video-tape interview. And then they took

1 him away. And he should have been advised of those rights
2 again, and he was not.

3 They knew the importance of those forms. They
4 executed two of them within a span of, say, 24 to 30 hours
5 between the 13th, the 14th and the 15th.

6 The one on the 15th and then the one on the 16th as
7 well -- I'm sorry. The 13th and 15th and the 16th, the
8 video-taped interview on the 16th with Investigator Burgess
9 only -- and then he was taken to the river.

10 So he should have -- he should have been informed of
11 his rights again just like they did up and to that point.
12 So we would ask that the June 30th interview, certainly
13 inadmissible due to his request for a lawyer.

14 He should have been advised of his rights again on the
15 trip to Tibbs Drive. And based on the promises made to
16 Mr. Lee for cooperation, if he cooperated that things would
17 work out better for him, that there were certain promises
18 made to him by Investigator Burgess from that
19 June 16th interview, that that should also not be
20 admissible.

21 So based on that, Judge, we're basically asking the
22 June 30th interview out, river trip out, and the June 16th
23 river -- I'm sorry -- the June 16th interview out. And
24 13th and 15th is fine. They've got all of their forms.
25 But the 16th river and June 30th I think are clearly

1 inadmissible, Judge.

2 THE COURT: Mr. Bulsa.

3 MR. BULSA: Your Honor, Mr. Delaney did not seek to
4 introduce the videos themselves. I'm not sure why. But
5 they're here and available to the Court.

6 He claims there were promises made by Officer Burgess
7 that would have been memorialized by the video. I didn't
8 point those out the Court.

9 The Miranda, as the Court knows, continues the
10 understanding of the waiver of rights continues once the
11 suspected is interviewed.

12 In fact, the case law would support that the second
13 and third Miranda forms weren't even necessary since he had
14 been Mirandized on June the 15th by the police.

15 They used due care and precaution and interviewed him
16 each time they took him in and sat him down to speak to him
17 in detail. Clearly on the 16th Miranda continued. His
18 understanding of the rights continued as he went to the
19 river.

20 The June 30th incident, that's a little different
21 situation since he had applied for a public defender. The
22 state would argue that Montjoy vs. Louisiana -- that's a
23 supreme -- a U.S. Supreme Court case. I believe it was
24 heard last year -- came out and said that even though an
25 attorney has been asked for by a defendant that does not

1 preclude the police from reinitiating contact.

2 The police asked him before they talked to him if he
3 had gotten an attorney. He indicated he did not. They
4 went over his Miranda warnings once again with him. He
5 acknowledged he would speak to them without the presence of
6 an attorney. So they followed the proper procedure and
7 covered the defendant's rights.

8 He could have easily stopped and said, hey, I've got a
9 public defender and I don't want to talk to you, but he
10 clearly did not do that in any form in the interview.

11 So, Your Honor, the state would argue that all of
12 these interviews and trips should be admissible.

13 THE COURT: Mr. Delaney, any reply?

14 MR. DELANEY: No, Your Honor.

15 THE COURT: Will you hand me those exhibits please?

16 All right. Having considered the testimony and the
17 evidence presented during this hearing, which is all I can
18 consider for the purpose of this ruling, I do find that the
19 state has established by the greater weight or
20 preponderance of the evidence that the statements made by
21 the defendant on June the 16th and June the 30th were
22 freely and voluntarily made, he having been previously
23 advised on more than one occasion of his constitutional
24 rights, and that he knowingly and intelligently waived each
25 of those rights and spoke with law enforcement of his own

1 free will and accord without having been promised anything
2 or threatened in any way or coerced in any fashion.

3 There is evidence that has been presented indicating
4 that Mr. Lee did make an application for appointment of
5 counsel on June the 17th, but there's no indication or
6 evidence presented as to when and how that application was
7 made.

8 There is no evidence that anybody in law enforcement
9 was aware of the fact that he had made that application.
10 And obviously he had an opportunity to tell them that he
11 wished to have counsel retained and-or appointed and that
12 he wished to have counsel present before he had any
13 discussions with law enforcement.

14 He was again each time, and after June the 17th,
15 advised of his constitutional rights through the
16 preinterrogation waiver form, and he did not at that time
17 indicate to law enforcement that he wished to have a lawyer
18 present. And they apparently were not aware that he made
19 that application. So there's no violation of his
20 constitutional right to the presence of counsel based upon
21 his request.

22 So based upon that evidence I do find that the
23 statements are freely and voluntarily made. They are
24 admissible in the trial of the case.

25 All right. Anything else?

1 MR. BULSA: Yes, sir, Your Honor.

2 We spoke briefly in the back hall about the defendant
3 having a mental health evaluation. I do have a copy of it
4 I can provide the Court.

5 This is an application made by the defense, by
6 Mr. Delaney on behalf of the defendant, to have him
7 examined for competency to stand trial.

8 He was interviewed on March the 15th of 2011. The
9 report was generated on April the 8th of 2011. The opinion
10 was that he was competent.

11 Should we make it a court's exhibit, Your Honor?

12 THE COURT: Yes.

13 (Report and letter marked Court's Exhibit No. 1.)

14 THE COURT: Mr. Delaney, does the defendant stipulate
15 to the contents of this report generated by Jeffrey Newsic
16 with the department of mental health?

17 MR. DELANEY: Yes, sir.

18 THE COURT: All right. It does appear that the
19 defendant was ordered for a competency evaluation, that
20 that evaluation was conducted by the department of mental
21 health.

22 A report has been generated which has been made a
23 court's exhibit. And the chief psychologist, Michael
24 Gasin, indicated on April the 8th of 2011 that Mr. Lee did
25 demonstrate an understanding of the general legal and case

1 specific information that was discussed with him, that he
2 was able to learn and obtain information and that he does
3 not have any current symptoms of any mental illness that
4 would adversely impact his competency to stand trial and as
5 such he is able to assist, to understand the proceedings
6 and to assist, his counsel in his own defense. And
7 therefore I find that he is competent to stand trial.

8 Any other evidence that either wishes to present on
9 the issue of competency?

10 MR. DELANEY: No.

11 MR. BULSA: None by the state, Your Honor.

12 THE COURT: Okay. All right. Any other matters we
13 need to address prior to the jury being sworn?

14 MR. BULSA: Yes, sir. There are a couple of matters
15 that may help process the case along.

16 Mr. Delaney and I have had some communication
17 regarding a couple of points that the state intends to
18 pursue. First off, we've got an issue regarding the
19 identity, the body that was found.

20 Ms. Rosa was believed to have been killed on June the
21 12th. Her body was found June the 15th. It was buried in
22 a shallow grave. Her identity was not readily
23 recognizable. She was wearing clothing that the family
24 recognized, but the facial features did not lend
25 recognition.

1 The coroner's office had x-rays performed, dental
2 x-rays performed, on the body. Those dental x-rays were
3 compared to x-rays by a dentist that Ms. Rosa had seen.
4 The dentist rendered a legal identification.

5 We had asked if the defense would stipulate to that
6 information so as not to have to bring the hospital
7 personnel and the dentist to court. He had indicated he
8 would.

9 MR. DELANEY: I've reviewed those records, Your Honor,
10 and there's nothing in the chain of custody or anything
11 that would give me a reasonable legal basis not to
12 stipulate to the identity of that body. So we have
13 stipulated to that.

14 THE COURT: Okay.

15 MR. BULSA: Secondly, it's believed the defendant
16 was -- believed the victim died in her apartment on Prince
17 Hall, Prince Hall Apartments.

18 It appears that the scene was cleaned up, but there
19 was some blood spatter on some of the walls of that
20 apartment. The police took samples of that blood and sent
21 it down to the state law enforcement division for
22 comparison to the victim's D.N.A. which was obtained
23 through the liver of Ms. Rosa since the blood was
24 contaminated due to her condition.

25 I had approached Mr. Delaney if he would consent to

1 the results of those items of blood from the apartment as
2 being Ms. Rosa's. I believe he indicated that he would
3 stipulate to that as well so as not to require the
4 scientist and all to come down, come up to testify.

5 MR. DELANEY: One moment, Your Honor.

6 (Pause.)

7 MR. DELANEY: Your Honor, we can't make a stipulation
8 on that, but I think Mr. Bulsa can present a chain of
9 custody on that blood and the samples and we can just let
10 that one fall wherever it may, Your Honor.

11 THE COURT: Okay.

12 MR. BULSA: So you are not stipulating to that one.

13 MR. DELANEY: No, sir.

14 MR. BULSA: Any part of it?

15 MR. DELANEY: No.

16 MR. BULSA: Thank you.

17 THE COURT: All right. Is that it?

18 MR. BULSA: Yes, sir. That's all by the state.

19 THE COURT: All right. Bring the jury in, please.

20 Ask Ms. Ansley to take the foreperson's seat.

21 MR. DELANEY: I need to get the witnesses sequestered.
22 I am sorry I didn't bring that up. I think there is some
23 in the courtroom.

24 THE COURT: Excuse me. There's no one to leave the
25 courtroom until we take a break as I mentioned earlier. If

1 you can't follow instructions you won't be able to stay
2 here today.

3 Have a seat, please, sir.

4 (The following takes place in the presence of the
5 jury.)

6 THE COURT: All right. Ladies and gentlemen, we are
7 ready to begin with the trial of the case for which each of
8 you have been selected.

9 Ms. Ansley, I'm going to ask you to serve as the
10 foreperson of the jury. And as the foreperson you'll have
11 three specific duties that none of the other jurors will
12 have.

13 No. 1, you'll be asked to serve as the spokesperson
14 for the jury. And that simply means if something arises
15 during the course of the trial that needs to be brought to
16 my attention -- you or a fellow juror has some difficulty,
17 problem or question -- if you'll let me know either
18 directly or through the bailiff I'll address those issues
19 and answer those questions.

20 Secondly, you'll be called upon to preside over the
21 jury deliberations when that comes. That of course will
22 not be until the end of the trial after all of the evidence
23 has been received and I have instructed you on the law
24 that's applicable in the case and then I ask that you begin
25 with those deliberations. But when that time does come it

1 will be you who will preside over that process in the jury
2 room simply to ensure that those deliberations are carried
3 out in some orderly fashion.

4 And, thirdly, you'll be asked to actually write the
5 verdict or the decision of the jury. You'll do that on a
6 verdict form that I'll provide you at the trial's
7 conclusion on which you will be asked to indicate the
8 jury's unanimous decision in the case.

9 Now, the foreperson has those specific duties that I
10 have just indicated. That does not however mean that she
11 is any more important than any of you other jurors, and
12 that's because the decision of a jury is the unanimous
13 consensus opinion of all 12 jurors. And so each of you
14 will have an equal say and equal vote in what the ultimate
15 decision in this case will be.

16 Someone simply has to be delegated those
17 responsibilities that I have just indicated, and I have
18 delegated those to Ms. Ansley in appointing her as the
19 foreperson. But each of you jurors are equally important
20 so far as the ultimate decision is concerned, because, as
21 I've stated, the verdict has to be unanimous. All 12 of
22 you must be in agreement.

23 Now, Ms. Wyatt and Ms. Henderson, each of you have
24 been selected as alternate jurors. And the function of an
25 alternate is to take the place of an original 12th juror in

1 the event one of these 12 jurors cannot continue to serve
2 for some reason.

3 And so if one or more are called away, then one or
4 both of you will be called upon to take those jurors'
5 places. In that event you would become the 12th juror. In
6 that event you would participate throughout the trial
7 including the jury deliberations at the trial's conclusion.

8 If however when the time does come for jury
9 deliberations at the trial's conclusion, if the original 12
10 are all able to participate in that deliberation process,
11 then your service would end and you would not participate
12 any further, and that's because, as I've stated, the
13 verdict of a jury is that of 12. No more than 12 are
14 permitted to engage in that deliberation process.

15 But it is important that each of you pay just as
16 careful attention as we ask of all the jurors in this case,
17 because it does occur from time to time for one reason or
18 another one or more of these jurors may be unable to
19 continue. In that event one or both of you would be called
20 upon to participate as the 12th juror.

21 So we do appreciate your participation as alternate
22 jurors, just as we appreciate the participation of each of
23 you jurors who have been selected for the purpose of
24 deciding the verdict in this particular case.

25 You may swear the panel.

1 (Whereupon, the jury was duly sworn.)

2 THE COURT: All right. As you know, each of you have
3 been selected to decide the verdict in the case of the
4 State vs. Robert Lee, Jr.

5 As you know, Mr. Lee has been charged by the state
6 with having committed the crime of murder. The allegations
7 setting forth that charge are contained in that document
8 that I read from earlier which is called an indictment.

9 The indictment is the charging paper, but it is not
10 evidence of anything. It is not proof of anything. It
11 does not establish anything so far as the elements of this
12 crime are concerned.

13 The state has the burden of proving the allegations
14 that they have set forth in this indictment. The state has
15 the burden of proving each of the essential elements of the
16 crime that they have alleged against the defendant. And
17 therefore the burden is upon the state through the
18 presentation of evidence to establish the defendant's guilt
19 to your satisfaction beyond a reasonable doubt before any
20 such a verdict could be returned.

21 Now, while the indictment is not evidence of anything
22 it will be in the jury room, because it is on the back of
23 that indictment, Madam Forelady, that you're going to be
24 asked to indicate the jury's decision and render that
25 verdict.

1 So you'll indicate that verdict on the back of the
2 indictment in the lower left-hand corner. You'll see a
3 space and the word indicating verdict. You'll -- beneath
4 that word you'll state the jury's decision when you come to
5 that conclusion. You'll also sign your name as the
6 foreperson and place the appropriate date on it.

7 So while the indictment is in the jury room it only
8 serves as the verdict form. It serves no other purpose so
9 far as you 12 jurors are concerned.

10 As I've stated, as to the charge the defendant has
11 entered a plea of not guilty, and that plea places upon the
12 state the burden of proving his guilt to your satisfaction
13 beyond a reasonable doubt.

14 Every person accused of a crime, no matter how serious
15 might be the offense for which that person stands charged,
16 they're always presumed to be innocent of that charge.

17 That presumption of innocence remains with any
18 defendant, as it does with this defendant, from the time
19 that he is placed under arrest and throughout the course of
20 the criminal process and even throughout the course of the
21 trial.

22 That presumption of innocence will be with Mr. Lee
23 even at the trial's conclusion when you go back to begin
24 with your deliberations in the case. That presumption of
25 innocence will be with him in that jury room, and it'll be

1 with him forever unless you 12 jurors determine that he is
2 no longer entitled to that presumption of innocence.

3 In other words, after you've carefully considered all
4 of the evidence in the case, and upon considering that
5 evidence you have determined what you believe to be the
6 true facts as they relate to these allegations, and upon
7 deciding those facts you apply the law that I will have
8 provided you at the trial's conclusion, if you 12 jurors
9 unanimously determine that his guilt has been proven beyond
10 a reasonable doubt, then he would no longer be entitled to
11 that presumption of innocence. But it's only if, unless
12 and until you are satisfied of his guilt beyond a
13 reasonable doubt that the presumption of innocence would no
14 longer be applicable.

15 Now, the way the trial will proceed is that in a
16 moment the lawyers are going to address you in what are
17 called opening statements. There are two occasions in the
18 trial of a case where lawyers are permitted to address the
19 jury directly, and that is at the beginning of the trial
20 before any evidence has been introduced and then again at
21 the conclusion of the trial after all of the evidence has
22 been received.

23 Keep in mind however that the lawyers' statements are
24 not to be considered by you as evidence in the case, and
25 that's because the lawyers don't know anything about this

1 case of their only personal knowledge, experience or
2 perception. If they did they'd be testifying as witnesses
3 in the case.

4 The lawyers are not going to be taking the witness
5 stand. They're not going to be placed under oath. They're
6 not going to be subjected to direct and cross-examination
7 like each of the witnesses will be.

8 So what they tell you in statements is not to be
9 considered by you as any evidence upon which you will base
10 your decision. But you should listen to what the lawyers
11 have to say because those statements do serve a purpose.

12 The opening statements will serve to provide you with
13 a basic understanding as to what this case is about from
14 both the perspective of the state and of the defendant so
15 that you'll have some context in which to place the
16 evidence that we will be receiving shortly thereafter.

17 As I have stated, the closing statements occur after
18 all of the evidence has been received. And, again, while
19 those statements are not evidence, it does afford the
20 lawyers an opportunity to discuss with you the evidence
21 that you have seen and heard during the trial of this case.
22 And through that discussion each will have an opportunity
23 to try to persuade you or to convince you that the evidence
24 in the case does or does not support a particular decision.

25 And it's in between the opening and the closing

1 statements accomplished by the lawyers that we will
2 actually receive the evidence upon which you will base your
3 determination of fact and ultimately your decision.

4 The state, as I have stated, has the burden of proof.
5 The state must establish the defendant's guilt beyond a
6 reasonable doubt. And they do that by the presentation of
7 evidence. And so they have a burden of proof. They have
8 the burden of going forward with sufficient evidence to
9 convince you of the guilt of the defendant beyond a
10 reasonable doubt. So they'll go forward first in their
11 presentation.

12 Once they have concluded a defendant in a criminal
13 trial has the same right to testify or present evidence or
14 introduce evidence if the defendant wishes to, but a
15 defendant is never under any obligation to testify or to
16 call any witness or to produce any evidence. And that's
17 because the burden is not on a defendant to prove that he
18 or she is not guilty.

19 The burden is on the state to prove that he or she is
20 guilty, and that's because the state has brought the
21 accusation, and therefore the state has the burden of
22 making that proof and satisfying you beyond a reasonable
23 doubt.

24 A defendant never has any such obligation or burden
25 because there might be some cases where a person would

1 never prove that they were not guilty or prove that they
2 were innocent. And so a defendant has no such obligation
3 or burden in the trial. But a defendant is afforded an
4 opportunity to testify or to present evidence if he or she
5 wished to do so.

6 So after all of the evidence has been received and
7 after you hear the final summations of the lawyers, I will
8 then instruct you fully on the law as it relates to the
9 criminal law generally and as it relates to this particular
10 crime specifically after which you're going to be asked to
11 go back and begin with your deliberations.

12 Through that process you're simply going to be called
13 upon through the exercise of good judgment and common sense
14 conscientiously applied to the testimony and evidence in
15 the case to decide the facts, then apply the law and arrive
16 at a fair and just decision, whatever that decision may be.

17 Now, it is your prerogative to make your own
18 determination as to the credibility of witness testimony
19 and to the believability of other evidence.

20 Therefore it's important that you pay careful
21 attention throughout the course of the trial. You need to
22 pay attention to each witness as the witness testifies,
23 because at the trial's conclusion you get to assess a
24 witness' credibility.

25 And therefore you can believe everything that a

1 witness testifies to; you may choose to believe none of it.
2 You may believe some portion of a witness' testimony and
3 reject some other portion of that same witness' testimony.

4 You may believe one witness as opposed to several, or
5 several as opposed to one. But in order for you to be in a
6 proper position to be able to fairly and appropriately
7 assess a witness' credibility you have to pay attention to
8 the witness while they testify so that you'll be in a
9 proper position to evaluate that witness' testimony in
10 light of not just that particular witness' testimony but in
11 light of all of the testimony and all of the evidence
12 received during the trial.

13 And of course it's important that you keep an open
14 mind throughout the course of the trial. And that just
15 simply means that you are not to begin making up your minds
16 or formulating your opinions as to what you think the
17 ultimate decision in this case ought to be until all of the
18 evidence has been received, until I have instructed you on
19 the law that's applicable in the case and until you've been
20 asked to go back and begin with your deliberations at the
21 trial's conclusion. That is the process that is designed
22 for you 12 jurors to arrive at a fair and just decision in
23 the case.

24 So I do want to thank you in advance for your
25 participation, as well as for your careful attention. I

Opening statements

1 would ask that you please give the lawyers your attention
2 now as they give you their opening statements.

3 Mr. Bulsa.

4 MR. BULSA: May it please the Court.

5 Good afternoon, ladies and gentlemen. The judge read
6 the indictment to you when we started this case during jury
7 selection. And all you know is that Rebecca Rosa died back
8 in June of 2010 and the state has charged this man with
9 killing her.

10 There's a lot more to that story that you're going to
11 hear, because not only did he kill her. He buried her like
12 a wild animal out in some woods, in some woods behind some
13 property that he lived on with his stepfather and mother.
14 Those woods are off Tibbs Drive.

15 She was buried and found about three days later. Her
16 body was to the extent where she could not be readily
17 identifiable.

18 It's a sad case for a young mother of three children.
19 The defendant was the father of two of those children.
20 Something went wrong with their relationship. She left him
21 and sought another place to live and moved into an
22 apartment in Prince Hall Apartments here in the city of
23 Spartanburg and lived there for approximately two weeks and
24 then went missing. The family lost contact with her.

25 The day before she was believed to have been killed

Opening statements

1 she went out with a brother of hers. She had left her kids
2 with her sister to babysit -- her sister and her mother.
3 She went out with her brother. They went out to eat and
4 went to a club. Her brother dropped her off at that house.

5 She was supposed to go to work the next morning. She
6 didn't make it. They started calling to see what had
7 happened to her.

8 The family suspected foul play. The family went to
9 the police. The family looked and searched for their
10 daughter and their sister. In fact, it was the family that
11 found her. The family sought out a search party of their
12 own. They were that frantic trying to find their loved
13 one. They actually found the body off Tibbs Drive. One of
14 the brothers pulled her out of the shallow grave.

15 The defendant was in the area at that time. He was
16 walking towards the area. And when he heard the shouts
17 that she had been found did he run to the mother of his
18 children to see what had happened? No. He turned around
19 and headed in the other direction.

20 This case is going to be a lot about his actions, a
21 lot about what he said, what he told his family, what he
22 told the police, how he responded to the information that
23 the mother of his children went missing and then how he
24 when charged with the crime and the police put it together
25 and sought the warrants, how he then comes up with an

Opening statements

1 explanation that he's going to want you to believe.

2 The crime that he's charged with is murder. In South
3 Carolina we don't have levels of murder like you might have
4 seen on television, not murder one and murder two.

5 Murder in South Carolina means the unlawful killing of
6 another human being with malice aforethought. The judge
7 will charge you specifically on that law and specifically
8 on definitions contained within that law.

9 I submit to you at the start of this case what you
10 need to be looking for is malice. This was, the state
11 submits, an intentional killing by the defendant with
12 malice aforethought.

13 When her body was found it was taken to the hospital
14 so it could be examined by a pathologist. The pathologist
15 found three stab wounds -- one to her front abdomen area
16 going far enough in to slice her aorta, one to her left
17 neck and one to her left back that went deep enough to go
18 through again.

19 It is a tragedy. A young mother wasn't even given a
20 proper burial. The person who killed her cleaned up the
21 crime scene, disposed of the murder weapon, disposed of her
22 cell phone and then lied about knowing anything about it.

23 Ladies and gentlemen, I ask that you pay attention as
24 the judge did. Y'all listen to the witnesses and determine
25 the facts of this case. At the conclusion I'll ask you to

Opening statements

1 find him guilty of the crime of murder. Thank you in
2 advance.

3 This is a serious matter for the state, for the
4 defendant and for the victim's family and for Spartanburg
5 County. Thank you.

6 THE COURT: Mr. Delaney.

7 MR. DELANEY: May it please the Court. Thank you.

8 Ladies and gentlemen of the jury, I also want to thank
9 you for being here today. You're performing a very
10 important duty.

11 Now, I represent Robert Lee. He's 25 years old and he
12 has two children. He is a 2005 graduate of Byrnes High
13 School.

14 He sits at that table beside me cloaked in a veil of
15 innocence, and it's the state's job to remove that and your
16 duty to decide whether or not they have done that.

17 He has pled not guilty to these charges, and he may
18 present a defense. He may not, just like Judge Cole told
19 you. But if he chooses not to present one that's not to be
20 held against him.

21 The state in this matter has the duty of choosing --
22 of proving beyond a reasonable doubt that Mr. Lee engaged
23 in the unlawful killing of another human being with malice
24 aforethought, that he acted with malice. And they have to
25 prove each element of that crime beyond a reasonable doubt.

Opening statements

1 So let's talk about a reasonable doubt for a little bit.

2 Earlier today when Judge Cole was qualifying you all
3 in the jury panel he talked about the circuit court and the
4 two divisions. Common pleas is where civil lawsuits are
5 filed. Someone has to file a civil lawsuit against
6 someone.

7 In order to be victorious in that case they have to
8 prove their case by a preponderance of the evidence. And
9 if you'll imagine the scale in your head a preponderance of
10 the evidence is just a tip of the scale, 51-49 tip. If
11 you're in a civil lawsuit and you want to be victorious on
12 that you have to prove your case by a preponderance of the
13 evidence. Even a slightest tip of the scale.

14 This is not a civil lawsuit. This is a criminal case.
15 My client's been charged with a crime, a serious
16 allegation. And the burden on the state is that they have
17 to prove that he engaged in the unlawful killing of another
18 human being with malice aforethought. They have to prove
19 all of that by a preponderance of the evidence.

20 So let's imagine a scale again. We've gone from a
21 slight tipping to a -- it has to be a full-scale proof.
22 Okay. Put your own percentage with that -- 95, 96. That
23 will be up to you all to decide as jurors in the jury room.

24 There'll be evidence presented, and that's where
25 this -- the state will attempt to prove their case, by

opening statements

1 submitting evidence.

2 And your job -- and as certain evidence is submitted
3 by the state or a witness makes a certain statement, I may
4 jump up over there and say objection and then have some
5 grounds for that objection. I don't know how many times
6 I'd do that. You might get annoyed with me. You might
7 think that I'm interfering with the presentation of
8 evidence.

9 And ask if you have those feelings to hold them
10 against me. If you become annoyed because I'm saying
11 objection too much, become annoyed with me. Don't hold it
12 against my client.

13 So, you know, if certain evidence is presented I may
14 have some legal questions about that evidence and whether
15 or not it's admissible under the laws of this state. And
16 that's my duty to my client, is to make sure that those --
17 that it's solid legal evidence. And so if you think I'm
18 objecting too much don't get annoyed or offended at my
19 client. Direct that at me. I respectfully request that
20 you do that.

21 As to the evidence the judge will make legal rulings
22 as to whether it's admissible or not. Some of it may be
23 admissible. Some of it may not be admissible. But your
24 decision is going to come from the witness stand and the
25 evidence presented only, not from anything the lawyers say

Opening statements

1 in opening statements or closing arguments. Although they
2 are important too, like the judge said, they are not
3 evidence.

4 But some evidence -- if a piece of evidence is
5 admitted, not all evidence is equal. You, again, as jurors
6 have a duty to put a weight to that evidence, how much
7 weight does that evidence carry. Or even if the evidence
8 is admissible, how much credibility does it carry.

9 And the state is going to present a lot of stuff they
10 want to get into evidence, and you have to make a
11 determination as to the weight of that evidence and the
12 credibility of it. And they're presenting that, again, to
13 try to meet their burden of proof, beyond a reasonable
14 doubt.

15 At all times I ask that you keep an open mind. Do not
16 form any opinion about this case until its conclusion,
17 until everything has been submitted to you and you all join
18 together in that jury room back there and are able to look
19 at the whole picture and not just maybe a volatile
20 statement here or there or at some point where individually
21 something might offend you, or really raise your ears up
22 and so based on that one piece of evidence you come to some
23 conclusion that might not be consistent with looking at the
24 whole picture, which is what Mr. Lee is asking you to do in
25 that jury room.

Debora Cook
Direct examination by Mr. Bulsa

1 So I thank you for your time. I look forward to
2 trying this case and look forward to working with you.

3 THE COURT: Mr. Bulsa.

4 MR. BULSA: The state calls Debora Cook.

5 DEBORAH COOK, having been
6 first duly sworn, testified as follows:

7 DIRECT EXAMINATION BY MR. BULSA

8 Q Good afternoon, Ms. Cook. Please introduce yourself
9 if you would to the ladies and gentlemen of the jury.

10 A I'm Debora Cook. I'm Rebecca Rosa's mother.

11 Q And how many children did you have?

12 A I have five children.

13 Q And where did Rebecca fall in those?

14 A Let's see. The third one.

15 THE COURT: Ms. Cook, let me ask you if you would
16 please. That black microphone in front of you, please use
17 that. You might need to pull up a little bit closer to it.

18 THE WITNESS: Is that good?

19 THE COURT: Yes, ma'am.

20 THE WITNESS: Okay.

21 BY MR. BULSA

22 Q She was the third of your five children?

23 A Yes, sir.

24 Q How old was she when she died?

25 A Twenty-one.

Debora Cook
Direct examination by Mr. Bulsa

1 Q Ms. Cook, where was she living when she died?

2 A Prince Hall.

3 Q And do you know if she was living with anyone other
4 than her children?

5 A Just her children.

6 Q Do you know how long she had been there?

7 A I think not even a month, not even within a month.
8 She'd just moved there.

9 Q What was her relationship with Robert Lee?

10 A They had abusive and fighting all of the time, I
11 heard, and all of that. So she finally got away from it.

12 Q How long did she live with him?

13 A Let's see. I think about 11 years or more. Something
14 like that.

15 Q Okay. Did they live on Miller Drive at some point?

16 A Yes, sir.

17 Q Okay. And how many of her children -- how many
18 children does she have?

19 A She's got three.

20 Q And how many of those children were Mr. Lee's?

21 A Two.

22 Q Two. What are those ages?

23 A Tylia is five and Tyus is three.

24 Q So at the time Rebecca died she was no longer living
25 with Mr. Lee?

Debora Cook
Direct examination by Mr. Bulsa

1 A No.

2 Q When did you realize that something might be wrong?

3 A I went over there with the two policemen Sunday night
4 and they came to me and told me she was gone. They didn't
5 see her but she (inaudible crying.)

6 Q You had a feeling?

7 A Yeah. I knowed.

8 Q Okay. So you reported her missing on Sunday?

9 A Yeah. Me and Rachel did.

10 Q And when did you learn that she had been found?

11 A When Jonathan called me and told me. I think it was
12 Tuesday.

13 Q Were you able to look at her body?

14 A No.

15 Q So you couldn't even identify her.

16 A No.

17 Q During the time she was missing did you have any
18 contact yourself with Mr. Lee?

19 A Not that I know of.

20 Q Thank you, ma'am. Answer any questions Mr. Delaney
21 may have.

22 THE COURT: Just a minute, Ms. Cook.

23 THE WITNESS: Oh, I'm sorry.

24 THE COURT: He may have a question for you.

25 THE WITNESS: Okay.

Debora Cook
Cross-examination by Mr. Delaney

1 CROSS-EXAMINATION

2 BY MR. DELANEY

3 Q Good afternoon. And again I may have to ask you a
4 couple of difficult questions, and I apologize in advance
5 for that.

6 Did you and your daughter Rebecca, did y'all have an
7 estranged relationship?

8 A We had a good relationship.

9 Q Did you ever -- you testified on direct examination
10 that Rebecca and Robert had an abusive relationship, is
11 that correct?

12 A Yes, sir.

13 Q Did you ever personally eye witness any of that?

14 A No, I never witnessed it, but I heard it, heard about
15 it.

16 Q You heard about it from other people?

17 A Yes, sir.

18 Q Like who?

19 A Friends, family, you know. And I questioned her about
20 it, but she denied it to me.

21 Q Was there any allegations that she may have been
22 abusive toward him?

23 A No.

24 Q And you testified on direct examination that you
25 learned that there was a body found, is that correct?

Debora Cook
Redirect examination by Mr. Bulsa

- 1 A Body found?
- 2 Q Or how did you hear about your daughter's death?
- 3 A My son Jonathan called me and told me.
- 4 MR. DELANEY: No further questions, Judge.
- 5 REDIRECT EXAMINATION
- 6 BY MR. BULSA
- 7 Q Just briefly in reply, ma'am, a couple more.
- 8 When did you learn your daughter had left Mr. Lee?
- 9 A She had called me from her cell phone and said that
- 10 she was okay, she was somewhere but she couldn't tell me
- 11 where she was at.
- 12 Q Did you ever learn where that place was?
- 13 A Yeah. Yes, sir. I'm sorry.
- 14 Q Where was it?
- 15 A The Safe Home.
- 16 Q Okay. And that was prior to her moving to Prince
- 17 Hall?
- 18 A Yes, sir.
- 19 Q And Mr. Delaney asked you about you had an estranged
- 20 relationship with your daughter.
- 21 Who did she leave the children with before she went
- 22 missing?
- 23 A Me. Me and Rachel watched them that night.
- 24 Q They were at your home?
- 25 A Uh-huh.

Debora Cook
Recross-examination by Mr. Delaney

1 Q Okay. Thank you, ma'am. That's all I have.

2 RECROSS-EXAMINATION

3 BY MR. DELANEY

4 Q Ma'am --

5 A Oh, I'm sorry.

6 Q Did you know that Mr. Lee actually dropped your
7 daughter off at Safe Home on one occasion at her request?

8 A No.

9 MR. DELANEY: Nothing further.

10 THE COURT: Okay. You may step down now. Thank you.

11 MR. BULSA: The state calls Rachel Cook.

12 RACHEL COOK, having been first
13 duly sworn, testified as follows:

14 DIRECT EXAMINATION BY MR. BULSA

15 Q Rachel, introduce yourself if you would to the ladies
16 and gentlemen of the jury.

17 A I am Rachel Cook. I'm Rebecca Rosa's sister.

18 THE COURT: Use that black microphone, please.

19 A I'm Rebecca -- I mean, I'm Rachel Cook, Rebecca Rosa's
20 sister.

21 Q Are you an older or younger sister?

22 A Younger.

23 Q How old are you, ma'am?

24 A I'm 17.

25 Q Okay. So you would have been how old when your sister

Rachel Cook
Direct examination by Mr. Bulsa

1 died?

2 A Sixteen.

3 Q Okay. How close were you to your sister?

4 A Very close.

5 Q How do you know the defendant?

6 A They was together for seven years, and they dated and
7 had kids together and they lived together. And I used to
8 live with them a few times.

9 Q Where did you live with them?

10 A I used to live when they had a trailer. It was a home
11 near my house, my mom's house. I moved in, and they let me
12 move in another -- when they moved to an apartment too, and
13 I moved in with them. And, you know, I just know them by
14 that.

15 Q Did you ever live with them on Miller Road?

16 A Uh-uh.

17 Q Did you ever visit them at that place?

18 A Uh-huh. I was pregnant at the time, and I stayed a
19 night, stayed the night a few times, and went over there.

20 Q Okay. Did Mr. Lee's family live nearby on Miller
21 Drive?

22 A Uh-huh.

23 THE COURT: Please answer yes or no.

24 A Yes.

25 Q Okay. So Rebecca -- what did y'all call your sister?

Rachel Cook
Direct examination by Mr. Bulsa

- 1 A Becky.
- 2 Q Becky. Short for Rebecca.
- 3 A Uh-huh.
- 4 Q So Becky and Mr. Lee lived at [REDACTED]. Was
- 5 that before she left him?
- 6 A Yeah, yes, sir.
- 7 Q So that was her address before she left Mr. Lee.
- 8 A Yes, sir.
- 9 Q Do you remember approximately when she left him?
- 10 A It was maybe a month before her murder, maybe. I
- 11 don't know. May maybe, around May.
- 12 Q Okay. Do you know where she went?
- 13 A She went to a Safe Home.
- 14 Q How did you learn about that?
- 15 A Because she called me on 3-way. Well, she had a woman
- 16 call me on 3-way, a friend of ours call me on 3-way. She
- 17 told me -- she couldn't tell me where she was at, but she
- 18 told me she was all right and she was safe and her kids was
- 19 safe.
- 20 Q Did you have any contact with Mr. Lee in the meantime?
- 21 A No, sir.
- 22 Q What was the next contact you had with Mr. Lee?
- 23 A When the day she came up missing. We called and asked
- 24 him have he heard from her, and he had told us no, he
- 25 hasn't heard from us -- I mean her.

Rachel Cook
Direct examination by Mr. Bulsa

1 Q Do you know how your sister came to live at Prince
2 Hall Apartments?

3 A Through the Safe Home.

4 Q Did you ever visit her over there?

5 A Uh-huh.

6 Q How -- who moved her in?

7 A The Safe Home did. And from my understanding friends
8 helped her move her stuff over into her apartment.

9 Q And how many times had you been over there?

10 A Well, she only stayed there for a week. So I was like
11 over there every day almost. I was put on -- I was
12 pregnant at the time, and I was planning on moving in with
13 her to get my life together at the time.

14 Q Was she trying to start over?

15 A Uh-huh, yes, sir.

16 Q Did she work?

17 A Yes, sir.

18 Q Where did she work?

19 A At Food Lion in Lyman.

20 Q Do you know how long she had worked there?

21 A A few months, maybe a year. I don't recall.

22 Q Did the defendant work -- Mr. Lee. Did he work?

23 A Not at the time. Oh, yes. He was working with her at
24 Food Lion.

25 Q So they both worked at Food Lion for a while.

Rachel Cook
Direct examination by Mr. Bulsa

- 1 A Uh-huh.
- 2 Q So at the time of your sister's death she was working
- 3 at Food Lion.
- 4 A Yes, sir.
- 5 Q Did you ever view her body?
- 6 A Not -- I didn't get to see her body, no.
- 7 Q You did not get to see her.
- 8 A But I was there on the scene.
- 9 Q But you didn't see her when she was pulled out of the
- 10 dirt.
- 11 A No, no, sir.
- 12 Q So you didn't get to see what she was wearing.
- 13 A No, sir.
- 14 Q Okay. Now, why did you and your mother go to the
- 15 police and report her missing?
- 16 A Because I knew that my sister would call and get her
- 17 kids. You know, she cared about them a lot. And she told
- 18 me she was going to come and get them that morning, the
- 19 next morning. And she never called. And, you know, I knew
- 20 something was wrong. And it was my decision to call the
- 21 police and do a missing report.
- 22 Q Did you check on whether she had gone to work?
- 23 A Yes. Well, we had called up there, and they said that
- 24 she hadn't come in yet. She was supposed to have been
- 25 there like at 10:00 o'clock, and she hadn't come in.

Rachel Cook
Direct examination by Mr. Bulsa

- 1 Q So she didn't get her kids and she didn't go to work
2 to your knowledge.
- 3 A Yes, sir.
- 4 Q And you and your mother went to the police.
- 5 A Yes, sir.
- 6 Q Did you do anything to try to find her yourself?
- 7 A Well, we have -- we met up with a search team
8 ourselves. And me and my brothers and the search team went
9 up there, and we found her.
- 10 Q Did you go to her apartment --
- 11 A Yes.
- 12 Q -- first?
- 13 A We went to her apartment.
- 14 Q Who is we?
- 15 A Me, my brother, my other brother, Leandra and my
16 brother's girlfriend at the time.
- 17 Q Okay. You said your two brothers. Who are they?
- 18 A Jonathan and Matthew.
- 19 Q Okay. And when did y'all go to the apartment?
- 20 A We went Saturday and I think Sunday, up to at least, I
21 think, Monday maybe or Sunday night.
- 22 Q Did you actually get in the apartment?
- 23 A We did Saturday and Sunday. But after that we
24 couldn't go in because the officers said it was, you know,
25 evidence or couldn't be messed with at the time.

Rachel Cook
Direct examination by Mr. Bulsa

1 Q Okay. But before the officers kept you out of the
2 apartment you actually got to go inside.

3 A Yes, and grab a few things for the kids because we had
4 them at the time.

5 Q Okay. All right. So understanding that, had you been
6 in the apartment soon before she went missing?

7 A Yes.

8 Q When? When were you in the apartment before that?

9 A I was there that Friday when she left to go out.

10 Q Okay. So Friday. We're talking about June the 11th?

11 A Yes, sir.

12 Q 1990. You went to Prince Hall Apartments and actually
13 visited with your sister.

14 A Yes, sir.

15 Q So you got to see the condition of the apartment at
16 that time.

17 A Yes, sir.

18 Q And what did it look like?

19 A It was clean. The toys -- we cleaned the toys up. We
20 swept, you know, and got, you know, fixed a few things
21 before she went out, because I was going to stay there that
22 night, but I went home to my mother's. And I watched the
23 kids there at my mother's house.

24 Q Okay. So you originally were going to stay there and
25 watch the kids, but you decided to go to your mother's with

Rachel Cook
Direct examination by Mr. Bulsa

1 the kids. How did -- or how was that arranged, the kids
2 going to your mother's?

3 A How did I get there?

4 Q Yeah. How did all of that take place?

5 A My brother took me -- took -- went to go get her
6 because I had the kids already because she went to a friend
7 of hers when I was at the apartment. And my brother went
8 to go pick her up and I then dropped me back off at home
9 that night. Well, at my mother's house.

10 Q Okay. So just so the jury has a good picture of
11 what's happening, you're there visiting with your sister
12 Friday, July 11th.

13 A Yes, sir.

14 Q And she goes to another friend's apartment while
15 you're there with the children.

16 A Yes, sir.

17 Q And then your brother comes and picks you and the
18 children up.

19 A And then we head over to get her. And then we go to
20 my mother's house.

21 Q Okay. All right. Do you remember approximately what
22 time of the evening that was?

23 A Maybe around 7:00 or 8:00-ish, somewhere around in
24 there.

25 Q All right. Did you close up the apartment?

Rachel Cook
Direct examination by Mr. Bulsa

- 1 A No.
- 2 Q You didn't.
- 3 A Uh-uh. I mean, I had the key -- but you talking about
- 4 when I left?
- 5 Q When you left with the children.
- 6 A Yes, I did.
- 7 Q Okay. Because you picked her up at another apartment.
- 8 A Yes, around the corner.
- 9 Q Okay. Did she at any point go back to the apartment?
- 10 A No.
- 11 Q So she --
- 12 A She -- I let her wear my stuff. So she changed at my
- 13 house and changed into my things.
- 14 Q Okay. So it's Becky, Rachel -- you -- and the
- 15 children leaving Prince Hall Apartments with which brother?
- 16 A Jonathan.
- 17 Q Jonathan. Okay. Jonathan drives you to your mother's
- 18 place?
- 19 A To pick up my sister, and then my mother's house.
- 20 Q Okay. You first go to your other sister's house.
- 21 A No, no. We went to go pick up my sister from --
- 22 Q Oh, I got you.
- 23 A -- around the corner. And then we went to my mom's
- 24 house.
- 25 Q That's what I'm trying to get the jury the picture.

Rachel Cook
Direct examination by Mr. Bulsa

- 1 You're leaving Prince Hall Apartments.
- 2 A Uh-huh.
- 3 Q In the car with you and Jonathan is Becky and her
- 4 kids.
- 5 A Not Becky. Becky was around the corner. We got the
- 6 kids. It was me and Jonathan with the kids. And then we
- 7 went around the corner to pick up Becky.
- 8 Q That's what we need to clear up.
- 9 The friend wasn't staying at Prince Hall Apartments.
- 10 A No. She was staying around the corner.
- 11 Q Around the corner. Is that a house?
- 12 A No. It's the other apartments behind it -- Camie. Is
- 13 it Camie --
- 14 Q Camie Claggett?
- 15 A No. It's like right -- the ones right beside, like up
- 16 the street from Prince Hall. I can't think of the name.
- 17 Q Okay. Anyway. All right. So once you get her all
- 18 three of you and the kids go to your mother's.
- 19 A Yes, sir.
- 20 Q And that's where you had been staying.
- 21 A Yes, sir.
- 22 Q All right. So then you stay there with the children?
- 23 A Yes, sir. Me and my mother at the time.
- 24 Q And Jonathan and Becky leave.
- 25 A And Becky went out.

Rachel Cook
Direct examination by Mr. Bulsa

- 1 Q They leave there. Okay. Now, with that in mind you
2 had to close up the apartment. You had a good idea of how
3 it was looking. Did you help her clean it up?
- 4 A Yes, I helped her with the -- I helped with the kids'
5 bedroom, her bedroom and the living room. We just
6 straightened up a little bit. It wasn't, you know, like
7 cleaning a lot, just put the toys up and, you know, sweep.
- 8 Q Did you do any mopping?
- 9 A Huh? Yes.
- 10 Q Did you mop the floor?
- 11 A Yes.
- 12 Q So she had a mop.
- 13 A Uh-huh.
- 14 Q Okay. All right. So it was left in pretty straight
15 order?
- 16 A Sir?
- 17 Q The apartment was left in pretty good order?
- 18 A Yes, yes, sir.
- 19 Q So now let's -- let's jump to when you and your
20 brothers go to the apartment on Sunday, I believe you said
21 it was.
- 22 A Yes, sir.
- 23 Q Did you notice anything different?
- 24 A Yes, sir.
- 25 Q What do you remember? What did you notice as

Rachel Cook
Direct examination by Mr. Bulsa

1 different?

2 A Well, the toys were scattered all over the floor in
3 the kids' room. The living room had a duct tape, a piece
4 of wood with duct tape around it. And in Tyilia's room it
5 was a piece of duct tape like, you know, torn or whatever
6 on her bed. And I just noticed my sister's work clothes
7 and her club clothes were gone out the house when I showed
8 up.

9 Q And work clothes meaning -- did she wear some sort of
10 uniform to Food Lion?

11 A Yes, sir.

12 Q Okay. And the club clothes would have been the ones
13 she had on.

14 A She had, yes, sir.

15 Q Okay. Were all the beds set up in the rooms for the
16 children?

17 A In the back room, the girl, the Tyilia's room, yes.
18 Now, Tyus -- he was sleeping with his mother at the time
19 because the crib wasn't fixed up yet.

20 Q Okay.

21 (Photographs marked State's Exhibits Nos. 7 through 11
22 for Identification.)

23 Q All right. Rachel, if you would, look at these
24 photographs that are marked State's Exhibits 7 through 11.
25 Do those accurately depict the apartment building that your

Rachel Cook
Direct examination by Mr. Bulsa

1 sister was living in?

2 A Yes, sir.

3 Q And that's where you would have visited her before she
4 died?

5 A Yes, sir.

6 MR. BULSA: Your Honor, the state would move State's 7
7 through 11 into evidence.

8 MR. DELANEY: No objection.

9 THE COURT: They're admitted.

10 (Photographs marked State's Exhibits Nos. 7 through
11 11.)

12 Q Okay. So, Rachel, do your best to look at this while
13 you're sitting there. If you have trouble you can step
14 down. There are a lot of photographs to go over. Just so
15 the jury can get a good understanding, is that the outside
16 of the apartment building your sister lived in?

17 A Yes, sir.

18 Q Okay. We just need to kind of walk up to the front
19 door.

20 Did she live on the first floor or the second floor?

21 A The second floor.

22 Q Okay. We're now looking at State's 8 showing the
23 stairwell.

24 State's 9 kind of showing the -- which side of the
25 building would she have been on?

Rachel Cook
Direct examination by Mr. Bulsa

- 1 A The right side.
- 2 Q To the right of this picture.
- 3 A Uh-huh.
- 4 Q Okay. Now State's 10. Is that showing the stairs up
5 to her room?
- 6 A Yes, sir.
- 7 Q Apartment. And State's 11 actually shows the doorway.
- 8 A Yes, sir.
- 9 Q Okay. Anything out of order on the way up that you
10 noticed?
- 11 A No, sir.
- 12 Q Okay.
- 13 (Photographs marked State's Exhibits Nos. 12 through
14 26 for Identification.)
- 15 Q Rebecca, I want to show you these four first.
- 16 A Rachel.
- 17 Q I'm sorry, Rachel. State's 12, 13, 14 and 15. Are
18 those accurate pictures showing the interior of your
19 sister's apartment?
- 20 A Yes, sir.
- 21 Q Okay. They show the living area and the hallway?
- 22 A Yes, sir.
- 23 MR. BULSA: Your Honor, the state would move these
24 into evidence.
- 25 MR. DELANEY: No objection.

Rachel Cook
Direct examination by Mr. Bulsa

1 THE COURT: What numbers are they?

2 MR. BULSA: Twelve through 15, Your Honor.

3 (Photographs marked State's Exhibits Nos. 12 through
4 15.)

5 Q To start with 15, State's 15 -- we see in State's 11
6 the exterior door. And State's 15, is that the interior
7 door?

8 A Yes, sir.

9 Q Okay. So you walk -- you're going to go out the door,
10 that's what you see.

11 State's 12. Is this the living part of the --

12 A Yes, sir.

13 Q -- apartment? Okay. Pretty basic furnishings. Do
14 you know where she got those furnishings?

15 A Yes, sir.

16 Q Are those furnishings she had at [REDACTED]?

17 A No, sir.

18 Q Do you know if she took anything with her from [REDACTED]
19 [REDACTED]?

20 A I'm thinking some kids' clothes and just enough stuff
21 to go to the Safe Home, just a few things, not everything.

22 Q She didn't take any furnishings.

23 A No, sir.

24 Q State's 13. Does that show the hallway?

25 A Yes, sir.

Rachel Cook
Direct examination by Mr. Bulsa

1 Q Okay. Is there actually a door closing off the
2 hallway to the living area?

3 A Yes, sir.

4 Q State's 14. This is a little bit further view because
5 you can actually see that door --

6 A Yes, sir.

7 Q -- that goes off the hall.

8 A Uh-huh.

9 Q I have State's 16 through 26. See if those show the
10 kitchen area of the apartment.

11 A Yes, sir.

12 Q Okay. Do these pictures accurately depict her
13 apartment and the items she had in it?

14 A Yes, sir.

15 Q Is that pretty much what it looked like when you found
16 it on Sunday?

17 A Yes, sir.

18 MR. BULSA: Your Honor, the state would move State's
19 Exhibits 16 through 28 into evidence -- through 26.

20 MR. DELANEY: No objection.

21 THE COURT: They are admitted. What numbers are they?

22 MR. BULSA: Sixteen through 26.

23 (Photographs marked State's Exhibits Nos. 16 through
24 26.)

25 Q Rebecca, State's 18 is kind of an overview of the

Rachel Cook
Direct examination by Mr. Bulsa

- 1 kitchen area -- Rachel.
- 2 A Yes, sir.
- 3 Q Okay. State's 19 actually shows the kitchen counter.
- 4 A Yes, sir.
- 5 Q So the jury has a full picture of this, closeup views
- 6 of the stove, State's 20.
- 7 A Yes, sir.
- 8 Q State's 21 is a microwave showing some sort of item
- 9 inside the -- do you know if she had left something in
- 10 there?
- 11 A No. When we left we cleaned, I mean, I don't think
- 12 she would have left.
- 13 Q Something she was heating --
- 14 A That night, yeah.
- 15 Q And here is State's 23. We see some trash.
- 16 A Yes, sir.
- 17 Q State's 24 showing the underneath the counter.
- 18 A Yes, sir.
- 19 Q I show you these because it shows the basic things
- 20 that she has in her apartment, is that right?
- 21 A Yes, sir.
- 22 Q Do you know if she brought any of her kitchen items
- 23 from [REDACTED] to this apartment?
- 24 A No, sir.
- 25 Q State's 16 is just a different view of the kitchen

Rachel Cook
Direct examination by Mr. Bulsa

1 area.

2 State's 17.

3 A Yes, sir.

4 Q Can you see the item on the table?

5 A No, sir, I can't. It looked like the wood with tape
6 on it or something.

7 Q Okay. Was that there the night before?

8 A Not that I know of, no.

9 Q Okay. You don't recall seeing that.

10 A No, sir.

11 Q Okay. When you cleaned up with your sister and you
12 mopped, do you remember leaving the mop water in the
13 bucket?

14 A Yes, sir.

15 Q You do.

16 A Uh-huh.

17 Q Okay. It will be State's 26. Okay. I'm almost
18 finished with these photographs.

19 (Photographs marked State's Exhibits Nos. 27 through
20 32 for Identification.)

21 Q All right. Rachel here is some more photographs,
22 State's 27 through 32. Do these look like the photographs
23 of her apartment?

24 A Yes, sir.

25 Q Okay. And does it show what you saw when you went in

Rachel Cook
Direct examination by Mr. Bulsa

1 on Sunday?

2 A Yes, sir.

3 MR. BULSA: Your Honor, the state would move
4 State's 27 through 32 into evidence.

5 MR. DELANEY: No objection.

6 THE COURT: They are admitted.

7 (Photographs marked State's Exhibits Nos. 27 through
8 32.)

9 Q Okay. State's 27 shows a portion of the hall. Is the
10 door to the right your sister's room?

11 A Yes, sir.

12 Q And State's 28. Is that a view from the doorway?

13 A Yes, sir.

14 Q State's 29?

15 A Yes, sir.

16 Q Do you recall seeing anything out of order in that
17 room?

18 A No, sir.

19 Q Okay. So this looks pretty similar to what it looked
20 like when you left on Saturday.

21 A Yes, sir.

22 Q All right. Here's State's 30. Whose room would this
23 be?

24 A Tylia's.

25 Q Tylia's. I meant to ask you. Whose room was this

Rachel Cook
Direct examination by Mr. Bulsa

1 other one, State's 29?

2 A Her bedroom.

3 Q That would have been Becky's bedroom. Okay. And we
4 have Tylia's in State's 30.

5 A Yes, sir.

6 Q Here's another view in State's 31. Is that also in
7 Tylia's room?

8 A Yes, sir.

9 Q And what is different in that room than was there on
10 Friday?

11 A The toys are scattered. And the other view you had,
12 it was a duct tape on the bed that I found.

13 Q Okay.

14 A That one.

15 Q Okay. The item in the middle of the bed was some duct
16 tape?

17 A Yes, sir.

18 Q And would not have been there on Friday.

19 A No. She wouldn't even have duct tape.

20 Q Okay. And where are these toys normally -- where are
21 they normally kept?

22 A In the closet.

23 Q So when you left with the kids on Friday they were in
24 the closet.

25 A Yes, sir.

Rachel Cook
Direct examination by Mr. Bulsa

1 Q But when you came back on Sunday they were in the
2 floor.

3 A Yes, sir.

4 Q Okay. Now, State's 32, whose room is that?

5 A That's Tyus and Jayden's room.

6 Q Okay. Looks like there's some sort of bed that was
7 going to be put up in there. Is that how it was left on
8 Friday?

9 A No. The mattresses was like against a wall, and the
10 little crib, the front of the crib, was where the other one
11 was.

12 Q So they were all propped up neatly against the wall.

13 A Yes, because she had her youngest, and she wouldn't
14 have left it, you know, like that with her son being
15 around. And he is not walking or nothing.

16 Q Okay. On Friday when you left those were in place,
17 but Sunday when you arrived they were not in place.

18 A Yes, sir.

19 Q And you had the children at your mother's home --

20 A Yes, sir.

21 Q -- Friday night. Did the kids stay with your mother
22 until Becky was found?

23 A Well, when she started missing Monday she went with a
24 friend of ours. Like they went -- the oldest one was with
25 his dad and the two youngest ones was with a friend of

Rachel Cook
Direct examination by Mr. Bulsa

1 ours.

2 Q Okay.

3 A But that night, that Friday night, they stayed the
4 night with us.

5 Q Okay. But the children -- had the children ever been
6 brought back to this apartment?

7 A No.

8 Q So they would not have had any reason to be in this
9 room or in the room with the toys.

10 A No, sir.

11 Q Okay. Now, just to contrast how your sister was
12 starting over, the apartment, Prince Hall, let me show you
13 these if I may.

14 (Photographs marked State's Exhibits Nos. 33 through
15 45 for Identification.)

16 Q Okay. Show you a group of photographs, State's 31 --
17 excuse me -- 33 through 45. Look at those and see if you
18 recognize what they show.

19 A Yes, sir.

20 Q Do you recognize what those photographs show?

21 A Yes, sir.

22 Q What do they show?

23 A On Miller Drive where they used to stay, where when
24 they was living together.

25 Q Okay. And the furnishings in there look familiar to

Rachel Cook
Direct examination by Mr. Bulsa

1 you?

2 A Yes, sir.

3 Q Do you recognize those as being part of that
4 residence?

5 A Yes, sir.

6 Q Okay. So these photographs accurately depict [REDACTED]
7 [REDACTED] as you knew it to be.

8 A Yes, sir.

9 Q And that's where your sister lived with Robert Lee --

10 A Yes, sir.

11 Q -- before she left.

12 A Yes, sir.

13 MR. BULSA: The state would move State's 33 through 45
14 into evidence.

15 MR. DELANEY: No objection.

16 THE COURT: They are admitted.

17 (Photographs marked State's Exhibits Nos. 33 through
18 45.)

19 Q Okay. Rachel, here's State's 33. Is that a
20 double-wide trailer?

21 A It's just a trailer. I don't think it's a
22 double-wide.

23 Q Okay. All right. I've got a series of pictures in
24 here. Just kind of tell us what they are as I show them.

25 State's 34.

Rachel Cook
Direct examination by Mr. Bulsa

- 1 A That's the bedroom in the back, the boys' bedroom.
2 Q Okay.
3 A Well, boy -- yeah, the boys' bedroom.
4 Q Boys' bedroom.
5 A Uh-huh.
6 Q And how old were the boys?
7 A Three and at the time two and one and five -- maybe
8 six.
9 Q Is that a nice room with matching beds?
10 A Yes, sir.
11 Q State's 35.
12 THE COURT: Just a minute.
13 Ms. Henderson, do you want to take that first seat so
14 you can see a little bit better?
15 MR. BULSA: I'm sorry. Thank you, Your Honor.
16 (Pause.)
17 Q What does this show?
18 A That's their bedroom.
19 Q State's 36.
20 A The bedroom.
21 Q Just another view.
22 State's 37.
23 A That's, that's the other room, the Tyilia's room.
24 Q Okay. So there are several toys there as well.
25 A Yes, sir.

Rachel Cook
Direct examination by Mr. Bulsa

- 1 Q Okay. Looks like the curtains match some sort of
2 bedding material on the dresser, is that right?
- 3 A Yes, sir.
- 4 Q State's 38.
- 5 A That's the living room.
- 6 Q State's 39.
- 7 A The kitchen.
- 8 Q State's 40.
- 9 A The kitchen.
- 10 Q Another view. That's the opposite counter to the one
11 we just saw?
- 12 A Yes, sir.
- 13 Q Okay. Here's state's 41.
- 14 A The living room.
- 15 Q Another view of the living room. And the kitchen is
16 right off the living room?
- 17 A Yes, sir.
- 18 Q State's 42.
- 19 A The kitchen.
- 20 Q Okay. Looks like a lot of furnishings in this.
- 21 A Uh-huh.
- 22 Q Okay. State's 43.
- 23 A The kitchen.
- 24 Q Just a different perspective.
- 25 A Uh-huh.

Rachel Cook
Direct examination by Mr. Bulsa

- 1 Q And these are some pictures the police took.
2 State's 44. What does that show?
3 A The kitchen. Well, the sink and the dish drainer.
4 Q Okay. And then looks like the police took a picture
5 of some utensils, State's 45.
6 A Yes, sir.
7 Q So pretty -- did she live different at Prince Hall
8 Apartments than she did at Miller Drive from what you could
9 tell?
10 A Yes. It was just because she didn't have the money
11 and like to do it up. She is very colorful, you know, and
12 neat. But with her moving on her own and by herself it was
13 kind of hard and different, and it wasn't the same.
14 Q How did she get around?
15 A Bus, family, friends, walk.
16 Q Did she drive?
17 A No, sir.
18 Q Why not?
19 A She didn't have her driver's license.
20 Q Do you know why she didn't have a license?
21 A She couldn't drive. She never went.
22 Q Okay. Did Mr. Lee have a vehicle?
23 A Yes, sir.
24 Q What kind of vehicle did he drive?
25 A A Durango, blue Durango.

Rachel Cook
Direct examination by Mr. Bulsa

1 Q Do you know how he got the Durango?

2 A No.

3 Q Okay.

4 (Photograph marked State's Exhibit No. 46 for
5 Identification.)

6 Q Let me show you State's 46. Do you recognize the
7 vehicle in that picture?

8 A Yes, sir.

9 Q Does that appear to be his Durango?

10 A Yes, sir.

11 Q Mr. Lee's Durango.

12 MR. BULSA: Your Honor, the state would offer 46 into
13 evidence.

14 MR. DELANEY: No objection.

15 THE COURT: It's admitted.

16 (Photograph marked State's Exhibit No. 46.)

17 Q Do you have any idea how old the Durango was?

18 A No, sir.

19 Q Did he keep it in good shape?

20 A Yes, sir.

21 Q When was the last time you saw that Durango before
22 your sister's death?

23 A I cannot recall when. It was -- it was awhile back
24 before she was murdered, before she went to Safe Home.

25 Q Okay. And once she left Mr. Lee do you know if the

Rachel Cook
Cross-examination by Mr. Delaney

1 family had any contact with him?

2 A No, sir.

3 Q So you personally didn't have any contact with
4 Mr. Lee.

5 A No, sir.

6 Q You don't remember ever seeing him over at her
7 apartment.

8 A At the new apartment?

9 Q Yes, ma'am.

10 A Yes. He had -- well, she had -- she had been telling
11 me that she was having him over and, you know, dealing with
12 him again. But I never seen him personally there with his
13 car.

14 Q Do you know why she was seeing him?

15 A She was telling me the kids, because he was taking her
16 to work and they have kids together and he was letting --
17 she was letting him see them.

18 Q Okay. Thank you, Rachel. Mr. Delaney probably may
19 have some questions for you.

20 CROSS-EXAMINATION

21 BY MR. DELANEY

22 Q Good afternoon, Ms. Cook.

23 This photo, what is that a photo of?

24 A The bedroom.

25 Q Is there something missing from that photo?

Rachel Cook
Cross-examination by Mr. Delaney

1 A Not from this angle, no, sir.

2 Q Supposed to be a bed in here? Was there ever? Did
3 you ever know --

4 A There was a bed that went that way. I mean, there was
5 a door. I don't -- I can't really put it together because
6 of its angle.

7 Q Is there supposed to be a bed in that bedroom?

8 A Yes, sir.

9 Q But there's not one, is there?

10 A No, sir.

11 Q Where is that bed?

12 A I have no clue.

13 Q Is that it?

14 A I -- it's not together. I don't -- I don't.

15 Q Is it possible that that's it, that that bed was moved
16 from Miller Road to the apartment?

17 A It could be.

18 Q Because isn't it true that a lot of the furnishings or
19 a majority of the furnishings in the apartment came from
20 Miller Road? Didn't they?

21 A I mean, she never told me. I mean, I know -- I didn't
22 know where she got it from or how she got it, but, you
23 know, I don't know if she got them from his house, from
24 their old house.

25 Q And Mr. Lee helped move furniture over there, didn't

Rachel Cook
Cross-examination by Mr. Delaney

1 he?

2 A I didn't see him doing it.

3 Q But some of the furnishings that are in the apartment
4 came from Miller Road, is that your testimony?

5 A Yes, sir.

6 Q Do you know how they got there?

7 A No, sir.

8 Q Did you live with your sister and Mr. Lee at the
9 Miller Road residence for about two weeks at one point?

10 A Yes, sir.

11 Q And when was that approximately?

12 A I was always there. I don't remember when or what
13 date, but I was there often for, you know, holidays and
14 during out -- with the weeks. And especially when I became
15 pregnant, I stayed up there a lot.

16 Q Did your sister and Mr. Lee assist you during your
17 pregnancy?

18 A It was at the beginning. I mean, they, you know,
19 went -- and she was murdered around the time I was
20 pregnant.

21 Q Did you ever personally eye witness Mr. Lee abusing
22 your sister?

23 A No, not, no, not that I know of, I mean. I had heard
24 about it and she told me and she would have marks on her
25 and stuff, but I never seen him lay a hand on her.

Rachel Cook
Cross-examination by Mr. Delaney

1 Q And would you say it's accurate to say that you lived
2 there for two weeks consecutively while you were pregnant?

3 A Yes, sir.

4 Q Is that the only time there was overnights spent by
5 you in that home?

6 A No. I was there often, a lot. And I never actually
7 like lived there, like moved in. I just stayed there.

8 Q And you saw your sister on a daily basis, would you
9 say?

10 A Yes, sir.

11 Q Did you have deep personal conversations with her
12 where you all shared secrets with each other and told each
13 other personal thoughts?

14 A I mean, I knew about, you know, some other like
15 personal problems she had. But as far as secrets, no.
16 Everybody knew about what she would tell me.

17 Q You said that she got some items from the Safe Home,
18 is that right?

19 A She -- yeah, to go to the Safe Home. When she first
20 left she took some stuff, but I don't know exactly what.

21 Q Did Safe Home assist her in getting that apartment?

22 A Yes, sir.

23 Q Do you know if she a romantic relationship with anyone
24 else at -- besides Mr. Lee at the time she procured that
25 apartment? Did she have a boyfriend?

Rachel Cook
Cross-examination by Mr. Delaney

1 A No. She had -- she had friends but no boyfriend.

2 Q Were any of those friends male?

3 A Yeah, she had male friends, friend-girls, female
4 friends.

5 Q Did she ever ask Mr. Lee to take her to the Safe Home?

6 A Not that I know of, no.

7 Q Do you know if Mr. Lee ever drove her to the Safe
8 Home?

9 A No, not that I know of, no, no, sir.

10 Q Do you know if Mr. Lee ever helped her move any
11 furniture into that apartment?

12 A I -- the only thing I recall is him -- she telling --
13 she told me that he was bringing groceries over one time,
14 and that was for the house. But as far as furniture, I
15 don't know how it got there, or I wasn't there when it got
16 moved there.

17 Q Is the main reason your sister moved from Miller Road
18 to the apartment because she wanted to break up with
19 Mr. Lee romantically?

20 A Yes, sir.

21 Q Because she had another boyfriend.

22 A No. She had no boyfriend during the time she had left
23 Robert Lee that I know of. She just -- from my
24 understanding she got tired of everything, and she just
25 left and wanted to move on.

Rachel Cook
Cross-examination by Mr. Delaney

1 Q And financially she couldn't do it on her own, could
2 she?

3 A No, but she was in a no-income place where she could.
4 And having a job she was able to, you know, live there with
5 the food stamps and everything.

6 Q And did the folks at the Safe Home help her procure
7 that apartment and food stamps and other benefits?

8 A Yes, sir.

9 Q And did she know that if she went there with a story
10 of abuse she could get those things?

11 A No, not that I know of.

12 Q Do you know if Mr. Lee helped her move into that
13 apartment?

14 A She told me, I mean, a few things, but, I mean, I
15 never seen him do it.

16 Q Do you suffer from any mental disability or ever been
17 diagnosed with a bipolar disorder?

18 A Yes, sir.

19 Q And what is your diagnosis?

20 MR. BULSA: Objection, Your Honor. That is not
21 relevant.

22 THE COURT: Sustained.

23 Q Back to the furniture, I just want to be clear on
24 that. Do you see a D.V.D. player in that picture, or some
25 sort of sound system?

Rachel Cook
Redirect examination by Mr. Bulsa

1 A A C.D. player, yes, sir.

2 Q Did you ever see that at the Miller Road residence?

3 A No, sir, but I seen -- I know who the D.V.D., C.D.
4 case belonged to.

5 Q who did it belong to?

6 A To Robert. Well, it was at the old house, at Robert
7 Lee's.

8 Q After she moved out of the Miller Road residence did
9 Robert oftentimes give her rides to places that she needed
10 to go?

11 A From her understanding, yes, from what she told me.

12 Q Did Robert ever take her to work?

13 A Yes, from my understanding, because he was supposed to
14 take her that Saturday morning.

15 MR. DELANEY: Nothing further, Your Honor.

16 REDIRECT EXAMINATION

17 BY MR. BULSA

18 Q Rachel, how do you know that Mr. Lee was supposed to
19 take her to work?

20 A Because she had told me the day she went out to the --
21 to the club. She had told me that she had to be at work in
22 the morning. And I asked who was taking her, and she said
23 that he was. And I got onto her for, you know, going back
24 and dealing with him after what, you know, she's done been
25 through, and, you know, she just --

Rachel Cook
Redirect examination by Mr. Bulsa

1 Q So you knew that -- through her that she had started
2 not necessarily a relationship with Mr. Lee but started
3 having him over again.

4 A Yes, sir.

5 Q And you're telling this jury you tried to talk her out
6 of it?

7 A Not talk her out of it. I just got onto her about it.
8 And I didn't feel comfortable about it. But it wasn't my
9 say-so to tell her what to do at the time.

10 Q And you had hoped that she would stay away from him.

11 A Yeah.

12 Q They weren't ever married, were they?

13 A No, sir.

14 Q Was there ever any talk of marriage?

15 A Not that -- no.

16 Q Okay. Thank you.

17 MR. DELANEY: No questions.

18 THE COURT: You may step down.

19 Ladies and gentlemen, we're going to recess for the
20 afternoon.

21 Keep in mind the caution I previously gave you when we
22 broke for lunch. That is don't discuss the case; don't
23 conduct any research; don't do your own investigation into
24 any issue; don't permit yourselves to be exposed to any
25 type of media coverage that might relate to the case.

1 Do have a good evening, and please report to your jury
2 room at 9:30 in the morning, at 9:30 in the morning. Have
3 a good afternoon.

4 (The following takes place outside the presence of the
5 jury.)

6 THE COURT: The spectators may be excused. As you
7 leave, leave quietly.

8 All right. Are there any other matters that need to
9 be addressed before we recess?

10 MR. BULSA: Not by the state, Your Honor.

11 MR. DELANEY: Your Honor, my client has asked that he
12 be able to address Your Honor. I've asked him what he
13 needs to address you about so I can maybe make his motion
14 or plea for him. Whatever he is, he will not tell me what
15 he wants to address the Court about. But he's been
16 consistent about that ever since we arrived this afternoon,
17 so.

18 THE COURT: All right. Mr. Lee, you need to talk to
19 me about something?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: All right. What is it?

22 THE DEFENDANT: Stand up?

23 THE COURT: Yes, sir.

24 THE DEFENDANT: I did not expect this to start today.
25 And on the secondhand, all of this evidence and all of this

1 stuff is new to me as of today.

2 I have not reviewed my motion in discovery. I have a
3 right to a fair trial. Mr. Delaney and I have not sat down
4 together and haven't planned at all. We just busted in
5 here today. He just learned about where I graduated from
6 high school today.

7 So we're walking in this bare. I don't think it's
8 fair because he was supposed to have been came back and
9 talked to me, and he had not did it. He told me.

10 I have seen him probably two or three times in the
11 last year. All of a sudden I end up on the docket. And
12 he's pushed for me to take a plea that did not happen, and
13 then we end up in here today. I did not expect this.

14 I need time to go over this stuff because I don't
15 understand everything they have against me. He has not
16 went over anything with me. We're just jumping the gun.
17 There's no plan or anything.

18 I did not know we were coming in here to start the
19 trial today. I thought we were going to have time because
20 he hadn't taken the time to work with me.

21 I do not want to fire Mr. Delaney. I have tried to be
22 patient and keep Mr. Delaney. He was provided to me by the
23 state pro bono, and I'm very thankful. But he has not done
24 his job as far as defending me and knowing me.

25 He knows nothing about me. Nothing. Nothing about

1 this case. He's going through discovery day for day. Half
2 the stuff that's being said, I didn't even know we had a
3 witness list or subpoenaed people, all these people that I
4 could -- if he would have came and talked to me about, I
5 would have had a chance to get my side of things done.

6 I've had no time to do nothing. I've been bombarded,
7 and I can't even help him help myself because I don't know
8 what's going on here.

9 MR. DELANEY: Your Honor, may I address that?

10 THE COURT: Yes, sir.

11 MR. DELANEY: I've taken the discovery to the
12 Spartanburg County Detention Center, including the
13 interviews.

14 We got through the June 16th interview about three
15 quarters of the way at which time Mr. Lee shut it off and
16 said he didn't want to look at it any more.

17 I had the discovery there for review as well. We
18 began to review the discovery at which time he basically
19 pushed it off and said he didn't want to look at any more.

20 THE DEFENDANT: I did not.

21 THE COURT: Excuse me, Mr. Lee.

22 Now, when you had your chance to address the Court you
23 were given every opportunity to do so. No one interrupted
24 you. So don't you interrupt anyone else.

25 THE DEFENDANT: Yes, sir.

1 MR. DELANEY: So I've made attempts to review the
2 discovery with Mr. Lee and it basically -- he would shut it
3 down and say he didn't want to see it. So I can only force
4 somebody to do so much.

5 But it hit a point in the review of the documents and
6 the C.D.s where there would be some emotional trigger. He
7 would break down mentally and emotionally. And I was done
8 at that point as far as getting him to review anything, so.

9 THE COURT: All right. Well, we've got time during
10 the overnight recess. Y'all can just talk about it as long
11 as you need to and develop your strategy or talk about the
12 case or talk about evidence or whatever you'd like. But
13 you can do that during the overnight recess.

14 All right. Anything else with regard to this matter?

15 MR. BULSA: No, sir.

16 THE COURT: All right. This matter is in recess until
17 9:30 in the morning.

18 END OF PROCEEDINGS NOVEMBER 28, 2011

19
20
21
22
23
24
25

1 (Proceedings November 29, 2011)

2 (The following takes place outside the presence of the
3 jury.)

4 MR. BULSA: Okay.

5 THE COURT: Are there any matters to be addressed
6 before the jury comes in?

7 MR. BULSA: Not from the state.

8 MR. DELANEY: No, Your Honor.

9 THE COURT: Okay. Bring them in.

10 (The following takes place in the presence of the
11 jury.)

12 THE COURT: Let's do this.

13 Good morning, ladies and gentlemen. Let's do this in
14 case they're going to show some more pictures.

15 Let me ask those people on the front row if you'd move
16 down one chair to the right. And then those that are on
17 the back row if, ma'am, if you'll come down to the front,
18 and then everybody on the back row move down one to your
19 left. And that way it gives people on this end an
20 opportunity to see the picture.

21 (Pause.)

22 THE COURT: That's good.

23 Good morning. As you know, when we recessed yesterday
24 the state had begun with their presentation of evidence.
25 So we'll continue with that presentation this morning.

Audrey Higgins
Direct examination by Mr. Bulsa

- 1 Mr. Bulsa.
- 2 MR. BULSA: Audrey Higgins.
- 3 AUDREY HIGGINS, having been
- 4 first duly sworn, testified as follows:
- 5 DIRECT EXAMINATION BY MR. BULSA
- 6 Q Good morning, Ms. Higgins.
- 7 A Good morning.
- 8 Q Make sure you speak up so everybody can hear you.
- 9 okay?
- 10 A Okay.
- 11 Q Introduce yourself to the jury.
- 12 A My name is Audrey Higgins. I stay at [REDACTED]
- 13 [REDACTED].
- 14 Q Is that in Prince Hall Apartments?
- 15 A Yes, sir.
- 16 Q How long have you been there?
- 17 A Five years.
- 18 Q Do you live with anybody?
- 19 A My children -- my daughter and I.
- 20 Q Did you know a lady named Rebecca Rosa?
- 21 A No, sir.
- 22 Q Did you know a lady that moved in and lived there for
- 23 a short while before she was claimed to be missing?
- 24 A Yes, sir. A white lady moved upstairs from me.
- 25 Q I'm sorry?

Audrey Higgins
Direct examination by Mr. Bulsa

- 1 A A white lady had moved upstairs from me, yeah.
- 2 Q Okay. Was that back in the summer of 2010?
- 3 A Yes, sir.
- 4 Q Do you remember about how long she was there?
- 5 A Maybe a week or two, not even quite two weeks.
- 6 Q So you were in [REDACTED].
- 7 A Yes, sir.
- 8 Q Is your apartment on the bottom floor?
- 9 A Yes, sir.
- 10 Q And which direction does it face?
- 11 A It faced outward towards -- my apartment -- when you
- 12 pull in the parking lot, my apartment faces that way.
- 13 Q Okay. Do you also have windows that overlook the
- 14 back?
- 15 A Yes, sir.
- 16 Q Okay. So the apartment runs the full width of the
- 17 building.
- 18 A Right.
- 19 Q Let me show you what's been previously entered as
- 20 State's Exhibit No. 7.
- 21 A This is my apartment.
- 22 Q Okay. We're going to put out on the overhead.
- 23 Do you recognize that?
- 24 A Yeah.
- 25 Q Okay. Is this the building that you live in?

Audrey Higgins
Direct examination by Mr. Bulsa

- 1 A Yes, sir.
- 2 Q Your apartment is on which side?
- 3 A It's right behind the white Maxima. That's my
- 4 apartment right directly by the white Maxima.
- 5 Q Around here?
- 6 A Right there, yes, sir.
- 7 Q Do those windows belong to your apartment?
- 8 A Yes, sir.
- 9 Q How about these over here?
- 10 A Mine.
- 11 Q Those are yours too?
- 12 A Yes, sir.
- 13 THE COURT: Ms. Higgins, I need for you to use that
- 14 microphone. I know you're looking at the picture.
- 15 THE WITNESS: I am sorry.
- 16 A Yes, sir.
- 17 Q Okay. And the white lady that moved in, where did she
- 18 live?
- 19 A Directly above me.
- 20 Q Directly above you. So that would have been [REDACTED]?
- 21 A [REDACTED]. I think the name -- it might be [REDACTED]. I don't
- 22 know.
- 23 Q But anyway the one right above you.
- 24 A Yeah.
- 25 Q Okay. Is this the entranceway?

Audrey Higgins
Direct examination by Mr. Bulsa

- 1 A Yes, sir.
- 2 Q All right. And is that the access to apartments on
3 both sides?
- 4 A Well, the apartment down here on this side you gotta
5 go down the steps to get to. And the rest of the
6 apartments you have to go up the steps to get to.
- 7 Q Okay. Did you have to go up any steps to get to
8 yours?
- 9 A No, sir.
- 10 Q But if someone were going to come in to visit the lady
11 above you they would have had to enter that entranceway --
- 12 A Yes, sir.
- 13 Q -- unless they went around the back.
- 14 A Unless they went around the back and came upstairs.
- 15 Q Okay. Now, had you ever -- did you actually meet the
16 lady?
- 17 A Not, not really meet her. I seen her when they was
18 moving in and moving in stuff. I never, never actually met
19 her.
- 20 Q Okay. To your understanding did she have any
21 children?
- 22 A From my knowledge. She had a 3-bedroom, so she had to
23 have children, at least two or three.
- 24 Q Okay. And did you actually see her move in?
- 25 A Yes, sir.

Audrey Higgins
Direct examination by Mr. Bulsa

- 1 Q Do you know if anybody helped her move in?
- 2 A I assume her family --
- 3 Q Okay.
- 4 A -- helped her move in.
- 5 Q Okay. Did you ever see a blue Durango type vehicle?
- 6 A Yes, sir.
- 7 Q And where would you see that vehicle?
- 8 A In the front parking lot mostly.
- 9 Q Okay. About how often would you see that?
- 10 A Well, she was over there less than two weeks. So he
- 11 was there the majority of the time -- he was there.
- 12 Q Okay. Did you ever see who drove that vehicle?
- 13 A The defendant.
- 14 Q In the white shirt over here?
- 15 A Yes, sir.
- 16 Q So you recognize him from visiting that apartment.
- 17 A Yes, sir.
- 18 Q Did you ever speak with him?
- 19 A No, sir.
- 20 Q So you didn't basically have any conversations with
- 21 either one of them.
- 22 A No, sir.
- 23 Q She hadn't been there long enough for you to get to
- 24 know her, had she?
- 25 A Not really.

Audrey Higgins
Direct examination by Mr. Bulsa

1 Q How did you learn that something might have happened
2 to her?

3 A I was in my bed sleeping, and I heard a commotion. It
4 sounded like someone was fighting. I heard some screams,
5 some yells, and then I didn't hear anything.

6 Q Do you remember approximately what time that was?

7 A It was in the morning, midmorning, probably 8:00 or
8 9:00, somewhere up in there, maybe somewhere up in that
9 timeframe.

10 Q Okay. Could you tell what part of the apartment that
11 sound came from?

12 A The bedroom on the back side.

13 Q The bedroom on the back side.

14 A Yes, sir.

15 Q And is that typically known as the master bedroom?

16 A Yes, sir.

17 Q Was your apartment laid out in similar fashion?

18 A That exact same pattern.

19 Q So you would have been directly underneath.

20 A Yes, sir.

21 Q And you described it as a commotion.

22 A Yeah. Noise, yelling, noise, sound like things being
23 moved.

24 Q Things were being moved?

25 A Like, you know, I guess, like you push somebody into

Audrey Higgins
Direct examination by Mr. Bulsa

1 something. You hear the table like scrub or something, you
2 know.

3 Q Some furniture being moved in some fashion.

4 A Yeah. A little bit.

5 Q Okay. About how long if you recall that taking place?

6 A It didn't last long, maybe 30 or 40 minutes. It
7 didn't last long, if it lasted that long.

8 Q Okay. And did it just all of a sudden stop?

9 A Yes, sir, it just all of a sudden stopped.

10 Q Did you do anything when you heard that?

11 A No, sir.

12 Q Do you remember? Did you look out any windows or
13 anything?

14 A Well, I had got up later. My boyfriend was over, and
15 his son. And I had went to the window. And I could see
16 that the blue Durango was behind the building. And then we
17 ate breakfast or something and they had moved it back.
18 They came in. It was back around there, so.

19 Q Okay. All right. So let's make sure the jury
20 understands this.

21 while you're sleeping or you're hearing some noise and
22 then later on you get up and you look out the windows and
23 you see a blue Durango that you know belongs to the
24 defendant --

25 MR. DELANEY: Objection, Your Honor. He's leading the

Audrey Higgins
Direct examination by Mr. Bulsa

1 witness.

2 THE COURT: Well, don't lead her. Are you just trying
3 to understand the testimony?

4 MR. BULSA: Yes, sir.

5 THE COURT: Okay. Well, I'll let him ask the question
6 and we'll see where it goes.

7 MR. BULSA: Okay.

8 Q Did you look out the window and you see a blue
9 Durango? Did you see out in the back of the building?

10 A Yes, sir.

11 Q Is that unusual?

12 A Yeah, because there's a no-parking area in the back.

13 Q Okay. Is there plenty of parking on the front?

14 A Yes.

15 Q How difficult is it -- would it be in your opinion to
16 get around the back of the building?

17 A They would have to go over. It's a little bit further
18 out, but there's a curb right in front of this Maxima.
19 They'll have to go hump that curve and go around to the
20 back and move -- move around.

21 Q Okay. Let me show you these group of photographs,
22 state's 47, 48 and 49. Do those appear to be pictures --

23 A Of my back.

24 Q -- showing the back of the building?

25 A Yes, sir. That's my back.

Audrey Higgins
Direct examination by Mr. Bulsa

- 1 Q Look at all of them if you would.
- 2 A Yes, sir.
- 3 Q Okay.
- 4 A That's the back of my apartment.
- 5 MR. BULSA: Your Honor, I would offer these into
- 6 evidence -- State's 47, 48 and 49.
- 7 MR. DELANEY: I'm sorry?
- 8 MR. BULSA: I'm offering these into evidence.
- 9 MR. DELANEY: No objection.
- 10 THE COURT: They are admitted.
- 11 (Photographs marked State's Exhibits Nos. 47, 48 and
- 12 49.)
- 13 Q Let me show you State's 48. Does this show the side
- 14 in which he would have come around?
- 15 A Yes, sir. That's the back of the short apartments on
- 16 my side, my neighbor's apartment.
- 17 Q So that would have been -- do you know her name?
- 18 A I know Ms. Dee stay at the bottom apartment, and I
- 19 don't remember the lady's name that stay at the top.
- 20 Q Okay. Ms. Dee. Would that be Deloris Green?
- 21 A I suppose that's her name. I don't really know.
- 22 Q All you know is Ms. Dee. And what are these items
- 23 right here?
- 24 A Clothing lines.
- 25 Q Okay. Have you ever seen a vehicle in the back

Audrey Higgins
Direct examination by Mr. Bulsa

- 1 before?
- 2 A Maintenance trucks.
- 3 Q Just maintenance. Any visitors or tenants?
- 4 A No, sir.
- 5 Q How about when you saw the people moving the lady in?
- 6 where did they park to move the furniture in?
- 7 A They parked in the front parking lot.
- 8 Q The front. Okay. Did you see anybody by the Durango
- 9 when you saw it back there?
- 10 A No, sir.
- 11 Q Do you know -- I want to ask you this. Had you been
- 12 out the night before?
- 13 A Had I been out?
- 14 Q Yes, ma'am.
- 15 A It's the weekend. Probably.
- 16 Q Okay. Do you remember when you would have come in on
- 17 Friday night?
- 18 A Probably about 2:00 or 3:00 o'clock in the morning.
- 19 Q Do you remember if you saw the Durango out there at
- 20 that time?
- 21 A No, sir.
- 22 Q It was not there at that time.
- 23 A I don't remember.
- 24 Q You don't remember. Okay. All right. So you would
- 25 have got in. And was Mr. Smith with you?

Audrey Higgins
Cross-examination by Mr. Delaney

- 1 A Yes. I believe he spent the night that night.
- 2 Q Okay. That's your boyfriend, Franklin Smith.
- 3 A Yes, sir.
- 4 Q Okay. Thank you, Ms. Higgins. Answer any questions
- 5 Mr. Delaney may have.
- 6 CROSS-EXAMINATION
- 7 BY MR. DELANEY
- 8 Q Good morning, Ms. Higgins.
- 9 A Good morning.
- 10 Q On the photo that's on the screen there we can
- 11 basically see one parking space with the Maxima in it. If
- 12 we could see the rest of that row approximately how many
- 13 parking places would there be?
- 14 A Well, there's no individual line there, but it's about
- 15 a hundred, maybe a hundred feet, give or take, long.
- 16 Q On any given Saturday morning -- say if this picture
- 17 was taken on a Saturday morning -- how many of those
- 18 parking spaces straight down the row from where the Maxima
- 19 is would you say were taken up?
- 20 A All of them would be taken up.
- 21 Q And so if he needed to move some furniture in the
- 22 better option would be to pull around to where those
- 23 maintenance trucks pull around to the back, wouldn't it?
- 24 A Not going up those stairs, no, sir.
- 25 Q But if you had to park, say, 50 or 75 yards down that

Audrey Higgins
Cross-examination by Mr. Delaney

1 row and then carry furniture all the way back to that
2 entrance, that would be a lot further than if you parked
3 around back, wouldn't it?

4 A Well, it depends on what time of the morning you come,
5 because if you come like 9:00 or 10:00 o'clock in the
6 morning, most of the overnight visitors gone by then, so.

7 Q But would it be a fair assessment to say that parking
8 lot stays pretty full?

9 A No, not really.

10 Q But if you were moving furniture and you pulled up to
11 that parking lot and it was full, it'd be a lot easier to
12 pull around back to move furniture, wouldn't it?

13 A I'm not going to say that because I don't see how that
14 would be easier. Either way you are going to have to -- if
15 you stayed on the flight of stairs, you're going to have to
16 go up those stairs. And that would just give you more
17 stairs to go up.

18 Q Well, taking the stairs kind of out of the scenario,
19 the distance to get to the stairs can be decreased
20 dramatically by parking in the back, isn't that true?

21 A No, not really. I won't say that.

22 Q Did you ever see Mr. Lee moving any furniture up those
23 stairs?

24 A No, sir.

25 MR. DELANEY: No further questions.

Audrey Higgins
Redirect examination by Mr. Bulsa

1 THE COURT: Wait just a minute.

2 MR. BULSA: Just briefly.

3 REDIRECT EXAMINATION

4 BY MR. BULSA

5 Q Let me show you what's been marked State's Exhibit 50
6 for Identification. Does that appear to be an aerial
7 photograph of the apartment complex?

8 A Yes. This looks like my parking lot area.

9 Q Okay. And does that show the building where you would
10 have lived?

11 A Yeah, but it's the tree. They done cut this tree down
12 now.

13 Q Okay. All right.

14 MR. BULSA: Your Honor, I would offer State's 50 into
15 evidence.

16 MR. DELANEY: Your Honor, I'm going to object to that
17 photograph.

18 He's already had a direct-examination opportunity with
19 this witness. He's trying to get additional photographs in
20 evidence in through this witness. I don't think he has the
21 opportunity to do that on rebuttal or reply to any of my
22 cross-examination. So on those grounds I will object.

23 THE COURT: All right. Overrule the objection.

24 (Photograph marked State's Exhibit No. 50.)

25 Q Okay. So this State's 50, does that show the parking

Audrey Higgins
Redirect examination by Mr. Bulsa

1 area that Mr. Delaney was asking you about?

2 A Yes, sir.

3 Q Okay.

4 A Without the trees.

5 Q Okay. So the "A" just marks as this Prince Hall

6 Apartments. But that's focused. Okay. Would your

7 apartment complex be -- or, I mean, your apartment building

8 be this corner building?

9 A Yes, sir.

10 Q Okay. And this shows a complete parking area.

11 A Yes, sir.

12 Q All right. And looks like it's a pretty large area.

13 A Yes, sir.

14 Q Okay. Did you look out the front of your building
15 that morning?

16 A Well, I usually -- my windows -- my curtains are like
17 see-through. So I can walk through my hallway except for
18 my daughter's room and see right out the aerial window.

19 Q Did you notice that specific morning we're talking
20 about whether the apartment -- whether the parking lot was
21 full?

22 A I don't know if it was full or not. I don't remember
23 it being full.

24 Q Okay. All right. So there could have been spaces.

25 A There could have been spaces.

Audrey Higgins
Recross-examination by Mr. Delaney

1 Q You don't recall. Okay. Thank you, ma'am.

2 MR. BULSA: That's all I have.

3 THE COURT: Wait just a minute.

4 RECROSS-EXAMINATION

5 BY MR. DELANEY

6 Q Ma'am, I believe your testimony earlier is that that
7 parking lot is full on Saturday mornings, is that correct?

8 A Sometimes.

9 Q This tree here, this big green area, that's gone,
10 right? That's not there.

11 A Yes. That's gone.

12 Q And that's the apartment where you live in.

13 A That's the apartment.

14 Q And this is the row where the Maxima was, correct?

15 A Yes, sir.

16 Q And that entire row was full, wasn't it?

17 A Not entirely. You see they had a space right there.

18 Q So you if you wanted to move furniture you could
19 either park here or park behind the building here, correct?

20 A I wouldn't, but I don't know. Somebody else might
21 would.

22 MR. DELANEY: No further questions.

23 THE COURT: Okay. You can step down.

24 MR. BULSA: We ask she be excused.

25 THE COURT: She may be.

Franklin Smith
Direct examination by Mr. Bulsa

1 (Whereupon, the witness was excused.)

2 MR. BULSA: The state calls Franklin Smith.

3 FRANKLIN SMITH, having been

4 first duly sworn, testified as follows:

5 DIRECT EXAMINATION BY MR. BULSA

6 Q Good morning, Mr. Smith.

7 A Good morning.

8 Q Make sure you speak up so we can hear you. Okay?

9 A All right.

10 Q Introduce yourself to the jury.

11 A My name is Franklin Smith.

12 Q Okay. You look like you're dressed kind of warm.

13 A Yeah. I was at work.

14 Q Where do you work?

15 A Atlantic Textile Mill.

16 Q Do you work outside?

17 A Inside, but the door's open. So I got to go to a
18 different warehouse, so best to dress like this this
19 morning.

20 Q You bundled up to stay warm.

21 A Yes.

22 Q Okay. Now, Mr. Smith, are you the boyfriend of
23 Ms. Higgins?

24 A Yes, sir.

25 Q How long have you and she been seeing each other?

Franklin Smith
Direct examination by Mr. Bulsa

- 1 A About three years.
- 2 Q Do you have any children?
- 3 A I've got one.
- 4 Q Is it by Ms. Higgins?
- 5 A No, sir.
- 6 Q By a previous lady?
- 7 A Yes.
- 8 Q How old is that child?
- 9 A Four years old.
- 10 Q And, Mr. Smith, did you stay up with Ms. Higgins on
- 11 occasion?
- 12 A Yes, sir.
- 13 Q Back in June of 2010, do you recall the incident we're
- 14 talking about?
- 15 A Yes.
- 16 Q Okay. Did you know the lady that lived upstairs from
- 17 your girlfriend?
- 18 A I didn't know her really. I really met her sister and
- 19 her boyfriend. I interacted with them, but not her really.
- 20 Q Okay. So you remember the lady's sister visiting.
- 21 A Yeah.
- 22 Q Okay. How about anybody that was seeing the lady?
- 23 Did you even know her name?
- 24 A No, sir.
- 25 Q Okay. Let me ask. Do you remember seeing the

Franklin Smith
Direct examination by Mr. Bulsa

1 defendant over there?

2 A Yes, sir.

3 Q Okay. And how often would you see him over there?

4 A Like I say, I didn't really stay over there, but I
5 have saw him over there.

6 Q Do you know what kind of vehicle he drove?

7 A A blue Dodge Durango at the time.

8 Q Okay. Do you recall being over at your girlfriend's
9 house on the morning in June of 2010 when the blue Durango
10 was there?

11 A Yes.

12 Q What did you -- what do you remember hearing, if
13 anything, that morning?

14 A Well, like I say, when I heard the first it sounded
15 like -- sounded like they was kind of like sexing, and then
16 it's like turned violent like, like they were fighting
17 like. That's what it sounded like to me.

18 Q So you heard the end of it that sounded violent.

19 A Like violent, yeah.

20 Q Could you give a little more description of that?

21 A Well, like at one time I guess he had shoved her into
22 a wall or something. Sounded like it. I'm not for sure,
23 but that's what it sounded like. It was like more
24 physical, if anything.

25 Q Okay. Did you hear screaming?

Franklin Smith
Direct examination by Mr. Bulsa

1 A I might have heard it. I might have heard like. I'm
2 not for sure at the time.

3 Q Okay, okay. Did you -- where were you when you heard
4 this?

5 A We was in bed at the time.

6 Q Okay. And did you think anything of it?

7 A No. I didn't get up that occasion.

8 Q Y'all didn't do anything.

9 A No.

10 Q When you got up that morning did you do anything or
11 see anything?

12 A Well, I got up, yeah. I took my son out back, and we
13 were playing ball. I was pitching the ball. And the
14 Durango, it was out back with the passenger back door open
15 and the driver door open. That's what I saw. And then I
16 would pitch him the ball.

17 And he came. He came down and moved the Durango back
18 in front. And then we stayed out there for a little bit.
19 And then we went back in the house. I fixed him something.
20 And at the time we went back outside to the front. At this
21 time the Durango was gone. It had moved back to the back.

22 Q Okay. If I heard you correctly you saw the Durango at
23 three different locations.

24 A It was in the back. Then he moved to the front. And
25 then it was back to the back.

Franklin Smith
Direct examination by Mr. Bulsa

1 Q Okay. And let me show you State's 46. Does that
2 appear to be the vehicle that you saw out back?

3 A Yes, sir.

4 Q Okay. And the first time you saw it, which doors were
5 open?

6 A The passenger back door and the driver door.

7 Q This passenger back door.

8 A Back door.

9 Q Okay. And then the driver's door.

10 A Driver's door.

11 Q Did you see the defendant around this vehicle on that
12 first occasion?

13 A Well, when I was out back at first he came down and
14 shut the door and then moved it back to the front.

15 Q Did you ever see anything inside the vehicle?

16 A No. Did not.

17 Q Did he have anything in his hands?

18 A No.

19 Q Did he say anything to you?

20 A No.

21 Q Did you say anything to him?

22 A No.

23 Q Okay. Showing you State's Exhibit No. 48. Does that
24 show the part of the back area?

25 A Yes, sir.

Franklin Smith
Direct examination by Mr. Bulsa

1 Q And that's looking back towards the end of the
2 apartment building, is that right?

3 A Yes, sir.

4 Q Let me show you State's 47. Is that the opposite
5 view?

6 A Yeah.

7 Q Looking down the other direction?

8 A Yes, sir.

9 Q Okay. And which of these pictures better show where
10 you would have been pitching the ball to your son?

11 A On the sidewalk. We was on the sidewalk.

12 Q Were you on the sidewalk?

13 A Yes.

14 Q Okay. Where does this sidewalk here go to?

15 A At the walkway, it goes to the entry, to Dee. You get
16 Dee's house first to the right. And then you climb up a
17 flight of stairs. And then you get to our -- to Audrey's
18 apartment. And you like three more flights of stairs you
19 go up.

20 Q Okay. Show you State's 49. Is that -- that sidewalk
21 lead into this area?

22 A Yeah. It goes in the breezeway right there.

23 Q So the flight of stairs is just on the corner of this.

24 A Yeah.

25 Q And then it would lead into this area.

Franklin Smith
Direct examination by Mr. Bulsa

1 A Yeah.

2 Q Okay. And that's State's No. 10. This is the basic
3 area where you and your son were playing. How old was he
4 at the time?

5 A He was three at the time.

6 Q Three. Okay. And where was the Durango parked?

7 A To the right.

8 Q Over here?

9 A Right over here, yes.

10 Q And where? Which direction was it facing?

11 A It was parked like he came around that way heading out
12 that way.

13 Q All right. So you were there. And where did Mr. --
14 where did the defendant come from to get in the vehicle?

15 A He came out the walkway and shut the door and got in
16 the car and backed it back around to the front.

17 Q Okay. All right. And did you actually see it parked
18 out front?

19 A Yes, sir.

20 Q When did you see that?

21 A When I went back in.

22 Q Went back in. And what part of the parking area was
23 he parked in?

24 A Probably down, down to Audrey's bedroom, in front of
25 Audrey's bedroom window.

Franklin Smith
Direct examination by Mr. Bulsa

- 1 Q Let me show you State's 50. What part -- do you
2 recall this being the corner apartment?
- 3 A At that Maxima it probably -- from that Maxima
4 probably about two or three spaces over from the Maxima,
5 the picture. You can't really tell from right there.
- 6 Q State's No. 7.
- 7 A Probably about two or three parking spaces down.
- 8 Q Not very far from this vehicle.
- 9 A No.
- 10 Q Okay. All right. And then you said on another
11 occasion you saw the vehicle back around.
- 12 A Yeah. He -- we let him eat, and then we came back out
13 the front this time, and it was parked in the back, back in
14 the back. And we came out front this time and played for a
15 little while.
- 16 Q How long did you stay outside?
- 17 A Probably about 15 minutes, 10 or 15 minutes.
- 18 Q Did you see anything going at the Durango?
- 19 A Uh-uh. I didn't see nothing.
- 20 Q Did you see the Durango leave --
- 21 A No, sir.
- 22 Q -- the area?
- 23 A No, sir. We went back in after 10 or 15 minutes, and
24 we started watching movies, I guess.
- 25 Q And when you went back in the Durango was still out

Franklin Smith
Cross-examination by Mr. Delaney

1 back.

2 A Still out back.

3 Q Did you ever see the lady that morning?

4 A No, sir.

5 Q Did you see anybody else other than the defendant?

6 A No, sir, that's...

7 Q Okay. So the only person that was outside was him and
8 you and your son.

9 A Yes, sir.

10 Q Okay. Thank you, Mr. Smith. Answer any questions
11 Mr. Delaney may have.

12 CROSS-EXAMINATION

13 BY MR. DELANEY

14 Q Good morning. Did you ever see any other vehicles
15 behind that building?

16 A No, sir.

17 Q Were you over there just on the weekends essentially?

18 A No. Some days I was during the week occasionally.

19 Q Did you ever see any maintenance vehicles or people
20 moving furniture in the back of that building?

21 A Well, I saw maintenance. Most of the time people when
22 they gonna --

23 THE COURT: Mr. Smith, let me ask you to use that
24 microphone, please.

25 A If they -- they going to move furniture in that

Franklin Smith
Cross-examination by Mr. DeJaney

1 building, what they normally do is go up on the curb and
2 back back down so they can go, go in the entryway down
3 there.

4 That's how they normally do with groceries or
5 furniture or anything. They normally go to the curb and
6 back their vehicle down if they -- if they ain't no parking
7 spot close, close to the entryway.

8 Q Let me back up to the beginning of your testimony.

9 You testified earlier that you didn't -- you saw
10 Rebecca Rosa's sister over there, is that --

11 A Well, they -- her, her boyfriend. He had came down.
12 I -- he had being seeing me, and he came down. And they
13 came down not to the house, but I was outside with my son
14 one day. And they came out, and I kind of interacted with
15 them right there. It wasn't, wasn't really nothing.

16 Q Whose boyfriend?

17 A I think her sister's boyfriend at the time.

18 Q Rebecca's sister?

19 A I guess.

20 Q Is her name Rachel? Do you know?

21 A I don't know.

22 Q How often did you see Rachel over there?

23 A I probably done saw her two or three times. Like I
24 say, I wasn't over there that regular.

25 Q And how often did you see Rachel's boyfriend over

Franklin Smith
Cross-examination by Mr. DeLaney

1 there?

2 A I didn't -- I probably done saw him probably about two
3 or three times. Like I say, I don't be over there like
4 that at the time.

5 Q Was Rachel -- did you always see Rachel and her
6 boyfriend over there together, or did you see them
7 separate?

8 A I saw them separate.

9 Q When did you see the boyfriend over there without
10 Rachel?

11 A That's the only time really.

12 Q Which time was that?

13 A The day that y'all -- the day of the incident, I
14 guess.

15 Q You never saw him over there by himself?

16 A It normally be like in the afternoon and everybody be
17 out and the door be opened. You know, but that time of the
18 morning wasn't nobody out.

19 Q So you saw Rachel's boyfriend over there on June the
20 12th, 2010, by himself?

21 A Well, that's the only person I saw that morning, yeah.

22 Q What time of the morning did you see him?

23 A I don't really recall at that time. I know me and my
24 son had went out. I don't really know what time it was.

25 Q Was this the same day that you saw Mr. Lee in his

Franklin Smith
Cross-examination by Mr. Delaney

1 vehicle?

2 A Well, I saw him. I saw him get in his vehicle and
3 pull the vehicle back around front, but that's the only
4 thing I saw. He went back upstairs. When he pulled back
5 around front --

6 Q I'm trying to figure out when you saw Rachel's
7 boyfriend over there by himself.

8 A That morning, that morning when he was in back.
9 That's the only time I saw him by himself. Didn't see
10 nobody else.

11 Q Are you referring to Mr. Lee as Rachel's boyfriend?

12 A I guess. Who you talking about? You talking about
13 his sister, her sisters? I don't know the woman's name who
14 lived upstairs.

15 Q Rebecca lived upstairs.

16 A Okay.

17 Q Her sister is Rachel.

18 A Okay. I didn't --

19 Q Did you --

20 A I didn't see her that day. I didn't -- like I say,
21 when I see her, I see her boyfriend with her. That's when
22 I see her, when her boyfriend with her. That morning I
23 didn't see nobody but him.

24 MR. DELANEY: No further questions.

25 THE COURT: Just a minute.

Franklin Smith
Redirect examination by Mr. Bulsa
Recross-examination by Mr. Delaney

1 REDIRECT EXAMINATION

2 BY MR. BULSA

3 Q Thank you for clearing that up. You didn't know the
4 lady's name or her sister's name.

5 A No.

6 Q And when Mr. Delaney was talking to you, you were
7 referencing seeing the defendant by himself.

8 A Yeah.

9 Q Okay. Now, you commented about the people who moved
10 furniture in, they would basically -- at this view they
11 would back in towards that stairwell?

12 A Yeah. That'd be the best. That'd be the best because
13 if you go around back -- and only step you got to climb to
14 our building is one. But we wouldn't even do that. But
15 Rebecca, the woman that stayed upstairs, if you go from the
16 back you got to climb one, two. You got to climb three
17 sets of stairs. Well, it be best just back your truck
18 right there and go up two flights of steps.

19 Q Thank you, sir.

20 THE COURT: Just a minute.

21 RECROSS-EXAMINATION

22 BY MR. DELANEY

23 Q Was there anything blocking that front entrance that
24 morning?

25 A No, sir..

Deloris Green
Direct examination by Mr. Bulsa

1 Q Or was there just a car in that spot?

2 A There probably is just a car. They wasn't nothing, no
3 nothing, blocked that entrance.

4 Q Would it be more difficult to drive straight around
5 the building or to maneuver it back over that curb and back
6 down?

7 A To move furniture?

8 Q Yeah.

9 A Be best just to back up over the curb.

10 MR. DELANEY: No more questions, Judge.

11 THE COURT: Okay. Step down.

12 MR. BULSA: We would ask that Mr. Smith be excused to
13 go back to work.

14 THE COURT: He may be.

15 (Whereupon, the witness was excused.)

16 MR. BULSA: The state calls Deloris Green.

17 DELORIS GREEN, having been
18 first duly sworn, testified as follows:

19 DIRECT EXAMINATION BY MR. BULSA

20 Q Good morning, Ms. Green.

21 A Good morning.

22 Q Make sure you speak loud into that microphone.

23 Introduce yourself if you would to the ladies and
24 gentlemen.

25 A My name is Deloris Green.

Deloris Green

Direct examination by Mr. Bulsa

- 1 Q Okay. And, Ms. Green, where do you live?
- 2 A Prince Hall Lane, [REDACTED]
- 3 Q [REDACTED] Can you kind of look a little bit up here at
- 4 this screen? Make sure you still speak up.
- 5 A Okay.
- 6 Q Is [REDACTED] the front part of that building?
- 7 A Yes, sir. I stay downstairs.
- 8 THE COURT: Use the microphone, please.
- 9 A Oh, I stay downstairs.
- 10 Q This is part of the building down here?
- 11 A Right there. No.
- 12 Q This one?
- 13 A Yeah.
- 14 Q Okay. How many floors are on this?
- 15 A It's three.
- 16 Q Three.
- 17 A It's mine's, then that one, and that one upstairs.
- 18 Q Okay. So your apartment is --
- 19 A Mine is right there.
- 20 Q Okay. Whose -- is this an apartment?
- 21 A That's mine too.
- 22 Q That's part of yours. Okay.
- 23 A Uh-huh.
- 24 Q All right. So when you enter to your -- go in, you
- 25 basically go downstairs.

Deloris Green
Direct examination by Mr. Bulsa

- 1 A I go downstairs.
- 2 Q Okay. How long have you stayed there?
- 3 A Almost four years.
- 4 Q Are you familiar with your neighbors?
- 5 A Only the offender, I mean, Shane. I call her Shane,
- 6 the woman.
- 7 Q The lady that was just here?
- 8 A Yeah.
- 9 Q You call her Sonny?
- 10 A Shane. I call her Shane. That's what I call her.
- 11 Q Okay. And what does she call you?
- 12 A Dee Dee.
- 13 Q Okay. So when she called Ms. Dee, that was you?
- 14 A Uh-huh.
- 15 Q Answer yes or no.
- 16 A Yes, sir.
- 17 Q Okay. All right. Do you remember the morning, that
- 18 Saturday morning, in June of 2010?
- 19 A Yes, sir.
- 20 Q Okay. Tell us what you remember about that morning.
- 21 A I was in the kitchen getting ready to fix my
- 22 breakfast, and I am nosy, you know. I happened to look out
- 23 my window, and I happened to see the defendant, you know.
- 24 And I seen a blue Durango, you know, out in back. And it's
- 25 not -- it's curious because we don't have no cars in our

Deloris Green
Direct examination by Mr. Bulsa

1 back. And it's just suspicious that it was a blue Durango
2 back there. And I happened to look, you know like I say,
3 look out the window, and I seen it.

4 And then I seen the defendant, you know, get out of
5 his -- outta the Durango. And he was looking around, you
6 know, suspicious. And I's like, you know, what's up with
7 that. And like I said, he got out, went around, went
8 upstairs, came back, you know, downstairs, had like a
9 blanket, look like, you know, obviously like a body inside,
10 you know. And I'm like okay.

11 Q At that time did you know what it was?

12 A Not really, you know, just suspicion that, you know,
13 that it was just a blanket and kind of heavy. And he was
14 looking. He opened up, you know, the back of his, you
15 know, Durango and, you know, put a little blanket in. And
16 he was like looking around to see if anybody was looking.
17 He didn't see nobody. And, like I say, he put it in, and
18 then he left and all.

19 Q All right.

20 A That's all I seen.

21 Q Do you remember seeing Mr. Smith and his boy out back?

22 A No. I didn't.

23 Q Okay. So you don't know which occasion that was.

24 A No. Like I said, it was light.

25 Q Okay. But you remember seeing something being put in

Deloris Green
Direct examination by Mr. Balsa

- 1 and then the vehicle leaving.
- 2 A Right, yes, sir.
- 3 Q Okay. Was that in the morning hours?
- 4 A It was about 9:30, because I normally watch cartoons,
- 5 you know. And, like I said, it was 9:30, and I was in the
- 6 kitchen fixing breakfast. And, like I said, it was just,
- 7 it was suspicious, that.
- 8 Q You referenced seeing the person as being the
- 9 defendant. How do you know that?
- 10 A I mean, because he got out the driver's side, and he
- 11 got out. And he was looking around like, you know like,
- 12 this to see if anybody seen him. Then that's how I
- 13 remember seeing him.
- 14 Q Are you telling us you got a good look at him that
- 15 day?
- 16 A Yeah, I mean, I, I wouldn't lie. Like I said, it was
- 17 the defendant. It was him.
- 18 Q Okay. So you recognize him from that day.
- 19 A Yeah. That's who I seen.
- 20 Q Had you seen him around the apartments before?
- 21 A No, sir.
- 22 Q Okay. Did you know the lady up above Ms. --
- 23 A No, sir.
- 24 Q Okay. Do you remember ever meeting her?
- 25 A No, sir.

Deloris Green
Cross-examination by Mr. Delaney

1 Q Did you even know that somebody had moved in?

2 A No, sir.

3 Q Okay. You said you were nosy.

4 A I mean, I'm nosy in the back, but that's it. You
5 know, I never -- I didn't know that she had moved in, you
6 know.

7 Q Okay. All right. Now, I take it your kitchen
8 overlooks the back yard.

9 A Yes, sir.

10 Q All right. Ma'am, answer any questions Mr. Delaney
11 may have.

12 CROSS-EXAMINATION

13 BY MR. DELANEY

14 Q Good morning.

15 A Good morning.

16 Q Have you ever seen anybody moving any furniture into
17 that building?

18 A No, sir.

19 Q Are you there all day? Do you work or --

20 A I do not work. I'm there with my grandson and my
21 daughter.

22 Q And do you see people coming in and out of the front
23 of that building fairly often?

24 A No.

25 Q I'm just trying to -- again, kind of back to the nosy

Deloris Green
Cross-examination by Mr. Delaney

1 statement, you seem like a good person to know the ins and
2 out and the comings and goings of that building. Do you
3 kind of know and keep tabs on who comes and goes?

4 A Like I said, you know, I noticed him. Like I said, it
5 was 9:30 in the morning. I was getting ready to fix
6 breakfast.

7 We don't have no cars going in the back. It was
8 strange to see the blue Durango in the back. And I did see
9 the defendant. Like I'm saying, you know, I seen him. I'm
10 not going to sit here and say that I didn't. I'm not going
11 to sugarcoat it. I know what I saw. And, like I said, I
12 saw him. Now, I don't care how you put it. I'm going to
13 tell you what I saw. Like I said, I saw him.

14 Q Did you ever see him in the front of the building?

15 A No, sir.

16 Q Did you ever see anybody in the front of the building
17 moving furniture?

18 A No.

19 Q Never.

20 A No.

21 Q Did you ever see Rebecca Rosa?

22 A I don't even know.

23 Q Did you ever see anybody that might be her sister, a
24 white female with dark hair?

25 A No, sir.

Deloris Green
Cross-examination by Mr. Delaney

- 1 Q Or a white female with really dark hair and a male
2 companion.
- 3 A No, sir. Only one I seen was him.
- 4 Q I'm talking about at any time in the week surrounding
5 that time.
- 6 A No, sir.
- 7 Q You never seen anybody.
- 8 A No.
- 9 Q Except him.
- 10 A Except for him.
- 11 Q That's the only thing you've ever seen over there.
- 12 A I mean, I might see people that come, but I'm just
13 saying that particular day I saw him.
- 14 Q Are you -- do you work?
- 15 A No, I do not work.
- 16 Q How often do you get outside of your building, say, on
17 a weekday?
- 18 A I hardly ever leave my apartment because I basically
19 stay in my house and take care of my grandson.
- 20 Q Does your grandson live with you?
- 21 A Yes, sir, him and my daughter. He's two years old.
- 22 Q Do you go out of your apartment to get groceries, or
23 does your daughter do that for you?
- 24 A Sometimes my daughter goes out.
- 25 Q How often would you say that you get out of your

Jonathan Rosa
Direct examination by Mr. Bulsa

1 apartment?

2 A Very, very rarely.

3 MR. DELANEY: No further questions.

4 MR. BULSA: Nothing further.

5 THE COURT: You may step down.

6 MR. BULSA: We ask that she be excused.

7 THE COURT: She may be.

8 (Whereupon, the witness was excused.)

9 MR. BULSA: Call Jonathan Rosa.

10 JONATHAN ROSA, having been
11 first duly sworn, testified as follows:

12 DIRECT EXAMINATION BY MR. BULSA

13 Q Jonathan, introduce yourself to the jury if you would.

14 A My name is Jonathan Rosa. I am Rebecca Rosa's older
15 brother.

16 Q Okay. You and she have the last name Rosa, but your
17 mother's last name is Cook.

18 A Yes, sir.

19 Q So there were two different fathers?

20 A Yes, sir.

21 Q How old are you?

22 A I am 24, sir.

23 Q You were older than her by four years?

24 A Yes, sir.

25 Q And what do you do now, sir?

Jonathan Rosa
Direct examination by Mr. Bulsa

- 1 A I -- college. I'm in a student college, and I'm part
2 time in the National Guard.
- 3 Q What college do you attend?
- 4 A I go to Lander University.
- 5 Q Where is that?
- 6 A It's down in Greenwood.
- 7 Q And how long have you been in Lander?
- 8 A For about a year and a half now.
- 9 Q So that would have put you starting when?
- 10 A January of 2010.
- 11 Q Okay. All right. So you would have been -- do you
12 live down there?
- 13 A No, sir. I actually -- you know, once all of this
14 happened I moved back up here in Spartanburg, and I still
15 commute down there.
- 16 Q Okay. At the time you started Lander were you living
17 in Greenwood?
- 18 A Yes, sir.
- 19 Q And you referenced the time that this all got started.
20 What time are you referencing?
- 21 A Soon after the summer of 2010. I was actually taking
22 classes, a full load, then. And then once my sister was
23 murdered I decided to move back to Spartanburg to be closer
24 to my family. And since then I've been living up here and
25 commuting down there.

Jonathan Rosa
Direct examination by Mr. Bulsa

1 Q Okay. So that would have been the fall semester of
2 2010.

3 A Yes, sir.

4 Q At the time your sister was -- well, let me reference
5 it this way. How well did you know Mr. Lee?

6 A I -- well, when I was about 16 he stayed over there
7 with my sister, because I was living with my mother at the
8 time. And he stayed there. And then when I moved down to
9 Greenwood I would just come down for like family
10 gatherings, say like barbecues and Thanksgiving and things
11 of that nature.

12 Q So the contact that you had while you were at school
13 was just on weekends?

14 A Yes, sir. That'd be correct.

15 Q And did you know where she and he were living at the
16 time?

17 A Yes, sir, I do.

18 Q Where?

19 A It was on Miller Drive in Lyman.

20 Q Okay. Was it in the trailer we showed yesterday?

21 A Yes, sir.

22 Q Have you been in that trailer?

23 A Yes, sir.

24 Q Were those photographs accurate depictions of what the
25 trailer looked like?

Jonathan Rosa
Direct examination by Mr. Bulsa

1 A Yes, sir, exactly.

2 Q Do you recall it being a double-wide?

3 A I'm not really familiar with trailers and --

4 Q Okay. Did you learn that your sister left Mr. Lee?

5 A Yes, sir. It was about a week prior to her leaving.

6 She just started posting things on line. That's when I
7 found out.

8 Q I'm sorry?

9 A It was probably about a week prior to her -- a week
10 after she left. That's when I found out.

11 Q A week after she left you found out, you said, on
12 line?

13 A Yes, sir. She was posting things about their
14 relationship. And she wasn't necessarily saying where she
15 had moved to, but she was saying, you know, she had to get
16 away from him for various reasons.

17 Q And she posted them on line on something like
18 Facebook?

19 A Yes, sir, on Facebook.

20 Q Okay. When you learned of that what, if anything, did
21 you do?

22 A I started coming down, and I was actually taking her
23 out to dinner, taking her out to lunch and hanging out,
24 because my family was asking me questions about it. So I
25 was trying to, you know, get some kind of answers from her

Jonathan Rosa
Direct examination by Mr. Bulsa

- 1 to figure out what exactly was going on.
- 2 Q Were you pretty close to her?
- 3 A Yes, sir.
- 4 Q How often would you see her?
- 5 A Before I moved down to Greenwood I would see her very
- 6 often, but, you know, once I moved down to Greenwood taking
- 7 22 hours a semester I just saw her on weekends.
- 8 Q How about when she decided to move away?
- 9 A I pretty much came every day even though I had -- I
- 10 was still, you know, summer classes. I was still, you
- 11 know, coming down to see her almost every-other day and
- 12 then on weekends.
- 13 Q Okay. Now, did you ever learn -- well, how was you
- 14 able to make contact with her?
- 15 A I would call her, and then of course message her on
- 16 Facebook. And then as far as going to see her, she would
- 17 tell me, you know, a location about a mile -- or not a
- 18 mile -- about a quarter mile, half a mile from the Safe
- 19 Home location. I would go over there and wait for her.
- 20 And then, you know, she'd walk down there, and then we'd go
- 21 out somewhere.
- 22 Q You never actually went to the Safe Home.
- 23 A No, sir. I did not.
- 24 Q She just told you a meeting place.
- 25 A Yes, sir. That's correct.

Jonathan Rosa
Direct examination by Mr. Bulsa

1 Q And if at all, did you learn that she moved away from
2 Safe Home?

3 A I spoke to my brother Matthew, and he told me that he
4 helped her move some stuff, some things from the Safe Home
5 to her new apartment. And, again, she was posting things
6 on Facebook saying how she was proud of herself for getting
7 a new apartment.

8 MR. DELANEY: Objection. Hearsay, Your Honor.

9 THE COURT: Sustained.

10 A And --

11 THE COURT: Don't testify to what you don't know of
12 your own personal knowledge.

13 THE WITNESS: Yes, sir.

14 Q Okay. Anyway, you learned she moved away.

15 A Yes, sir.

16 Q Did you help her move in?

17 A No, sir, I did not.

18 Q Did you ever visit her at that apartment?

19 A Yes, sir, I did.

20 Q Is this picture showing the apartment building?

21 A Yes, sir, it is.

22 Q How many times do you remember visiting?

23 A Just once.

24 Q When was that?

25 A It was the night prior to her going missing.

Jonathan Rosa
Direct examination by Mr. Bulsa

1 Q That would have been June the 11th of 2010?

2 A Yes, sir.

3 Q And how did you come to be at the apartment that day?

4 A She -- I was actually leaving classes, and I was
5 talking to her on Facebook. And she said she wanted to go
6 out.

7 MR. DELANEY: Objection. Hearsay.

8 THE COURT: Sustained.

9 A She said she wanted to go out.

10 MR. DELANEY: Objection. Hearsay.

11 THE COURT: Hearsay is you testifying to what somebody
12 else said.

13 THE WITNESS: Okay.

14 THE COURT: So you can't testify as to what somebody
15 else said unless I tell you it's okay.

16 THE WITNESS: Yes, sir.

17 Q Anyway, you went over there after receiving the
18 message.

19 A That's correct.

20 Q All right. And what time did you go over?

21 A It was about 7:00 o'clock in the afternoon, sir.

22 Q Who did you pick up at the apartment?

23 A I picked up Rachel, Becky, and then the little boy and
24 little girl.

25 Q And then where did you go?

Jonathan Rosa
Direct examination by Mr. Bulsa

1 A We went over to my mother's house to drop the two kids
2 off and Rachel off.

3 Q And then where did you go?

4 A We went out to dinner to a local restaurant that's
5 right there about not even a mile away. And they have like
6 a dance party kind of thing. So we sat there from 11:00 to
7 10:00 o'clock [sic].

8 Q Where was that?

9 A It was Chief's Wings and Fire Water. It's about not
10 even 2 miles from my mother's house.

11 Q Is there a particular reason you chose that?

12 A Yes, sir. My brother worked there, and we knew we
13 could get free food basically.

14 Q Your brother Matthew?

15 A Yes, sir.

16 Q Okay. So you visited with Matthew. And then what did
17 you and Rebecca do?

18 A She wanted to go out. She wanted to go out to some
19 clubs, and of course I agreed with her. And we went
20 downtown and met up with an old high school mutual friend
21 from high school and went to some place downtown. I
22 believe it was Crox's. They had just opened, so there was
23 really nobody in there. So, and this is about
24 11:00 o'clock. So about 11:30 she decided that she wanted
25 to go the Club Sidelines. So me and her and a mutual

Jonathan Rosa
Direct examination by Mr. Bulsa

1 friend of ours all went out there. And we got there about
2 11:45 or 12:00 o'clock in the morning.

3 Q Did you run into anyone that she knew?

4 A Yes, sir. I saw a lot of mutual friends from high
5 school, and of course I saw Robert Lee's two sisters there.

6 Q You saw Mr. Lee's sisters at which location?

7 A At Club Sidelines.

8 Q Sidelines.

9 A Yes, sir.

10 Q And did they talk with Rebecca?

11 A Yes, sir. They seemed --

12 Q Seemed okay?

13 A Yes, sir, yes, sir.

14 Q And did you take her home?

15 A Yes, sir, I did.

16 Q At what time?

17 A It was about 2:30 in the morning. I actually went
18 back by my brother's house. Again, it's right down the
19 road. And then I asked her if she wanted to stay there,
20 and she told me she had to work in the morning. So about
21 3:00 o'clock in the morning I took her to Prince Hall.

22 Q Okay. It was just her that you dropped off?

23 A Yes, sir.

24 Q Did you go inside the apartment after you dropped her
25 off?

Jonathan Rosa
Direct examination by Mr. Bulsa

1 A No, sir, I did not.

2 Q What did you do, just drive up and park and she got
3 out?

4 A Yes, sir. We kind of sat there and talked a little
5 bit, but it wasn't really, you know, anything, any kind of
6 meaningful conversation. But she did get out, and I was
7 still texting her at the time when I was going back home.

8 Q All right. You were texting her once?

9 A Yes, sir.

10 Q And did you see or hear from her again?

11 A No, sir, I did not.

12 Q Did you attempt to go see her at her apartment at any
13 time?

14 A Yes, sir I did.

15 Q When?

16 A That morning about -- I'd say about it was about 9:00
17 o'clock in the morning. My mom and everyone was calling me
18 to say that she did not go to work and she did not go to
19 pick up her kids.

20 So I went over. Me and my brother and my little
21 sister went over to her apartment. And then Leandra came
22 over because she had a key, and then from there we decided
23 to go inside.

24 Q Leandra is a friend?

25 A Yes, sir.

Jonathan Rosa
Direct examination by Mr. Bulsa

1 Q So you learned that she didn't go to work.

2 A Yes, sir.

3 Q And out of concern you went looking for her.

4 A Yes, sir.

5 Q And when you got inside the apartment, what, if
6 anything, did you see?

7 A I could tell just being in there the night previous, I
8 could tell things were different as far as the kids'
9 bedroom where one of the beds had been pushed over from a
10 hang-up on the wall. And of course the kids' bedroom --
11 there were toys scattered everywhere, which wasn't there
12 before.

13 And then the most dramatic thing I saw was probably
14 the tape and everything which really stood out to me
15 because that wasn't there the night before.

16 Q So you were in here. You saw the photographs being
17 displayed yesterday.

18 A Yes, sir.

19 Q Is it accurate as to how you saw it?

20 A Yes, sir.

21 Q Now, how long were you in the apartment that morning?

22 A Not even 20 minutes.

23 Q It was you and your brother and Leandra. And who else
24 was with you?

25 A Rachel.

Jonathan Rosa
Direct examination by Mr. Bulsa

1 Q Rachel. Did any of y'all take or touch anything?

2 A No, sir.

3 Q You just looked around?

4 A Yes, sir, to see if she packed up or, you know, to see
5 if there was anything wrong with her or anything of that
6 nature.

7 Q Okay. So other than the displaced furniture did
8 anything else stand out?

9 A No, sir.

10 Q What did you do at that time?

11 A At that time me and my brother left. Well, we
12 actually walked out of the apartment, all of us. And I
13 believe -- I'm not sure about Rachel. But me and my
14 brother went over to Miller Drive to speak with Robert Lee.

15 Q Okay. And where at Miller Drive did you go to speak
16 to him?

17 A We initially went to the trailer, and we were knocking
18 on the door, and it seemed to be empty. And we were out
19 there knocking for not even two minutes. Then Robert Lee
20 walked from the trailer in front of his house -- I guess
21 that's where his aunt stays. And he met us in the front
22 yard.

23 Q Okay. So when you say the trailer, you first went to
24 the previous home of Mr. Lee and your sister.

25 A Yes, sir.

Jonathan Rosa
Direct examination by Mr. Balsa

- 1 Q showing you State's 33.
2 A Yes, sir.
3 Q And you -- is that the door you knocked on?
4 A Yes, sir.
5 Q Okay. And it was after a short while Mr. Lee came
6 from across the street?
7 A Yes, sir. That's correct.
8 Q All right. And your understanding was who stayed
9 there?
10 A His aunt stayed there.
11 Q Okay. Did you know her?
12 A No, sir, I did not.
13 Q You don't remember seeing her from family functions?
14 A No, sir.
15 Q Did you see her that morning?
16 A No, sir, I did not.
17 Q Who did you see that morning?
18 A I just saw Robert Lee that morning.
19 Q Do you remember approximately when?
20 A It was about 10:30, maybe 11:00 o'clock in the
21 morning.
22 Q And what happened when you came over?
23 A We asked him had he heard from Becky because she
24 didn't go to work. And from there he showed us a cell
25 phone where she texted him and was like I got -- I found a

Jonathan Rosa
Direct examination by Mr. Bulsa

1 way to -- I found a way to work. And then he proceeded to
2 tell us that --

3 MR. DELANEY: Objection to hearsay.

4 THE COURT: Sustained.

5 MR. BULSA: This is the defendant, Your Honor.

6 THE COURT: Well, let me see y'all just a minute.

7 (Bench conference held off the record in the presence
8 of the jury but out of the hearing of the jury.)

9 Q Okay. Once again, he showed you the text. And then
10 what did he -- what was your conversation?

11 A The conversation went into him saying that she's ran
12 away before and she probably did it again. So at that
13 point we just left.

14 Q So when you asked him if he'd heard from her he said
15 no.

16 A Yes, sir. He said he hadn't and he said -- well,
17 right before he said that he showed us the text where she
18 said that she had found a ride to work and she didn't need
19 him to come and get her. And then he proceeded to go into
20 some story about how she's ran away before and she probably
21 is just taking some time or something like that.

22 Q He did not acknowledge to you that he had just been
23 over there that morning.

24 A No, sir, he did not.

25 Q Okay. And how long was the conversation with him?

Jonathan Rosa
Direct examination by Mr. Bulsa

- 1 A About five minutes.
- 2 Q Okay. And after you gained that information did you
- 3 think that he had anything to do with her missing?
- 4 A It was speculation given, you know, what I had known
- 5 about their relationship with, you know, finding out within
- 6 those couple of weeks but again it --
- 7 Q The fact that she had left him before.
- 8 A Uh-huh, exactly.
- 9 Q All right. But at that point you didn't know any
- 10 more.
- 11 A No, sir.
- 12 Q You basically had to take him at his word.
- 13 A Yes, sir.
- 14 Q All right. So you left Mr. Lee at Miller Drive. And
- 15 what did you do?
- 16 A I believe I just went home. Of course I called my
- 17 mother and told her we spoke to him and, you know, we don't
- 18 know where she is. And I tried to talk to some of her
- 19 friends, mutual friends of ours, and see if they'd heard
- 20 anything or heard from her. I was calling people and
- 21 texting people and trying to figure out where she went.
- 22 Q So did you learn anything about where she might be?
- 23 A It wasn't until about a day, or I believe it was
- 24 Sunday.
- 25 Q And what happened?

Jonathan Rosa
Direct examination by Mr. Bulsa

1 A I was getting -- well, at that time it was actually on
2 the news, you know, what the neighbors may have saw and --

3 Q Okay. But your -- so your mother and your sister had
4 already gone to the police department.

5 A Yes, sir. That's correct.

6 Q That was on Saturday.

7 A Yes, sir.

8 Q And then Sunday you're seeing things on the news.

9 A Yes, sir.

10 Q Okay.

11 A I actually went back down to Greenwood because I had
12 classes. And once I started seeing things on the news I
13 couldn't go to classes and focus. So I decided to come
14 back to Spartanburg. And at that time, again, all of that
15 stuff is happening on the news. So I was trying to get my
16 friends together to help kinda pass out flyers and pretty
17 much go look for her.

18 Q Did you ever go talk with Mr. Lee again?

19 A No, sir, I did not.

20 Q Did you ever go back to Miller Drive looking for her?

21 A Yes, sir.

22 Q For what reason?

23 A We went out there again to, you know, pass out flyers
24 along the road. And we went to the place we found her.
25 And of course we passed out flyers over there at Prince

Jonathan Rosa
Direct examination by Mr. Bulsa

- 1 Hall.
- 2 Q Okay. So you passed out flyers at Prince Hall because
- 3 that's where she lived.
- 4 A Yes, sir.
- 5 Q You passed out flyers on Miller Drive for what reason?
- 6 A Because she had lived there as well.
- 7 Q Because she had lived there before.
- 8 A Yes, sir.
- 9 Q And you thought she might have been in the area.
- 10 A Yes, sir.
- 11 Q And where else did you look for her?
- 12 A I believe it's Tibbs Drive, sir.
- 13 Q How did you come to be at Tibbs Drive?
- 14 A I received -- I received a phone call from one of her
- 15 friends, a mutual friend, of theirs who worked with them.
- 16 Q Don't go into what they said, but you received a phone
- 17 call. And that led you to go to Tibbs Drive?
- 18 A Correct.
- 19 Q Okay. Had you ever been at Tibbs Drive?
- 20 A No, sir, I had not.
- 21 Q Did you know anything about Tibbs Drive?
- 22 A No, sir, I did not, not until I got there.
- 23 Q What do you mean by that?
- 24 A Once we got there and we, you know, started looking
- 25 around the area, I believe Robert Lee's uncle it was came

Jonathan Rosa
Direct examination by Mr. Bulsa

1 by and told us that he owned the property. And that's how
2 I found out that.

3 Q Okay. So before going to Tibbs Drive you didn't know
4 any connection.

5 A Well, yeah. I did know from what I -- the phone call
6 I received.

7 Q Okay. I've got you.

8 A I found out they lived there.

9 Q Okay. So somebody made the connection to Tibbs
10 Drive --

11 A Correct.

12 Q -- and sent you over there.

13 A Yes, sir.

14 Q Is Tibbs Drive near Miller Drive?

15 A Yeah. I believe it may be like ten -- ten minutes
16 away. I'm not really sure. I know it's somewhere out
17 there in Lyman.

18 Q It's in the county.

19 A Yes, sir. It's in the county.

20 Q Prince Hall Apartments are in the city.

21 A Yes, sir. It's definitely a long stretch.

22 Q A pretty good distance away?

23 A Yes, sir.

24 Q Okay. Now, when you went out to Tibbs Drive who all
25 was with you?

Jonathan Rosa
Direct examination by Mr. Bulsa

- 1 A There had been about 24 of us -- my brother, my
2 sister, my girlfriend and, again, like a lot of mutual
3 friends of mine and my sisters. There was probably about
4 24 or 25 of us.
- 5 Q So had a search party.
- 6 A Yes, sir.
- 7 Q Did you ever go ask Mr. Lee to be a part of that
8 search party?
- 9 A No, sir, I did not.
- 10 Q Did he ever to your knowledge contact you or anybody
11 else in the family?
- 12 A No, sir.
- 13 Q And you were over there that morning. Or actually
14 what time of day was it?
- 15 A When we went over to Tibbs Drive?
- 16 Q Yes, sir.
- 17 A It was about 12:00, maybe 11:30, 12:00 in the evening.
- 18 Q In the evening?
- 19 A Yes, sir.
- 20 Q And what day would that have been?
- 21 A It was Tuesday.
- 22 Q Tuesday?
- 23 A Yes, sir.
- 24 Q And what did you do in the evening?
- 25 A Actually that morning we had went over to Prince Hall.

Jonathan Rosa
Direct examination by Mr. Bulsa

1 And in addition to passing out flyers we were searching the
2 woods. And then we went over to Tibbs Drive.

3 Q You are calling evening. You're saying --

4 A Or in the morning, early morning.

5 Q In the afternoon hours?

6 A About 10:00 o'clock in the morning we went over to
7 Prince Hall, and we were searching in the woods. And then
8 about 11:30 or 12:00 in the afternoon we went over to Tibbs
9 Drive and started searching.

10 Q Okay. I had it confused. I don't want to sound like
11 you'd gone looking for her at midnight.

12 A No, sir. Sorry.

13 Q In the noon hours into the afternoon hours.

14 A Yes, sir.

15 Q Okay. So you got the search party up. And then what
16 do y'all do?

17 A I actually received a phone call from the -- someone
18 working for the city saying that they were getting a search
19 party ready. But we had already -- we decided because
20 there's a road in between Tibbs Drive -- my brother -- he
21 took about ten people one way and I took about ten people
22 the other way. And we just decided, you know, to do a
23 search of the woods. And it was about five minutes later I
24 could hear my brother yelling and a lot of other girls just
25 screaming.

Jonathan Rosa
Direct examination by Mr. Bulsa

1 Q So your search was pretty successful?

2 A Yes, sir.

3 Q And what did you do when you heard the screaming?

4 A I immediately called the police, and then I called my
5 mother. I believe I called my aunts and then my cousin.

6 Q Did you go to the location?

7 A No, sir, I did not. My brother was over there with a
8 lot of my -- a lot of our other friends, and I just -- once
9 we heard them screaming after I called them, I went over
10 there to my little sister, Rachel, who was up at the road
11 passing out flyers because I didn't want her to go down
12 there and see her.

13 Q So did you actually see where your sister was found?

14 A Uh-uh.

15 Q Is that a yes or no?

16 A No, sir.

17 Q Did you ever see Mr. Lee in the area?

18 A Yes, sir.

19 Q When and where?

20 A Shortly after I heard my brother screaming I ran over
21 there to my sister, and I could see him running --

22 Q I'm sorry.

23 A Anyway, I could see him running. And then somebody
24 yelled out to my brother that they saw him. And he started
25 chasing him, and no telling what my brother would have done

Jonathan Rosa
Direct examination by Mr. Bulsa

- 1 to him. So I actually tackled my brother to stop him from
2 catching Robert Lee.
- 3 Q When you saw Mr. Lee running was he on the roadway?
- 4 A Yes, sir, he was.
- 5 Q Which direction was he running?
- 6 A The road is facing this way, and my brother and him
7 were on that side and I was on that side. And Robert Lee
8 was running either -- from this position. He would have
9 been north or northeast.
- 10 Q He was running away from where the gravesite --
- 11 A Yes, sir.
- 12 Q How close was he to Rachel when you first saw him?
- 13 A Couldn't even have been 25 or 30 meters.
- 14 Q He was actually close to the area and heard the
15 sounds --
- 16 A Yes, sir.
- 17 Q -- and headed in the other direction.
- 18 A Yes, sir.
- 19 Q From your perspective were you in a position where it
20 would appear that he could have seen you?
- 21 A Yes, sir.
- 22 Q Did you happen to see him, where he ran to?
- 23 A No, sir, I did not.
- 24 Q You stopped your brother, that being Matthew.
- 25 A Yes, sir.

Jonathan Rosa
Cross-examination by Mr. Delaney

1 Q And then what occurred at that time?

2 A At that time the police got there, and they were
3 asking us questions. And of course we all moved up to the
4 road. And we just pretty much sat there answering any
5 questions they had and all of that.

6 Q Did you ever view your sister's body?

7 A No, sir, I did not.

8 Q Did you ever have any other contact with Mr. Lee after
9 that?

10 A No, sir, I did not.

11 Q Thank you. That's all I have. Answer any Mr. Delaney
12 has.

13 MR. DELANEY: Thank you.

14 CROSS-EXAMINATION

15 BY MR. DELANEY

16 Q Good morning. Back up a little bit, Jonathan, to the
17 Friday night. In some of the information you received as
18 to the breakup between Robert and your sister, do you know
19 if she had a new romantic interest at any point?

20 A No, sir. I know she had a lot of guy friends. Of
21 course she was, you know, very friendly to almost
22 everybody, girls and guys alike.

23 Q But do you know if she had a new boyfriend?

24 A No. She never specifically told me that. No, sir.

25 Q Do you know if that's why she and Mr. Lee broke up,

Jonathan Rosa
Cross-examination by Mr. Delaney

1 was for a new romantic interest? Do you have any
2 information on that?

3 A No, sir. From what I understand it was just because
4 he was abusive toward her.

5 Q The Friday -- was it the Friday night that y'all had a
6 group of people go to Chief's restaurant?

7 A No, sir. It was just -- actually me and her just went
8 on Friday night, but we did see people we knew out there.
9 And of course we saw people at the club that we knew.

10 Q And is that where -- and the Chief's is where your
11 brother worked?

12 A Yes, sir. That's correct.

13 Q Was he working that evening?

14 A I'm not really sure. But anyway I always get free
15 meals because he works there.

16 Q Did you -- at Chief's was there -- did y'all drink
17 alcohol?

18 A Yes, sir, we did.

19 Q And did Rebecca drink alcohol?

20 A Yes, sir. She had one drink at Chief's.

21 Q Do you know if she met any male companions at that
22 restaurant?

23 A No, sir. We sat in a booth for almost like three
24 hours -- two to three hours.

25 Q So at Chief's it was just you and Rebecca. Y'all

Jonathan Rosa
Cross-examination by Mr. Delaney

1 didn't really interact with any other people?

2 A No, sir. We did see people walk past. And we, you
3 know, got to say hey to them. But we never really.

4 Q And the next stop was Crox's.

5 A Yes, sir. That's correct.

6 Q Was there drinking there?

7 A No, sir.

8 Q You didn't drink any and she didn't drink any?

9 A Not at Crox's, no, sir.

10 Q Did you interact with any females there?

11 A Yes, sir. We actually met a mutual friend of ours in
12 the parking lot. And that's when we went inside and saw
13 that there was really nobody in there. So we decided to
14 leave.

15 Q She didn't interact with any males at Crox's.

16 A No, sir. She did not.

17 Q And the next stop was Sidelines.

18 A That's correct.

19 Q Did -- was there alcohol drinking at Sidelines?

20 A Yes, sir.

21 Q By you?

22 A I had one drink, and then she had maybe one or two.

23 Q Do you know what kind of drink -- well, what kind of
24 drink did you have?

25 A I had a Bud Light and she had some blue motorcycle.

Jonathan Rosa
Cross-examination by Mr. Delaney

1 It was a free drink they offered.

2 Q Do you know if she interacted with any males at
3 Sidelines?

4 A Yes, sir, she did see other people there.

5 Q Were you privy to any conversations that she had with
6 the males at Sidelines?

7 A No, sir, I was not.

8 Q Do you know, has any of her male friends ever gone to
9 that apartment at Prince Hall?

10 A No, sir, not that I know of.

11 Q Do you know if anybody that she met at Sidelines that
12 night went to Prince Hall after you dropped her off?

13 A No, sir. Not that I know of.

14 Q Did you see anybody over there that evening when you
15 dropped her off?

16 A No, sir. The parking lot was pretty much empty.

17 Q So you got there. It would have been Saturday morning
18 about 2:00 a.m.

19 A It was about 3:00 a.m., yes, sir.

20 Q About 3:00 a.m.

21 A Yes, sir.

22 Q And the parking lot was empty.

23 A There was a few cars but nothing like -- because I've
24 been there, you know, when the parking lot was packed out.
25 But there was a few cars here and there but nothing. There

Jonathan Rosa
Cross-examination by Mr. Delaney

1 was definitely nobody outside.

2 Q Have you ever been there on a Saturday morning when
3 the parking lot was full?

4 A No, sir, no, sir. I had been -- I was there to pick
5 her up Friday, and then it was about 7:00 o'clock on
6 Friday. And that's when the parking lot was full.

7 Q Would it surprise you to know that that parking lot is
8 full pretty much every Saturday morning?

9 A It'd probably surprise me because, you know, it
10 wasn't -- at 3:00 in the morning there was nobody there.

11 Q Would it surprise you if a resident of that apartment
12 said that that parking lot's full Saturday morning?

13 A Yeah, it would.

14 Q So if that -- if you show up at 3:00 a.m. and then
15 that parking lot's full Saturday morning, there's a lot of
16 people coming in between 3:00 a.m. and 9:00 a.m. Would
17 that be an accurate statement?

18 A I would think the people would have already been there
19 seeing that most of the bars and places close around
20 2:00 or 3:00 in the morning.

21 Q And you've been in the courtroom for this entire case,
22 is that right?

23 A That's correct.

24 Q And did you hear Ms. Higgins testify that that parking
25 lot is slam full on Saturday morning?

Jonathan Rosa
Cross-examination by Mr. Delaney

1 A Yes, sir. I did hear that.

2 Q Have you got any reason not to believe her?

3 A Yes, sir.

4 MR. BULSA: Objection, Your Honor. He's pitting the
5 witnesses.

6 THE COURT: Sustained.

7 Q When you got there at 3:00 a.m. the parking lot was
8 empty.

9 A That's correct. And when we came back to search the
10 apartment the parking lot was pretty much empty.

11 Q And what time did you get there?

12 A It was about 10:00 in the morning.

13 Q So they would have had -- if it was full at 9:00 or
14 8:00 and when you got there at 10:00 it was empty, there
15 would have had to have been an exit of some people, is that
16 correct?

17 A That would be correct.

18 Q And you don't live there.

19 A No, sir. I do not.

20 Q But you were present when a resident testified that
21 that parking lot is full on Saturday morning.

22 A Yes, sir. I was here.

23 Q On Tibbs Drive when there was this discovery in the
24 wooded area, was there a lot of screaming and running and
25 just kind of chaos?

Jonathan Rosa
Cross-examination by Mr. Delaney

1 A Not really. My brother was the only one that I could
2 predominantly hear yelling. And then of course I heard
3 some girls screaming. And almost everyone came back to the
4 road. And I called the police and that was chaotic, just a
5 lot of screaming.

6 Q Is -- was your brother chasing Robert Lee?

7 A Yes, sir. Once he -- once someone mentioned that
8 Robert Lee was at the end of the road he started to chase
9 him.

10 Q Is -- well, how big is your brother? Do you know
11 about how tall?

12 A He is six foot maybe, yeah, about six foot.

13 Q Bigger than Robert Lee?

14 A Yes, sir.

15 Q And was he was chasing him in a fury?

16 A Yes, sir. He was very --

17 Q Robert Lee physically wouldn't have a chance against
18 your brother, would he?

19 A No chance.

20 Q So it would make sense to run.

21 A Yes, sir.

22 Q Did you see anyone else running in that area?

23 A No, sir.

24 Q Just your brother chasing Robert Lee.

25 A Yes, sir.

Jonathan Rosa
Redirect examination by Mr. Bulsa

1 MR. DELANEY: No further questions.

2 REDIRECT EXAMINATION

3 BY MR. BULSA

4 Q Just briefly. You got to your sister after the
5 screams --

6 A Yes, sir.

7 Q -- to keep her from going.

8 A Going down there, yes, sir.

9 Q Okay. At what point did you see Mr. Lee?

10 A As soon as I walked out of the woods I could see him
11 running.

12 Rachel was running toward us because she heard Matthew
13 screaming. And she was like Robert Lee was up there and he
14 took off running. And I could see him just as he was going
15 into the wood line. And at that point Matthew started
16 chasing him.

17 Q Okay. So you saw Rachel running towards the body.

18 A Yes, sir.

19 Q And you saw Robert Lee running away from the body.

20 A That's correct.

21 Q And where was brother at that time?

22 A He was coming out of the woods. And Rachel yelled
23 that Robert Lee was up there. And there was actually a few
24 more people with Rachel. And then at that point Matthew
25 realized what she had said and he took off running.

Jonathan Rosa
Recross-examination by Mr. Delaney

- 1 Q Was Mr. Lee already running?
- 2 A Yes, sir.
- 3 Q Okay. So he was already leaving the area by the time
- 4 your brother took off --
- 5 A Yes, sir.
- 6 Q -- to chase after him.
- 7 A Yes, sir.
- 8 Q And you didn't want him to do anything, so you stopped
- 9 him.
- 10 A Yes, sir.
- 11 Q Thank you. That's all.
- 12 RECROSS-EXAMINATION
- 13 BY MR. DELANEY
- 14 Q Mr. Rosa, when I was questioning you you made it very
- 15 clear that the only people that were running were your
- 16 brother --
- 17 A Yes, sir.
- 18 Q -- and Robert Lee.
- 19 A That's correct.
- 20 Q And when Mr. Bulsa got back up to question you again
- 21 you -- you stated Rachel was running also.
- 22 A Well, excuse me. I wouldn't necessarily say she was
- 23 running. She was pregnant. She was, you know -- I guess,
- 24 you know, in a hurry. But Matthew was definitely running
- 25 and Robert Lee was definitely running.

Jonathan Rosa
Recross-examination by Mr. Delaney

1 Q And when Mr. Bulsa questioned you you said Rachel was
2 running.

3 A Well, she was walking down, or, you know, she was very
4 upset, crying. She obviously knew what happened.

5 Q Mr. Rosa, is the federal government investigating you
6 for anything right now?

7 A No, sir.

8 MR. BULSA: Objection, Your Honor.

9 MR. DELANEY: May we approach?

10 (Bench conference held off the record in the presence
11 of the jury but out of the hearing of the jury.)

12 MR. DELANEY: No further questions.

13 THE COURT: You may step down.

14 MR. BULSA: The state calls Matthew Cook.

15 THE COURT: We are going to take a break. We are
16 going to take a break before we go further.

17 I'll ask the jurors to please go with a bailiff to
18 your jury room. Do not discuss the case. I will bring you
19 back after that break.

20 (The following takes place outside the presence of the
21 jury.)

22 THE COURT: Let me remind the spectators that if you
23 want to stay here in this courtroom you're going to exhibit
24 proper courtroom decorum.

25 If you are going to react to testimony or you're going

1 to react to things that are said or done here in the
2 courtroom, you're not going to stay with us.

3 You'll stay seated until the jury is excused, as the
4 bailiff has told you before like yesterday. If you can't
5 follow instructions, you don't stay here. If you like to
6 observe, you're welcome to stay. You're here for
7 observation. You're not here to react. You're not here to
8 provide any sort of comic relief to anybody or any drama.
9 That's not what we're here for. We're here to try this
10 case.

11 It's unfair to a jury to be distracted by comments
12 made or reactions to things that occur in the courtroom. A
13 jury cannot properly pay attention to the testimony and the
14 evidence being presented if they're distracted by
15 spectators' conduct. If you can't behave yourself don't
16 stay in the courtroom and don't come back after this break.

17 We'll be in recess for 15 minutes.

18 (Whereupon, a recess was taken.)

19 THE COURT: Bring the jury in, please.

20 (The following takes place in the presence of the
21 jury.)

22 THE COURT: Mr. Bulsa.

23 MR. BULSA: Thank you, Your Honor. Matthew Cook.
24
25

Matthew Cook
Direct examination by Mr. Bulsa

1 MATTHEW COOK, having been
2 first duly sworn, testified as follows:

3 DIRECT EXAMINATION BY MR. BULSA

4 Q Matthew, introduce yourself to the jury.

5 A I'm Matthew Cook. I'm the oldest. Rebecca's brother.

6 Q And where do you live, sir?

7 A Sir?

8 Q Where do you live?

9 A Right now I live at [REDACTED].

10 Q You're here in Spartanburg?

11 A Yeah, located in Spartanburg.

12 Q What do you do for a living?

13 A I employed at Chief's wings and Firewater. I'm a
14 cook.

15 Q How long have you been there?

16 A Ever since that opened up. Five years now.

17 Q And how long have you known Mr. Lee?

18 A I'd say around maybe -- we didn't really know him, but
19 I met him through my sister probably about maybe ten years
20 ago, 11 years at the most. But I never -- just knew he was
21 with her.

22 Q Okay. All right. Are you familiar with where she
23 lived with him before she moved out?

24 A I knew that together that one time they stayed on
25 Miller Drive in a double-wide trailer because I remember

Matthew Cook
Direct examination by Mr. Bulsa

1 she -- we come over there one night at Christmas and cooked
2 out and had some fun. Robert Lee was there. So she stayed
3 on Miller Drive then.

4 Q Is Miller Drive out in the county part of Spartanburg?

5 A Yes. It's pretty much almost right in the Duncan
6 area. It's in the county.

7 Q You drive down Reidville Road and get off Nazareth
8 Road?

9 A Correct.

10 Q Miller. Miller Drive is off Nazareth Church Road?

11 A Well, I never went to Miller Drive that way. I've
12 always when down another way.

13 Q How did you get there?

14 A I've always went down 29. And then there's like a
15 Waffle House right there. And if you take a left it's
16 nothing but a couple of more turns. And that would be
17 Miller Drive.

18 Q So you can actually get there from two different
19 directions.

20 A Correct. You can go one from the right side in or you
21 can go another way from the left side in.

22 Q And the route you took, was that 29 and before you got
23 to 85 you made a left?

24 A There's like a -- I just know there's like a gas
25 station, or I want to say a Waffle House. And I know at

Matthew Cook
Direct examination by Mr. Bulsa

1 the light we take a left, and that's where the trailer was.

2 Q Do you cross under or over 85 before?

3 A I want to say it's -- no. I couldn't tell you but I
4 know it's --

5 Q If you're not certain, okay.

6 A It's right close to it though.

7 Q Okay.

8 A It's right there at the exit.

9 Q Okay. All right. So it's not actually in a town.

10 A No. It's out in a like rural area. It's pretty much
11 open. There's no other kind of business place around it.

12 Q Okay. All right. So you'd been there before visiting
13 your sister and Mr. Lee?

14 A I'd say at the time they lived there I probably been
15 there maybe three or four times at the most -- at the most.

16 Q Okay. When did you learn that she had left that
17 residence?

18 A Well, she had basically talked and said that she was
19 getting away.

20 MR. DELANEY: Objection. Hearsay.

21 A I'm sorry. She had told me --

22 Q Don't tell us what she told you. Just tell me when
23 you learned she had moved out in relation to her death.

24 A She never really told me she moved or anything. She
25 never said like.

Matthew Cook
Direct examination by Mr. Bulsa

1 THE COURT: Did you understand the question?

2 THE WITNESS: No. I don't remember.

3 THE COURT: Ask the question again.

4 MR. BULSA: Yes, sir.

5 Q Mr. Cook, do you remember when she went missing?

6 A Her phone.

7 Q Did you know she had left Mr. Lee by then?

8 A I didn't know she had left him. All I knew she had
9 told me she -- no. I did not know she left him. I'm
10 sorry.

11 Q Did you think she was still living at [REDACTED]

12 [REDACTED]?

13 A To my knowledge, yes, that's where I would think she
14 would be.

15 Q Did you ever know she lived at Prince Hall Apartments?

16 A I didn't find out until maybe like two weeks or a week
17 prior to everything that happened that she was coming from
18 a place to move there and that she would need my help to
19 help her.

20 Q Okay. And so did you actually help her move in Prince
21 Hall Apartments?

22 A Some of it, yes, correct. I did help her move in a
23 couple of items.

24 Q Where did you meet her to get those items to load up?

25 A Miller Drive. There was a double-wide.

Matthew Cook
Direct examination by Mr. Bulsa

1 Q Okay. So she had you meet her at Miller Drive to pick
2 up some items?

3 A We did go up there, and she was sort of hesitant to
4 actually want to get everything she wanted.

5 I have a truck, a big truck. And I can load it up.
6 And what she wanted, she was like I just need to get a few
7 things for the kids, and that's it, that's all I need to
8 get.

9 So at the time I'm like okay, you know, that's fine.
10 And I just took her to get a couple of things. And we
11 planned to get more later on.

12 Q You call it a couple of things. What do you --
13 describe it.

14 A Maybe -- I do believe there was a car seat, children's
15 clothes. More kid stuff like for the kid, for the younger
16 kid.

17 Q Were there beds?

18 A I think there was one bed. It was a small bed,
19 nothing big, not like her bed though. There might have
20 been a couple of boards and boxes. But other than that
21 there was nothing like huge.

22 Q And you took your sister from Miller Drive to
23 Prince Hall Apartments?

24 A Correct. I took the stuff to that apartment.

25 Q Okay. About how long a drive was that?

Matthew Cook
Direct examination by Mr. Bulsa

- 1 A That's a 30-minute, a 20-minute, maybe 40-minute
2 drive, because you got to go back all the way through town
3 and go downtown to get to her place.
- 4 Q Prince Hall Apartments is downtown Spartanburg.
- 5 A Downtown Spartanburg.
- 6 Q Okay. All right. And when you helped her move items
7 in, how did you park your vehicle?
- 8 A I have a truck. I just basically backed right up to
9 it.
- 10 Q Okay. Right up to the entryway?
- 11 A Yeah, the front walkway.
- 12 Q State's Exhibit No. 7.
- 13 A Yeah. That's it. The car wasn't there. I just
14 backed on in.
- 15 Q Okay.
- 16 A Backed on down.
- 17 Q You backed in that way.
- 18 A Yeah, just backed up because it was one set of stairs,
19 and it was pretty much the easiest way to get up there.
- 20 Q Okay. What did you do after you helped her move in?
- 21 A Basically, we unloaded everything. And she said she
22 was planning to get a couple of more stuff with some
23 friends that was going to help her. And I told her, you
24 know, I could help you. But I work. And we made plans
25 just if she needed anything that I would help her. And

Matthew Cook
Direct examination by Mr. Bulsa

1 other than, that was it.

2 Q Did you ever help her move anything else?

3 A No, other than that I didn't really.

4 Q Did you ever have any other contact with her after
5 that occasion prior to her going missing?

6 A The only next contact -- I'm sorry. Rephrase the
7 question again.

8 Q From the time you helped her move in until the time
9 she went missing did you have any other contact with her?

10 A Yes. When my brother came to eat at Chief's I was
11 working at the time. I come out and just sat down real
12 briefly and had a little conversation to see what they was
13 doing. And I was working and I couldn't stay long. But
14 after that, no. That was it.

15 Q So you never visited her after you moved her in.

16 A No, sir.

17 Q Did you have any contact with Mr. Lee during that
18 timeframe in which she left him?

19 A No, sir.

20 Q When you went to Miller Drive to pick up some items
21 was Mr. Lee there?

22 A Present with Becky, no.

23 Q Okay.

24 A He was not with him.

25 Q Okay. So you see her the night your brother and she

Matthew Cook
Direct examination by Mr. Bulsa

1 comes in and eats dinner. When did you next learn that
2 something might be wrong?

3 A I knew something -- well, I got a phone call from my
4 younger sister stating that about 8:00 o'clock Becky hadn't
5 come and get the kids or returned. And that's when I -- I
6 know my sister -- my sister.

7 Q So the night you saw her, was that Friday, June the
8 11th?

9 A Correct, yes, sir.

10 Q And then you got a phone call Saturday, June the 12th.

11 A Correct. Later that night.

12 Q What did you do after receiving that phone call?

13 A Well, I called my brother and talked to my brother,
14 because I knew my brother had been with her the night
15 before. You know what I'm saying. Brother, well, we
16 haven't heard from Becky and did you -- you know, where did
17 y'all go last night or have you seen her or talked to her
18 and he said --

19 MR. DELANEY: Objection.

20 THE COURT: Sustained.

21 MR. BULSA: He's actually already testified, Your
22 Honor, but I'll move on.

23 Q You had a conversation with your brother Jonathan.
24 And what did you do as a result of that conversation?

25 A Well, I knew he had took her home, and she was home.

Matthew Cook
Direct examination by Mr. Bulsa

1 And so I called my sister back and said, well, you know,
2 Jonathan's took her home, everything -- she got back in the
3 house and everything was okay maybe -- I don't know. I
4 hadn't heard from her or talked to her. And so that's when
5 my sister Rachel said she had to work.

6 MR. DELANEY: Objection, objection.

7 THE COURT: Sustained.

8 MR. BULSA: Rachel's already testified too, Your
9 Honor, but --

10 THE COURT: Well, understand, but I don't know what
11 he's going to answer. I don't know what it is.

12 MR. BULSA: I'm sorry.

13 THE COURT: They are here and they can be called. But
14 there's no reason to just keep asking for hearsay
15 responses.

16 MR. BULSA: I'm not asking for hearsay responses.

17 THE COURT: Well, there's no point in him keeping
18 provided them then.

19 MR. BULSA: I'm sorry.

20 BY MR. BULSA

21 Q All right. Jonathan, I mean, Matthew, when you had
22 those phone calls did you ever make arrangements to go to
23 your sister's apartment?

24 A No, I didn't. I wasn't thinking nothing at the time
25 to go. At that time I was still at work working.

Matthew Cook
Direct examination by Mr. Bulsa

1 Q Okay. All right. Well, when did you and your brother
2 decide to go to the apartment?

3 A It wasn't until I realized from the information that I
4 had got that I knew she had got home. So maybe I said,
5 well, let's go over there and check on her. And that's
6 what made me just want to go over there and just check up
7 on her and see if everything was okay.

8 Q Did you go check on her on Saturday, June the 12th?

9 A Saturday, no. It was early that morning. Sunday.

10 Q Sunday.

11 A Sunday.

12 Q So you saw her with her brother Jonathan Friday,
13 June the 11th. Saturday, June the 12th, you get phone
14 calls. Sunday, June the 13th, the morning hours, you and
15 your brother and --

16 A Leandra and her little sister go to the apartment.

17 Q Others go to the apartment. And that's the apartment
18 at Prince Hall.

19 A That is correct.

20 Q Okay. And what, if anything, did you see?

21 A As I noticed when we first opened the door -- there's
22 nothing out of the ordinary. But there was as I first walk
23 in -- I see a piece of wood with duct tape around it. And
24 I was sort of suspicious. I'm not really -- nothing keen.
25 So I start yelling, hey, Becky, you know. Maybe

Matthew Cook
Direct examination by Mr. Bulsa

1 Becky's still in the bed and not woke up. And, you know,
2 we just want to see where she might be.

3 So we go in there. And as we notice, nobody touches
4 nothing. She's not there. She's not in the bathroom.
5 She's not in her room. Like we know nothing was there.

6 So that's when we leave. And I tell them to call the
7 cops. And we call the cops.

8 Q And do you stay there until the cops arrive?

9 A I -- actually no. We left. I go back to my house
10 with my brother. And at this time I'm just thinking things
11 through my head of everything possibly, you know, where's
12 my sister, maybe she's took off, maybe she's, you know, got
13 away thinking. So I'm just thinking.

14 And then I don't know what tells me, but I do remember
15 her living over there on Miller Drive. So I just ride over
16 there. Maybe she got a break, she wanted to go back to get
17 over there. I don't know.

18 Q Okay. Who goes over there?

19 A Me, Jonathan and his girlfriend.

20 Q And what day did you go over there?

21 A That would have been Sunday morning.

22 Q Okay. Soon after your visit to Prince Hall.

23 A It would have been maybe 30 or 40 minutes after that.

24 Q You went to Miller Drive.

25 A Correct.

Matthew Cook
Direct examination by Mr. Bulsa

1 Q So that would have taken some drive.

2 A Yes. It would have took 40 minutes.

3 Q Okay. And then you get there. And what happens?

4 A We get to -- pull into the double-wide. We get out,
5 me and my brother, and we knock on the door just to make
6 sure, you know, see if somebody comes to the door. And we
7 get nothing.

8 But as we're, I say, on the porch Robert Lee comes out
9 from the house right across the street and meets us sort of
10 in the driveway. And that's when we began our
11 conversation.

12 Q Okay. And you heard Jonathan talk about what Mr. Lee
13 said.

14 A Yeah.

15 Q Do you recall anything different or in addition to
16 that?

17 A Well, once he -- once I seen the cell phone picture,
18 message, he -- that's when he kind of sort of, well, she's
19 took off and, man, I sort of -- he started saying some
20 stuff. I had to leave. I couldn't be around him, like I'm
21 not going to lie. I had to leave and get away because, I
22 mean, the tune of his voice just wasn't right, what he was
23 saying.

24 Q All right. So where did you go?

25 A Got in the car and locked the door.

Matthew Cook
Direct examination by Mr. Bulsa

1 Q So y'all leave. And this is still on the Sunday?

2 A Yes.

3 Q Did you do any further searching that day?

4 A No. Went home and just thinking she's gone, she's
5 took off for a while and she'll be back Monday morning, you
6 know, explaining everything.

7 You know, after that I just -- well, it was just a
8 wait. We knew the police were involved. They knew the
9 police were doing a missing persons so, I mean, we couldn't
10 do nothing more. Just wait.

11 Q Did you do anything on Monday to try to find her?

12 A Well, of course Sunday I couldn't sleep. I couldn't
13 sleep. And I woke up 8:00 o'clock in the morning on my own
14 and went knocking on doors to all the people that live in
15 that apartment and started getting questions, just asking
16 things -- what did you see Friday, what did you see
17 Saturday, because I knew my sister was brought home Friday
18 but now she wasn't there in the house. And maybe she would
19 have returned by now, but I knew something was wrong by
20 Monday. I just knew because it was just -- I don't know --
21 gut feeling or what, but she would have been back by then.
22 There's no sense. She doesn't leave her kids unattended.
23 She loved them.

24 Q You knocked on doors.

25 A I woke people up and knocked on doors, and I got some

Matthew Cook
Direct examination by Mr. Bulsa

1 of the same -- well, some of people weren't allowed to talk
2 because they had talked to officers already. But I pretty
3 much got a picture from all of the people around, some of
4 the events that had taken place.

5 Q So what did you do when you got that information?

6 A Well, it was -- pretty much at the time I knew police
7 had their own statement. So I was like I went back and
8 told my brother, hey, I got some of this information. And
9 that's when we all together developed a search party and --

10 Q So you got the search party together on Monday?

11 A Well, it was a smaller version. We just a group of
12 friends, and so we just knew a group of friends. That's
13 how it started. We got those group.

14 Q What did you do on Monday with that group?

15 A Well, Monday we knew that we was wanting to put
16 flyers. Started going -- and I think it was Kinko's -- put
17 flyers out. And we was planning to get ready, and I
18 believe my brother had got a phone call from somebody that
19 had --

20 Q Okay. Don't go into what they said, but you got a
21 phone call. And did that lead you somewhere?

22 A Yes. It told me to go to Tibbs -- Tibbs Drive.

23 Q All right. And did you know where Tibbs Drive was?

24 A Well, no. I personally -- I never been there in my
25 whole life. Never knew where the place was and never knew

Matthew Cook
Direct examination by Mr. Bulsa

1 really how to get there.

2 Q How did you get -- how did you know where to go?

3 A Well, the reason why we knew is one of the persons
4 there -- I'm sorry.

5 Q Don't go into that, but I'm talking about the actual
6 act of going there, Matthew. Who figured out where Tibbs
7 Drive was?

8 A A friend named Crystal had gave us the information
9 where Tibbs would be.

10 Q Okay. So you learned how to get to Tibbs. Did you go
11 there on Monday?

12 A Yes, we did.

13 Q What did you do on Monday at Tibbs?

14 A This was about 4:00 o'clock. We went out to Tibbs
15 Road. It was me and some kin people. My brother was with
16 me. We go down Tibbs Road.

17 And at first we were met by a van, which I don't --
18 might have been the family members. But we was just
19 telling them, you know, what had happened with my sister,
20 because we's putting flyers out everywhere. This wasn't
21 just -- we put flyers, and talking to people down the road,
22 just getting any kind of information because we knew
23 nothing. We didn't.

24 And so as I'm getting information, well, we -- I'm
25 saying, well, you know, we're out here. You know, it's a

Matthew Cook
Direct examination by Mr. Bulsa

1 pretty big wooded area. But it was getting dark. I mean,
2 it was getting to the point where we had to leave. I just
3 knew that's how -- I knew where Tibbs was. By that time it
4 was dark.

5 So I decided that the best thing that me and my
6 brother -- by that time he had already got his friends
7 together and wanted to back in the morning.

8 Q Okay. And for the jury's understanding was Tibbs
9 Drive near Miller?

10 A Yes. I mean, it's I'd say not even 10 or 15 minutes,
11 not even that, not that far away in driving.

12 Q Okay. All right. So you go to Tibbs Drive, and then
13 you leave for the evening. And then that happens on
14 Tuesday morning?

15 A All right. The plan was once we got everybody
16 together, we all met up at my work place, starting place.

17 From there on -- we really knew nothing. We just, you
18 know, had things that we'd heard, and said from people. So
19 it was like, well, the decision to go to her apartment
20 place and check the area around her apartment place.

21 And we went over there, and that was about
22 10:00 o'clock in the morning, early in the morning.
23 Within, I don't know, 20 minutes, 30 minutes, I knew. I
24 just -- we didn't -- we searched the area pretty good. It
25 was a pretty much easy area to go through. And we come up

Matthew Cook
Direct examination by Mr. Bulsa

1 with nothing. So that's when I --

2 Q So wait a minute. Let me ask you. You searched what
3 area around the apartments?

4 A There's a wooded areas -- or even in the back of the
5 area over here there's like actual -- I don't know. Say
6 it's not dense, but there's wooded area all the way. It
7 goes all the way down to the side of the road too. So, I
8 mean, I'm thinking if, you know if, anything's happened
9 maybe she's, you know, around here or something, hopefully
10 praying, you know. I didn't know.

11 Q And you didn't find anything there.

12 A No, I didn't find anything.

13 Q Was that when you went to Tibbs Drive?

14 A That's when -- I mean, I went to Tibbs. I said let's
15 go, we got to go to Tibbs now. And that's when we all
16 packed up and we all went over to Tibbs.

17 Q All right. Describe what happened at Tibbs.

18 A All right. As we're pulling in and I arrive, the
19 first one in -- there was maybe 14 other cars -- 20 other
20 cars behind us. As you approach Tibbs it's a -- pretty
21 much a 1-way road in.

22 There's no other -- and I approached a house. And at
23 the time I didn't know whose house or who it was but I
24 just -- we got outta the car, and I noticed there was some
25 people in the yard, you know. And I wanted the knowledge

Matthew Cook
Direct examination by Mr. Bulsa

1 that we was going to be out here on the land, you know,
2 doing a search party. And I'm not sure. I can't remember
3 his name, but I talked to a guy and he said go ahead, it's
4 no problem.

5 MR. DELANEY: Objection.

6 MR. BULSA: I don't believe that's being offered to
7 prove anything, Your Honor.

8 THE COURT: Well, let me see y'all just a minute.

9 A I know it's a family member.

10 THE COURT: Just a minute.

11 (Bench conference held off the record in the presence
12 of the jury but out of the hearing of the jury.)

13 MR. BULSA: Thank you, Your Honor.

14 Q Did you meet with somebody on the roadway?

15 A Yes. I want to say it might have been the uncle.

16 Q Did you gain permission to search the property?

17 A Correct, yeah. He, he didn't deny it or nothing.

18 Q Okay. And tell us how the search went.

19 A But as I began I just started asking questions, you
20 know, asking the uncle, you know, asking, you know,
21 questions, you know, well, have you seen anything or heard
22 anything about Becky and --

23 Q Okay. You can't go into all of that. Basically tell
24 us what you did. Okay.

25 A I'm sorry.

Matthew Cook
Direct examination by Mr. Bulsa

- 1 Q Did you begin searching?
- 2 A Yes. We -- I split everybody up. I told everybody we
3 needed to form a deer line, which is a deer hunt, and so
4 about --
- 5 Q What's a deer line?
- 6 A Basically, it's when maybe you get 20 people or 10
7 people who walk in a line, but they're spaced out maybe
8 every 20 meters. But they walk in the same direction like.
9 So we had a crew over here going this way and a crew over
10 here going this way. And Tibbs Road is right in the
11 middle.
- 12 Q So this is something hunters do when they're looking
13 for a downed deer.
- 14 A Right, yeah.
- 15 Q And you got that worked out.
- 16 A Fine.
- 17 Q And everybody takes off and what was --
- 18 A Everybody goes in their direction.
- 19 Q And they begin walking.
- 20 A Correct.
- 21 Q Okay. And what happens?
- 22 A Within, man -- I don't know. I literally walked right
23 to her down the road.
- 24 Q How far in the woods was she?
- 25 A It was --

Matthew Cook
Direct examination by Mr. Bulsa

- 1 Q Can you estimate a distance?
- 2 A A hundred yards or more.
- 3 Q A football field?
- 4 A I mean, it could have been give or take. It wasn't no
- 5 short distance. You know, I'm trying. I'd say about
- 6 80 yards, yeah.
- 7 Q Not quite the length of a football field?
- 8 A Not quite, no.
- 9 Q What were -- what kind of area was she in?
- 10 A Well, it was -- as I walked up on the area I could
- 11 tell the soil was not the same as what the ground would
- 12 have been around it. And I could just -- I don't know how,
- 13 the feeling, I could tell you, but I just knew. And at
- 14 that moment I could tell that the ground had been, well,
- 15 not -- it wasn't the same as the ground around it. So I
- 16 knew something had been messed with, like just I could
- 17 just -- I don't know how I know that. And by that time the
- 18 only reason I knew to -- I don't want to --
- 19 Q Did you have a feeling of some sort?
- 20 A Well, it was a feeling all right, yeah. I'm not going
- 21 to lie.
- 22 Q What did you do when you had that feeling?
- 23 A I did what it told me to do.
- 24 Q So what did you do?
- 25 A Found her, dug her up, got her out.

Matthew Cook
Direct examination by Mr. Bulsa

1 Q Explain to the jury what you did.

2 A I dug my sister up. I don't know how I knew, but I
3 was told I'm here. And we don't come for nothing. And I
4 stuck my hand in the ground.

5 Q Could you see her body under the dirt?

6 A At the time --

7 Q Let me ask you this. Was the body fully covered?

8 A As I grabbed my sister, no, it wasn't covered good,
9 because as I grabbed my sister and I knew it was her and I
10 reached out, that's when she came out of the ground.

11 Q So you actually had to reach through the dirt to grab
12 ahold of her?

13 A No more than elbow deep -- no more than elbow deep.

14 Q Okay. And how did she appear to you?

15 A She had been stabbed. I could tell. I knew she had.

16 Q Did you notice anything about the clothing she was
17 wearing?

18 A She had her Food Lion uniform on, khaki, blue jeans.

19 Q And once you pulled her out, what did you do?

20 A I let a yell out that I never yelled out. And that's
21 when I ran up to the road to meet Jonathan and tell the
22 others, because I knew I didn't want nobody else to be down
23 there. Nobody should have to be down there and see that.

24 So that's when I knew I had to run. And I stopped,
25 and then that's when I got word that -- I knew Rachel and

Matthew Cook
Cross-examination by Mr. Delaney

1 them were up at the road. But that's when Rachel had said
2 that Robert Lee was right behind me and to go off, and
3 that's when I --

4 Q Did you actually see him?

5 A Yes. I see -- I seen him. Well, he never saw me.

6 Q Well, what was he doing when you saw him?

7 A He was running. He ran to a point. By the time I --
8 this is just the way the tree line -- my brother come and
9 tackled me. I would have got him. I would have.

10 Q Did you wait there until the police arrived?

11 A Jonathan held me there until the police arrived, and
12 we were waiting.

13 Q Thank you. Answer any questions Mr. Delaney has.

14 CROSS-EXAMINATION

15 BY MR. DELANEY

16 Q Good afternoon. I'm going to back up a little bit,
17 Matthew, to the time, to the beginning where you and
18 Rebecca were going to Miller Drive to move some furniture.
19 Where was Rebecca living at that time?

20 A At the time when she come and got me to move her stuff
21 she was moving, planning to move, into this apartment over
22 here.

23 Q But where was she living -- where she did spend the
24 night before? Where did she sleep the night before?

25 A I did not know. My understanding was the trailer,

Matthew Cook
Cross-examination by Mr. Delaney

1 that I thought she lived there and with Robert Lee. And
2 that's why -- that's what I knew.

3 Q Do you have any idea how she qualified to get that
4 apartment?

5 A It wasn't until after her death that I learned through
6 Safe Homes that she was within Safe Homes and that's how
7 she got the apartment.

8 Q And to your knowledge when y'all went to Miller Drive,
9 is that where Robert Lee was living?

10 A My knowledge I thought he lived at -- I didn't know
11 where he had lived, but I thought maybe they was -- lived
12 at the trailer, but I knew where he didn't live -- no.

13 Q And did Rebecca appear to be nervous on the day y'all
14 went to Miller Drive to get the apartment? Did she appear
15 to be afraid, nervous, scared?

16 A I mean, no. I asked her if she wanted to get a lot of
17 more stuff, but she said, no, I've pretty much got
18 everything I wanted.

19 Q And did y'all have a key to access that trailer?

20 A I think she had it. She's the one that got in. I'm
21 not -- I didn't have a key, no.

22 Q When, when they first -- when you first went into that
23 trailer did you both go together, did Rebecca go by
24 herself, or did you go by yourself, do you remember?

25 A Now, when we went to go get the stuff?

Matthew Cook
Cross-examination by Mr. Delaney

1 Q The first time y'all walked into that house to get the
2 stuff did y'all walk in together?

3 A Yeah. We were both present.

4 Q Did you knock on the door first or --

5 A No. We just went on in because I was getting the
6 stuff ready for the truck, like my straps, because I
7 figured she'd be getting a whole lot more stuff. That's
8 when we went in the door. I walked on in, and she got the
9 kids' stuff.

10 Q Have you ever seen Robert Lee be abusive towards
11 Rebecca?

12 A No, I never seen -- I never been around them, no.

13 Q Do you know to your knowledge if she was scared of
14 him?

15 A She would never tell it around me.

16 Q When you took -- you say you loaded up the truck at
17 Miller Drive and you went to Prince Hall. The picture
18 there with the Maxima, was that space empty when you backed
19 in, do you remember?

20 A No. I just took my truck and backed over it.

21 Q Do you know if there was a car in that space where the
22 Maxima was though?

23 A I couldn't even say that. I don't know.

24 Q I thought when Mr. Bulsa was questioning you you said
25 that space was empty.

Matthew Cook
Redirect examination by Mr. Bulsa

1 A I mean, no. It could've been. I mean, yes, it could
2 have been easy, because it was -- I went through that side
3 of the angle. So, yes, it would have been empty.

4 Q And if there was a car in that spot it would make it
5 more difficult to back in like that, wouldn't it?

6 A Not me. I have a full-size truck. My truck -- I
7 could have got around if there was. But at the time there
8 wasn't.

9 Q Do you have previous military service?

10 A No, sir, I do not.

11 Q Okay. Do you remember what day of the week it was
12 that you took that furniture over there?

13 A No, sir, I don't.

14 Q If you didn't have a full-size pickup truck would it
15 be difficult to back in there?

16 A I think most cars might be able to get back there, but
17 if you had a little small car like that, no, you're not
18 getting back there. But a 4-wheel drive or any SUV or
19 truck, you should be able to make that.

20 MR. DELANEY: No further questions.

21 REDIRECT EXAMINATION

22 BY MR. BULSA

23 Q Just briefly. Are you familiar with what Mr. Lee
24 drove?

25 A Dodge. Blue Durango.

Kamaiya McMahan
Direct examination by Mr. Graham

1 Q Could that have easily backed up?

2 A Of course it could have.

3 Q Mr. Delaney asked you about going to and moving
4 items. Do you recall Rebecca taking anything out of the
5 kitchen to take over?

6 A She grabbed odds and ends. I mean, she was in the
7 kitchen, yes. But, I mean, mostly it was the kids' stuff.
8 She really wanted kid items like, but she never grabbed
9 any -- no toasters, no nothing like that. It was just all
10 kid items basically.

11 Q How about any utensils?

12 A No, nothing, no.

13 Q That's all I have, Matthew.

14 THE COURT: Okay. Step down.

15 MR. BULSA: The state calls Kamaiya McMahan.

16 KAMAIYA MCMAHAN, having been
17 first duly sworn, testified as follows:

18 DIRECT EXAMINATION BY MR. GRAHAM

19 Q Good afternoon, Mr. McMahan. Please introduce
20 yourself to the jury.

21 A My name is Kamaiya McMahan.

22 Q Ms. McMahan, did you know Rebecca Rosa?

23 A I did.

24 Q How did you know her?

25 A We worked together.

Kamaiya McMahan
Direct examination by Mr. Graham

- 1 Q At Food Lion?
- 2 A Yeah, at Food Lion.
- 3 Q About how long?
- 4 A About two and a half years on and off.
- 5 Q Did you know Robert Lee?
- 6 A I did.
- 7 Q How did you know him?
- 8 A The same way. We all worked together at Food Lion.
- 9 Q How long did you work there?
- 10 A I guess a year when I was there, something like that.
- 11 Sorry.
- 12 Q Did you hang out with them outside of work?
- 13 A I did.
- 14 Q So you interacted with them both inside and outside of
- 15 work?
- 16 A Right.
- 17 Q Did you know she went to the Safe Home?
- 18 A Yeah.
- 19 Q When did you find out that she went to the Safe Home?
- 20 A One of our managers at the time was talking about it,
- 21 and he helped her get into Safe Home.
- 22 Q Okay. How would characterize the relationship between
- 23 Robert Lee and Rebecca Rosa?
- 24 A It was, I mean, I guess any typical relationship with
- 25 problems, you know.

Kamaiya McMahan
Direct examination by Mr. Graham

1 Q What sort of problems?

2 A Just argumentative, stuff like that.

3 Q Okay. Was he possessive of her?

4 A I would say some, because just like whenever she would
5 try to do anything it would kind of be like him calling and
6 seeing where she is and what she's doing and like making
7 sure he took her like everywhere kind of deal.

8 Q Did she have a driver's license?

9 A No, she did not.

10 Q Did you offer to teach her how to drive?

11 A Yeah, because she wanted so she could get her license
12 so she would be able to drive and do all of that stuff.

13 Q Why did she not get that license?

14 A We, we never got the opportunity to just go out and do
15 it because she always had to be home or at work pretty
16 much.

17 Q Why would she have to be home?

18 A If she wasn't -- if we went out somewhere like 30
19 minutes he'd be calling my phone.

20 Q Who is he?

21 A Robert Lee.

22 Q Was she an ambitious lady?

23 A Yeah. I mean, she wanted to go to school. Like she
24 had so much stuff that she hadn't done and hadn't been able
25 to do because of having kids, I guess, so early and just

Kamaiya McMahan
Direct examination by Mr. Graham

1 being tied down pretty much.

2 Q Tied down. What do you mean by that?

3 A Well, kids and a relationship and stuff like that.

4 Q Okay. You said earlier you interacted with Robert Lee
5 a lot through work and outside of work. Did he ever make
6 any statements to you about where he would bury a body if
7 he killed somebody?

8 A At Food Lion when me and Robert Lee and Melvin and a
9 couple of other people at work were just having a general
10 conversation like if we were to bury somebody, where would
11 we bury them, kinda deal, and he did say behind their
12 house, his house, he would bury somebody if he were to kill
13 somebody.

14 Q And which house was that?

15 A That -- I guess Miller Drive, the double-wide trailer
16 in the Brookside area, I guess.

17 Q Did he say anything it being possibly his family's
18 home?

19 A No. Just the house that he lived in then when I would
20 go over there. I'm not sure of the street name or anything
21 like that.

22 Q You're not sure of the street name?

23 A Right.

24 Q Okay. So why did he say he would bury somebody back
25 there?

Kamaiya McMahan
Direct examination by Mr. Graham

1 A Just because it was woody, like very much woods and
2 stuff.

3 Q And didn't think anybody would find the body?

4 A Yeah.

5 Q Once you realized Rebecca was missing did you tell
6 anybody about this statement he made?

7 A We had conversations about it at Food Lion. One of
8 the guys that worked there, he was like --

9 MR. DELANEY: Objection. Hearsay.

10 A No. I heard him say it but --

11 THE COURT: Excuse me.

12 THE WITNESS: Sorry.

13 THE COURT: I sustain the objection. So don't answer
14 a question that's been sustained.

15 THE WITNESS: Okay. Sorry.

16 BY MR. GRAHAM

17 Q Did you call Rebecca Rosa's brothers and let them
18 know?

19 A Yeah, because after Melvin told us, you know, she's
20 probably behind the house, we called Jonathan. Sorry.

21 Q But you made contact with Rebecca Rosa's brothers --

22 A Right.

23 Q -- as to the statement Robert Lee made to you.

24 A Uh-huh.

25 Q Do you remember when you did this?

Kamaiya McMahan
Direct examination by Mr. Graham

- 1 A I'm not sure.
- 2 Q But it was after she went missing?
- 3 A Yeah. She was supposed to be working that Saturday,
4 you know, work Saturday. And she didn't come in, which was
5 not like her.
- 6 Q Okay. Were you working that Saturday that she went
7 missing?
- 8 A Yeah.
- 9 Q Did Robert Lee call up there?
- 10 A Yeah. He was wondering where she was and --
- 11 Q Okay. Did he call up there to ask anything about
12 her -- tell you anything about how she was going to get to
13 work that morning?
- 14 A He was supposed to be bringing her.
- 15 Q Okay. What did he tell you about?
- 16 A That he hadn't talked to her.
- 17 Q Okay. And after she went missing did you see Robert
18 Lee at all?
- 19 A He came in either later Saturday or the Sunday, one of
20 those days. And he was just -- he didn't look like
21 himself.
- 22 Q Okay. Describe how he looked.
- 23 A Like just -- like he hadn't slept. He looked drained
24 and shaky like.
- 25 Q And what was his normal demeanor?

Kamaiya McMahan
Cross-examination by Mr. Delaney

1 A Happy-go-lucky, like always joking all the time.

2 Q Please answer any questions of the defense attorney.

3 CROSS-EXAMINATION

4 BY MR. DELANEY

5 Q Good afternoon. You characterized Robert and
6 Rebecca's relationship as, quote, a typical relationship,
7 unquote.

8 A Yeah, because, I mean, everybody has problems.

9 Q So their relationship wasn't any different than any
10 other ups and downs that any other dating couple would have
11 in your opinion.

12 A Right.

13 Q So to your knowledge Mr. Lee was never abusive to
14 Rebecca.

15 A Not physically, uh-uh.

16 Q And so if Rebecca's receiving any benefits from Safe
17 Home because of abuse it's not from Mr. Lee.

18 A Not that I know of, not anything that I've seen.

19 Q Do you know at some point if Mr. Lee and Ms. Rosa
20 ended their relationship?

21 A When she moved out.

22 Q And do you know where she -- when you say moved out,
23 moved out from where?

24 A From where they were staying together.

25 Q And where was that?

Kamaiya McMahan
Cross-examination by Mr. Delaney

1 A The double-wide trailer in Fairmont or wherever.

2 Q And do you know where when she left that house, that
3 trailer, to move out, where did she move to?

4 A To my knowledge went to Safe Home.

5 Q Do you know how she got into that Safe Home?

6 A Our manager, Tyler, helped her out with that. I don't
7 know all the details.

8 Q What kind of relationship did Rebecca have with
9 Manager Tyler?

10 A Tyler kind of treated her like his daughter, so like
11 birthday gifts, you know, joking-around-at-work kind of
12 deal.

13 Q What kind of pull does Tyler have with Safe Homes to
14 get Rebecca in there?

15 A I don't think he had any kind of pull. He was just
16 like -- he treats any like young female that he works with
17 kinda like -- he takes them under-his-wings kind of deal.
18 I don't think he had any kind of pull. It was just him
19 seeing her in trouble and wanting to get out and trying to
20 help.

21 Q But you didn't see any trouble, right?

22 A I mean, not any physical like any bruises. I never
23 seen Robert-Lee-touch-her kind of deal. Never seen any of
24 that first hand.

25 Q And was Tyler you and Rebecca's boss.

Kamaiya McMahan
Cross-examination by Mr. DeLaney

1 A Yes.

2 Q In your opinion do you think it's possible that maybe
3 Rebecca was maybe playing Tyler a little bit or --

4 A I wouldn't think so.

5 Q And how many kids does Rebecca have?

6 A Three.

7 Q Two with Mr. Lee and then one?

8 A Yes.

9 Q Who is that father?

10 A I don't know him.

11 Q Also, in your answers earlier you stated that you were
12 having a, quote, general conversation, unquote, about
13 burying bodies. That sounds kind of odd. Tell me a little
14 bit more about that conversation.

15 A I mean, it's just stuff we talked about at Food Lion
16 like, I mean, it's a pretty boring job. You find stuff to
17 talk about. And that just happened to be one of the
18 conversations we had.

19 Q And who participated in that conversation?

20 A Me, Robert Lee, this guy named Melvin and a couple of
21 other people. I'm not for sure.

22 Q Was Manager Tyler in that conversation?

23 A He was not.

24 Q Was it only -- was there two or three more coworkers
25 in that conversation?

Kamaiya McMahan
Redirect examination by Mr. Graham

1 A Probably I believe like two. It wasn't a lot.

2 Q And do you recall when that conversation occurred?

3 A I do not like date. Maybe in the afternoon. It was
4 like -- I don't know the date or the day of the week, I
5 mean, or anything like that.

6 Q The reason we're in this courtroom today is for
7 basically some allegations for a timeframe of June of 2010.

8 A Right.

9 Q How long before or after June of 2010?

10 A It was way before that.

11 Q A month before?

12 A About three to four months. It was before.

13 Q You recalled that conversation four months later.

14 A I did.

15 Q Did anybody else that participated in that
16 conversation recall it?

17 A Melvin. Because when Becky went missing he brought it
18 up, and that's what made me think about it.

19 MR. DELANEY: No further questions.

20 MR. GRAHAM: Briefly, Your Honor.

21 REDIRECT EXAMINATION

22 BY MR. GRAHAM

23 Q You said you never saw any physical abuse.

24 A Right.

25 Q How about any kind of mental or emotional abuse?

Leandra Brooks
Direct examination by Mr. Graham

1 A I mean, just him wanting her home and not wanting her
2 to do anything, and just, I mean, they argued, I mean, you
3 know.

4 Q You said she couldn't be gone for 30 minutes without
5 him calling?

6 A Right.

7 Q Was that a normal course of their relationship?

8 A Uh-huh.

9 Q Okay.

10 MR. GRAHAM: Nothing further, Your Honor.

11 THE COURT: You may step down.

12 MR. GRAHAM: The state calls Leandra Brooks.

13 LEANDRA BROOKS, having been
14 first duly sworn, testified as follows:

15 DIRECT EXAMINATION BY MR. GRAHAM

16 Q Good afternoon, Ms. Brooks.

17 A Good afternoon.

18 Q Please introduce yourself to the jury.

19 A I'm Leandra Brooks. I'm a friend of Rebecca and
20 Robert Lee's.

21 Q Okay. You said you're a friend of Rebecca. Please go
22 into that relationship. What was your relationship like
23 with her?

24 A We were very close. I was like a mother to her. I'm
25 the godmother of all three of her kids. We done everything

Leandra Brooks
Direct examination by Mr. Graham

1 together.

2 Q You said you're the grandmother?

3 A Godmother.

4 Q Godmother of her children. Okay. And you said you
5 knew Robert Lee as well.

6 A Yes. I do.

7 Q Were you familiar with their relationship at all?

8 A Yes.

9 Q How would you characterize that relationship?

10 A They had hard times. There was plenty of times that
11 Rebecca would call me to come and get her because they had
12 got in an argument. I would come and get her and take her
13 to my house. And he would come and they would talk and
14 they would go back home together again.

15 Q Did this happen often?

16 A Yeah.

17 Q Do you know the nature of these arguments?

18 A Not really. I believe it's more jealousy on both
19 parts.

20 Q So Robert Lee was jealous?

21 A Yes.

22 Q During Becky's time at Safe Homes were you in contact
23 with her?

24 A Yes, I was.

25 Q When did you learn she went into that Safe Home?

Leandra Brooks
Direct examination by Mr. Graham

1 A I'm not quite sure of the date. She called me. She
2 said I'm leaving, I'm safe, the kids are safe, I'll call
3 you within a week. I got that phone call. And she said
4 she was in Safe Home.

5 Q Did she say I'm happy to be in Safe Homes?

6 A Yeah.

7 Q Did you think she was relieved to be there?

8 A Yeah. She said that she -- they opened her eyes up to
9 different things.

10 Q Had, had you seen physical -- or not physical --
11 excuse me -- any emotional or mental abuse occurred in that
12 relationship?

13 A Yeah. I've been around when there was a couple of
14 arguments.

15 Q Okay. And how would he talk to her during these
16 arguments?

17 A It wasn't really I would say very bad, but it was a
18 lot of hollering.

19 Q When she was in the Safe Home was Robert Lee looking
20 for Rebecca?

21 A Yes, he was.

22 Q Did he contact you looking for Rebecca?

23 A Yes, he did.

24 Q Did he ever make any type of threat to -- through you
25 to Rebecca?

Leandra Brooks
Direct examination by Mr. Graham

- 1 A Yes, he did.
- 2 Q What was -- what did he say in that threat?
- 3 A That he would "F" her up, that he wanted his kids
- 4 back.
- 5 Q Okay. Had you been to her new apartment?
- 6 A Yes.
- 7 Q The one at Prince Hall.
- 8 A Yeah. I had the spare key.
- 9 Q How many times?
- 10 A I've been there maybe three times.
- 11 Q Okay. Had you talked to her before she -- or when was
- 12 the last time you talked to her before she went missing?
- 13 A I talked to her that Wednesday.
- 14 Q What did y'all talk about?
- 15 A She was wanting me to go get her some cleaning
- 16 supplies and stuff that she didn't already have for the
- 17 apartment.
- 18 Q Your basics, necessities.
- 19 A Yes. Broom, mop, stuff to cook with.
- 20 Q Do you know if she had any kitchen utensils?
- 21 A Not that I know of. The only thing I recall was a pan
- 22 that her grandmother had gave her. But as far as anything
- 23 else, I don't recall anything else.
- 24 Q So you think all she had to cook with at that
- 25 apartment was one pan.

Leandra Brooks
Cross-examination by Mr. DeLaney

1 A Yeah.

2 Q One second.

3 (Pause.)

4 Q Ms. Brooks, please answer any questions the defense
5 attorney may have.

6 A Okay.

7 CROSS-EXAMINATION

8 BY MR. DELANEY

9 Q Good afternoon.

10 A Good afternoon.

11 Q You testified earlier that there was jealousy on both
12 parts and that Robert Lee was jealous. What kind of
13 outward behavior signs would you see from Rebecca to
14 classify her as being jealous of Robert?

15 A When she would think he was talking to someone she'd
16 hurry up and call me and want me to come and pick her up
17 and said she was going to leave and this and that and the
18 other. But she'd never any evidence.

19 Q Do you know if Ms. Rosa -- she had a cell phone on her
20 at all times, right?

21 A Yes.

22 Q Do you if Ms. Rosa ever called Mr. Lee from Safe
23 Homes?

24 A That I do not know. She would never tell me anything
25 like that because she'd know I'd get mad, because if you

Betty Ruth Miller
Direct examination by Mr. Bulsa

1 say you're leaving, you're leaving.

2 Q And is there -- at Safe Home is there some sort of
3 baby store beside the Safe Homes? Do you recall, or do you
4 know the location of the Safe Homes?

5 A Yeah, I know where the Safe Home is.

6 Q Is there like a baby super store -- or I shouldn't say
7 that. Is there a retail store near the Safe Home?

8 A No. There's a school there but there's no --

9 Q Do you know if Mr. Rosa ever called Mr. Lee from the
10 Safe Home and asked Mr. Lee to come and pick her up?

11 A No, not to my knowledge.

12 Q Thank you.

13 MR. DELANEY: No further questions, Judge.

14 MR. GRAHAM: Nothing further, Your Honor.

15 THE COURT: You may step down.

16 MR. GRAHAM: Your Honor, may she be excused?

17 THE COURT: She may be.

18 (Whereupon, the witness was excused.)

19 MR. BULSA: The state calls Betty Miller.

20 BETTY RUTH MILLER, having
21 first duly affirmed, testified as follows:

22 DIRECT EXAMINATION BY MR. BULSA

23 Q Good afternoon, Ms. Miller.

24 A Good afternoon.

25 Q Okay. Make sure you speak up for us, please.

Betty Ruth Miller
Direct examination by Mr. Bulsa

- 1 A All right.
- 2 Q Would you introduce yourself to the ladies and
3 gentlemen of the jury?
- 4 A Beg your pardon?
- 5 Q Would you introduce yourself to the jury?
- 6 A My name is Betty Ruth Miller.
- 7 Q Where do you live, Ms. Miller?
- 8 A I live [REDACTED].
- 9 Q And who do you live there with? Who do you live there
10 with?
- 11 A I live there right now with my son.
- 12 Q Did Robert Lee ever stay there with you, ma'am?
- 13 A Yes, he did.
- 14 Q Is he related to you?
- 15 A He's my great nephew.
- 16 Q And when did he stay there with you, ma'am?
- 17 A He stayed there with me the first time the last year
18 of his schooling, high school.
- 19 Q And the next time.
- 20 A And the next time he came over was right after Becky
21 had left him.
- 22 Q And do you recall that timeframe in which she left
23 him?
- 24 A Yes.
- 25 Q Do you remember approximately what time of the year it

Betty Ruth Miller
Direct examination by Mr. Bulsa

1 was?

2 A It was in June, I'm thinking, right around the first
3 of June, the middle of June, something like that.

4 Q And you lived at .

5 A Yes.

6 Q Is that right? And Mr. Miller -- excuse me -- Mr. Lee
7 and Ms. Rosa lived at .

8 A Yes, which was right across the street in the front of
9 me.

10 Q Okay. And how long have you lived at Miller
11 Drive?

12 A Over 40 years.

13 Q How long did they live across the street?

14 A Maybe two, one or two, years, something like that.

15 Q One or two years. Okay. And when did you learn that
16 Rebecca had left?

17 A I'm thinking it was on a Monday -- Monday morning.

18 Q On Monday in June.

19 A Right.

20 Q Okay. And how was it that you learned that she left?

21 A Nick had told me she didn't come home on a Sunday
22 night.

23 Q Okay. You said Nick. Who is Nick?

24 A Robert Lee.

25 Q You call him Robert -- you call him?

Betty Ruth Miller
Direct examination by Mr. Bulsa

- 1 A We called him Nick.
- 2 Q You called Robert Lee -- Nick?
- 3 A Okay. We called him Nick.
- 4 Q Okay. So Nick told you on Monday that Rebecca had
- 5 been missing?
- 6 A Right. She hadn't come home that Sunday night.
- 7 Q Didn't come home. Okay. Ma'am, why -- how did he
- 8 come to be living with you after Rebecca left him?
- 9 A Well, he, he had come over there, and he was really
- 10 upset and depressed and stuff. And he said he couldn't
- 11 sleep. And I told him he could come over there and stay
- 12 with me.
- 13 Q But he still had his place across the street.
- 14 A Yes. But on that Tuesday I'm thinking they came and
- 15 cut the power off.
- 16 Q Okay. So he didn't have any power at so he came
- 17 and stayed with you?
- 18 A Right.
- 19 Q While Becky was missing did Mr. Lee do anything to
- 20 find her? Excuse me. Let me rephrase that. When Becky
- 21 left him did Mr. Lee do anything to try to find her?
- 22 A Not to my knowledge other than calling around, calling
- 23 different people, is the only thing I understood to try to
- 24 find where she was.
- 25 Q Do you know if he ever found where she was?

Betty Ruth Miller
Direct examination by Mr. Bulsa

1 A The only thing he had told me, Becky had called him
2 and told him where she was.

3 Q Okay. So you learned through Mr. Lee that Becky had
4 contacted him.

5 A Yes.

6 Q Okay. Did you know if he actually went to visit her?

7 A No, other than -- I don't know anything personally for
8 that, of that, for myself. I only know what Nick had told
9 me.

10 Q Okay. Well, did Mr. Lee tell you that he went to
11 visit her?

12 A Yes.

13 Q Okay. Did he tell you where he went to visit her?

14 A No. He told me that he had picked her up and took her
15 to work from this -- had picked her up at the Safe Home and
16 took her to work.

17 Q Did he ever talk about an apartment at Prince Hall?

18 A Yes. He told me when they had gotten her an
19 apartment.

20 Q Okay. Now, you learned you said the Monday that she
21 was missing, had not come home. Think two days back on
22 that Saturday. Do you recall whether Mr. Lee was at your
23 house on that Saturday?

24 A No. I don't think he was.

25 Q Do you work, ma'am?

Betty Ruth Miller
Direct examination by Mr. Bulsa

- 1 A Yes, I do.
- 2 Q Do you work during the weekend days?
- 3 A No. I was -- at that time I was working -- I was
- 4 sitting, doing home care, sitting two hours in the morning.
- 5 But that was five days a week. And I worked five days part
- 6 time in the school.
- 7 Q Okay. And you had your weekends free?
- 8 A Weekends are free.
- 9 Q That Saturday we're talking about, were you at home
- 10 that morning?
- 11 A Yes.
- 12 Q Did you leave to go somewhere?
- 13 A I don't recall whether I did or not.
- 14 Q Was Mr. Lee there with you?
- 15 A This -- the Saturday to my knowledge before Becky left
- 16 Nick was at home.
- 17 Q Okay.
- 18 A And I don't -- I don't recall whether he had even came
- 19 to the house or not. If he had that Saturday, I don't
- 20 know.
- 21 Q Okay. Explain that to the jury. You said you don't
- 22 recall if he came over to the house. Was he kind of
- 23 staying at both places?
- 24 A No, no. Before Becky left he wasn't living at my
- 25 house.

Betty Ruth Miller
Direct examination by Mr. Bulsa

1 Q Okay.

2 A He was living at the trailer. He only came to my
3 house after Becky left.

4 Q But would he stay at your place during the day or
5 would he go to ?

6 A No, not at night, not after he came over there. He
7 was backwards and forwards during the day, the early
8 evening, after he came over there. He would sleep. He
9 would stay at the house.

10 Q Okay. And while he stayed with you his demeanor was
11 what?

12 A He was just depressed. He was -- he just -- he really
13 just wasn't himself. He was depressed.

14 Q Did it change?

15 A He said he couldn't sleep, he couldn't eat and --

16 Q Did it change once he learned where she was and had
17 reestablished contact?

18 A Not really. I mean, he seemed a little bit more at
19 ease, but he still was not just back to normal. His life
20 still wasn't normal.

21 Q Okay.

22 A What he called normal.

23 Q Okay. And, now, when he told you on Monday that she
24 was -- had not come home, how was his attitude at that
25 point?

Betty Ruth Miller
Direct examination by Mr. Bulsa

1 A He was upset; he was worried.

2 Q Did he do anything to find her?

3 A Not other than to my knowledge calling different
4 people asking if they knew where she were.

5 Q Okay. We heard that he called the work on Saturday.
6 Now, that Saturday, do you recall going to see your brother
7 in the morning?

8 A This was -- let me see. This was the next Saturday.
9 This was like a week after when my brother-in-law passed
10 and I left and went to -- went to be with the family until
11 after he passed. That wasn't that Saturday. Nick was
12 already there living at my house then. That was the next
13 Saturday.

14 Q Okay. I think we're having a miscommunication here.
15 All right. When we're saying Becky went missing,
16 we're talking about missing completely, not about that she
17 left Nick.

18 A Okay.

19 Q Okay. Did you learn that she was missing completely?

20 A Yes.

21 Q How did you --

22 A After a week and she hadn't showed up and nobody knew
23 where she were, I heard from the news when I first heard it
24 on the news.

25 Q Okay. Thank you. We got that cleared up. So Nick is

Betty Ruth Miller
Direct examination by Mr. Bulsa

- 1 not the one that told you about her being missing
2 completely.
- 3 A No.
- 4 Q You heard that from the news.
- 5 A No.
- 6 Q Do you remember what day that was, what day of the
7 week it was?
- 8 A I really don't know.
- 9 Q Could it have been --
- 10 A Maybe it was a Monday, but I'm not sure.
- 11 Q Okay. With that in mind the Saturday before you
12 learned that information, is that when you went to visit to
13 your brother's?
- 14 A Yes. My brother-in-law passed. It was my
15 brother-in-law passed on that Saturday before I learned
16 that Becky --
- 17 Q Okay. All right. And what time of the morning do you
18 recall going over to your brother-in-law's?
- 19 A I'm thinking that we left something like maybe 7:30 or
20 something to 8:00 like that in the morning.
- 21 Q In the morning. And was Nick as you call him, was he
22 at your place?
- 23 A His car was there. I didn't look in the room, but the
24 car was there.
- 25 Q Okay. And did you come back to your house that --

Betty Ruth Miller
Direct examination by Mr. Bulsa

1 A Yes, I did.

2 Q When did you come back?

3 A I don't know exactly what time it was because my
4 brother-in-law had passed. After he passed we stayed there
5 until the funeral home came and picked up his body. And
6 then I went home. And when I got home at first Nick was
7 not there, but I guess maybe ten minutes, five or ten
8 minutes, later he pulled up.

9 I came home and got my car because I rode down with my
10 nephew. I got my car and went over to my sister-in-law's
11 house, and Nick went with me.

12 Q Okay. Well, did y'all have any conversation about his
13 morning?

14 A No.

15 Q Okay.

16 A No, because I was telling him about my brother-in-law
17 had just passed and stuff. That's what I was talking
18 about.

19 Q Okay. So did he stay with you that evening?

20 A Yes. He was over there, because he rode with me.

21 Q Yes, ma'am. And so did he spend the weekend evenings
22 with you?

23 A He was there at the house that weekend.

24 Q When do you remember last seeing him that weekend or
25 those next few days?

Betty Ruth Miller
Direct examination by Mr. Bulsa

1 A He was actually there at the house every day. The day
2 that they was saying they found Becky was the last time
3 that I had seen Nick. I hadn't seen Nick no more until I
4 seen him on T.V. being arrested.

5 Q Okay. So the Saturday after your brother-in-law
6 passed is the day they found Becky.

7 MR. DELANEY: May we approach, Your Honor? I'm sorry.

8 THE COURT: Okay.

9 (Bench conference held off the record in the presence
10 of the jury but out of the hearing of the jury.)

11 Q So the jury understands, Nick stayed with you for
12 about two or three more days. What was his demeanor or
13 attitude at that point?

14 A He was still depressed and upset like.

15 Q Did you and he have any conversations about where
16 Becky might be?

17 A No. Well, yes. But he didn't have a conversation
18 with me. I was just telling him. I said, "Becky probably
19 just went somewhere to be by herself to get herself
20 together to know what she wanted to do." That's what I was
21 telling him.

22 Q And how did he respond?

23 A He always just listened to basically what I was
24 saying.

25 Q He didn't tell you anything different?

Betty Ruth Miller
Direct examination by Mr. Bulsa

- 1 A I don't remember him responding to that at all.
- 2 Q Okay. Did Mr. Lee ever live -- well, let me ask you.
- 3 Do you know where Tibbs Drive is?
- 4 A Yes.
- 5 Q How close is that to where you live?
- 6 A Maybe half a mile, a quarter of a mile, something like
- 7 that.
- 8 Q Do you get off Tibbs Drive off Nazareth Road?
- 9 A Yes.
- 10 Q Okay. And did Mr. Lee ever live on Tibbs Drive?
- 11 A Yes. They did.
- 12 Q Do you know about when that would have been, just
- 13 approximately?
- 14 A No. I don't remember what year Nick graduated, but
- 15 they was living there when he came to live with me the
- 16 first time.
- 17 Q Okay. So it would have been back when he was --
- 18 during the school age?
- 19 A Right.
- 20 Q Okay. And who was he living with over there?
- 21 A He was living with his mother and Stanley.
- 22 Q His mother is?
- 23 A Stanley.
- 24 Q Okay. Who is -- what's his mother's name?
- 25 A Tammy.

Betty Ruth Miller
Cross-examination by Mr. Delaney

1 Q And Stanley is her husband?

2 A Is her husband or friend, whatever.

3 Q Okay. But Stanley had a place on Tibbs Drive and he
4 lived over there with them.

5 A Yes.

6 Q Okay. All right. Thank you, ma'am. That's all I
7 have. Answer any questions Mr. Delaney may have.

8 MR. DELANEY: Thank you.

9 CROSS-EXAMINATION

10 BY MR. DELANEY

11 Q Good afternoon. Essentially when Rebecca and Robert
12 broke up Robert moved in with you, is that accurate?

13 A Yes.

14 Q And --

15 A He didn't move. He didn't move anything. He brought
16 a few clothes, but just him. He came.

17 Q He came down there and slept at your place.

18 A Yes.

19 Q And Becky went to the Safe Home.

20 A Yes. But at first, see, he didn't know to my
21 knowledge where she was.

22 Q At that time you don't know where she went.

23 A No.

24 Q You just know she left that double-wide.

25 A Right. He just told me she had left.

Betty Ruth Miller
Cross-examination by Mr. Delaney

1 Q And do you recall the date -- that date?

2 A No, I don't.

3 Q Would it have been around June 1st?

4 A It had to be, because I think my brother-in-law passed
5 on the 12th. And this was like a week between the time she
6 had left and the time that he passed.

7 Q So it was around the beginning of June when Robert
8 began to sleep at your place.

9 A Yes.

10 Q And Becky left the double-wide and went to -- you
11 didn't know it.

12 A Right.

13 Q You only found out later she went to a Safe Home.

14 A Yes.

15 Q And did you ever see any physical abuse perpetrated by
16 Mr. Lee or Ms. Rosa?

17 A No.

18 Q Did you ever see any physical abuse -- I am sorry --
19 mental or verbal abuse perpetrated by Mr. Lee against Ms.
20 Rosa?

21 A No.

22 Q Who is Tammy Dirton?

23 A Who?

24 Q Okay. At the time Mr. Lee moved back down was he
25 upset that Ms. Rosa had left him?

Betty Ruth Miller
Cross-examination by Mr. Delaney

1 A Yes. He was upset the whole time.

2 Q And did he share with you a letter that Ms. Rosa wrote
3 to him explaining the reasons why she was leaving?

4 A Yes. I seen a letter.

5 Q And do you recall the reason why Ms. Rosa left
6 Mr. Lee?

7 MR. BULSA: Your Honor, now he's asking about hearsay
8 information. If he has got the letter, we would like to
9 see it.

10 THE COURT: Well, let me see y'all just a minute.

11 (Bench conference held off the record in the presence
12 of the jury but out of the hearing of the jury.)

13 Q Do you know if at one point a couple of days later the
14 power at that trailer -- is it kind of up a hill, the
15 trailer where Mr. Lee lived? Is it kind of up the hill a
16 little bit, or is it on a flat road?

17 A It's flat.

18 Q His trailer, the power was cut off, is that correct?

19 A Yes.

20 Q Do you know why it was cut off?

21 A No.

22 Q Do you know whose name that power was in?

23 A No.

24 MR. DELANEY: No further questions, Your Honor.

25 MR. BULSA: Nothing further of Ms. Miller.

Jerry Harris
Direct examination by Mr. Graham

1 THE COURT: You may step down.

2 MR. BULSA: The state calls Jerry Harris.

3 JERRY HARRIS, having been
4 first duly sworn, testified as follows:

5 DIRECT EXAMINATION BY MR. GRAHAM

6 Q Good afternoon, Mr. Harris. Please introduce yourself
7 to the jury.

8 A Terry Harris.

9 Q Mr. Harris, do you know Robert Lee?

10 A Yes, sir.

11 Q How do you know Mr. Lee?

12 A I been knowing him ever since he was a kid.

13 Q Okay. And how did you know him when he was a kid?

14 A I know his dad. His dad stay across from my aunt.

15 Q Okay. And where is that?

16 A On Michael Street, Kirby Street, Spartanburg.

17 Q Okay. And where do you live?

18 A I live [REDACTED].

19 Q [REDACTED]. Did Mr. Lee's family have
20 property on Tibbs Drive?

21 A Yeah.

22 Q Okay. And which family member was it that had that
23 property?

24 A His step-dad's dad. His step-dad owned that land.

25 Q Okay. And did his step-dad live there?

Jerry Harris
Direct examination by Mr. Graham

- 1 A Not now.
- 2 Q Not now. Okay. Did Mr. Lee ever live there?
- 3 A Once upon a time.
- 4 Q So he lived at -- on -- at a residence on Tibbs Drive?
- 5 A Yes, sir.
- 6 Q Okay. The Saturday Ms. Rosa went missing, were you at
- 7 your house that day?
- 8 A I wasn't at my house. I was away from my house. I
- 9 was on my way back home.
- 10 Q Okay. Did you happen to pull off the road at any
- 11 point on your way home?
- 12 A I come down my road. I got right past the area. I
- 13 seen a vehicle parked down in the woods, so I wanted to
- 14 know what vehicle -- who it was.
- 15 Q Okay.
- 16 A And I pulled down off in there to see what it was, and
- 17 he was down in there.
- 18 Q Who was?
- 19 A Robert Lee.
- 20 Q Okay. Was, was he in a car?
- 21 A He was in his Durango.
- 22 Q What color was that Durango?
- 23 A Blue.
- 24 Q Blue in color. What was he doing?
- 25 A He said he was looking for a deep freezer that was

Jerry Harris
Direct examination by Mr. Graham

- 1 down in there.
- 2 Q Okay. Is it typical for deep freezers to be down
3 there?
- 4 A I mean, the way people been scrapping junk and stuff
5 nowadays, no, sir.
- 6 Q Okay. So you were coming home.
- 7 A Yes, sir.
- 8 Q And you saw him, his blue Durango, on the side of the
9 road?
- 10 A It was pulled down like up off the road in the wooded
11 area a little bit.
- 12 Q Okay.
- 13 A But you could see it from the street.
- 14 Q You could see from the road?
- 15 A See it pulling out, yes, sir.
- 16 Q Was it normal for people to be back there?
- 17 A Like I say, people come down there and dump trash and
18 vehicle junk and everything off in there. So, and then we
19 got hunters be out there, so yeah.
- 20 Q When you say in there, it's a wooded area.
- 21 A Yes, sir.
- 22 Q There are no houses around it?
- 23 A There's a trailer sets up the street about, about
24 30 yards. And then my house is here about, about 80 yards
25 on down.

Jerry Harris
Direct examination by Mr. Graham

- 1 Q Okay. Did you ever know Robert Lee to go back in that
2 area and look for trash or items left behind?
- 3 A No, sir.
- 4 Q You never seen him back there?
- 5 A No, sir.
- 6 Q What about when he was a kid living there?
- 7 A Maybe once or twice, but not too far up in the woods.
- 8 Q Okay. What did he tell you when you stopped and
9 approached him?
- 10 A Said he was looking for a deep freezer. And I said to
11 him, I said, "Man, ain't no deep freezer down here now."
12 If they was, it's gone. And that was the end of the
13 conversation. I backed out and pulled off.
- 14 Q Okay. And about what time was this?
- 15 A About 11:00 or 12:00, somewhere along in there.
- 16 Q Okay. And it was Saturday, June the 12th, 2010?
- 17 A Yes, sir.
- 18 Q Did you notice anything about his demeanor?
- 19 A No. I mean, I been know, like I said, I been knowing
20 him for a long time. So him acting kind of nervous or
21 something, sometimes he like that. Sometimes he not.
- 22 Q Okay.
- 23 A It just depends on how he's feeling that day, because
24 I forgot what's wrong with him, but I know sometimes he --
25 sometimes he's down.

Jerry Harris
Direct examination by Mr. Graham

1 Q Okay. When you approached the vehicle was it facing
2 you or was it --

3 A It was backed in.

4 Q It was backed in?

5 A Yes, sir.

6 Q And so you were walking towards it and the vehicle was
7 facing you?

8 A I ain't never got outta my vehicle.

9 Q You didn't get out of your vehicle?

10 A No, sir.

11 Q Okay. Where was Robert Lee in relationship to the
12 Durango? What side was he on -- the front or back?

13 A He was on the driver's side in the back of the
14 Durango.

15 Q The driver's side in the back?

16 A Yes, sir.

17 Q Okay. Did he have anything with him?

18 A No, sir.

19 Q Did you see anything in the car?

20 A No, sir.

21 MR. DELANEY: One moment, please.

22 (Pause.)

23 Q Mr. Harris, I'm showing you what's been marked for
24 identification purposes as State's Exhibit 51. Do you
25 recognize that picture?

Jerry Harris
Direct examination by Mr. Graham

1 A Yes, sir.

2 Q What is that a picture of?

3 A That's Tibbs Drive.

4 Q And does that picture fairly and accurately represent
5 the location, Tibbs Drive?

6 A Yes, sir.

7 MR. GRAHAM: Your Honor, I move this exhibit,
8 State's Exhibit 51, into evidence.

9 MR. DELANEY: No objection.

10 THE COURT: It's admitted.

11 (Photograph marked State's Exhibit No. 51.)

12 Q What was the area where you spoke to Mr. Lee in?

13 A Right along in here.

14 Q Okay. Would you point it out to the jury?

15 (Whereupon, the witness complied.)

16 Q Thank you. Okay. This is Tibbs Drive, this street
17 running like this.

18 A Yes, sir.

19 Q And you were coming this way like this?

20 A Yes, sir.

21 Q Okay. Where did you see -- did you see Mr. Lee up in
22 this area?

23 A Yes, sir, backed right up in there.

24 Q Okay. His car was backed up into there from the
25 street area?

Jerry Harris
Direct examination by Mr. Graham

- 1 A Yes, sir.
- 2 Q Backed up like that. Okay. And what's this in here?
- 3 A That's my -- that's where my sister-in-law staying at
- 4 and Carl's kinda garage and house.
- 5 Q Okay. All right. And did you often see people back
- 6 in this area right here?
- 7 A Not really. They mostly come on this side behind and
- 8 everything.
- 9 Q After you realized Ms. Rosa went missing did you ever
- 10 go back in that area and look?
- 11 A The night that they -- that her brother and sisters
- 12 and them came down, down the road, right there where it had
- 13 got pitch dark, I had called my uncle, and I told him. I
- 14 told him what I had seen and everything.
- 15 My -- he came down, and we started to go off in there.
- 16 We got so far down and it started getting gully-like and
- 17 all like that -- man, it's too far down in here and I can't
- 18 see nothing. So we came out from down in there.
- 19 Q And who did you go out there with?
- 20 A Stanley Hunter.
- 21 Q And this was the night before they found the body?
- 22 A Yes, sir.
- 23 Q And what time of night?
- 24 A It was about 8:00 or 9:00 o'clock, maybe
- 25 10:00 o'clock.

Jerry Harris
Direct examination by Mr. Graham

- 1 Q Okay. And this area up in here, back in here, is
2 that -- that's a thickly wooded area?
- 3 A Yes, sir.
- 4 Q And are there any houses back there?
- 5 A No, sir.
- 6 Q How far back off the road was the Durango?
- 7 A Right there, right there on the road, right there.
- 8 Q Right here?
- 9 A Yeah.
- 10 Q How far, approximately how far, is that distance-wise
11 if you can put a number on it?
- 12 A Huh?
- 13 Q Is it like half a mile, a quarter a mile?
- 14 A Repeat the question.
- 15 Q How far distance-wise is that where you pointed out
16 where the Durango was from the road?
- 17 A About 15 or 20 feet.
- 18 Q Fifteen or 20 feet. Okay.
- 19 A Excuse me. Yards.
- 20 Q Fifteen or 20 yards. Okay. And the way it was backed
21 in you couldn't see anything in the back of the car --
- 22 A No, sir.
- 23 Q -- from the road?
- 24 A No, sir.
- 25 Q Did you have any contact with the victim's brothers?

Jerry Harris
Cross-examination by Mr. Delaney

1 A The next day after they -- they came down there and
2 they asked could they go out there and search and
3 everything, and I told them, yeah, go ahead, no problem.
4 And a few minutes later I heard a loud scream, heard
5 somebody say I'm going to kill him, I'm going to kill him.

6 MR. DELANEY: Objection, objection. Hearsay.

7 THE COURT: Overruled.

8 Q Okay. Please answer any questions the defense
9 attorney may have.

10 CROSS-EXAMINATION

11 BY MR. DELANEY

12 Q Good afternoon. Mr. Harris, the area on the
13 photograph, in this area here where the tip of my pen is,
14 is there a lot of trash and tires dumped all in that area?

15 A No, sir.

16 Q Where? Where is the trash dumped?

17 A Here, all the way here.

18 Q On this side of the road?

19 A Yes, sir.

20 Q What is this area? Appears to be a clear cut in this
21 area.

22 A Used to be a home there.

23 Q So is there still trash and rubbish and things there?

24 A Yes, sir.

25 Q Is this where my -- the tip of my pen is now, is that

Jerry Harris
Redirect examination by Mr. Graham

1 an told driveway --

2 A Yes, sir.

3 Q -- that led up to the home? Do you know who lived
4 there?

5 A Stan Loftin did.

6 Q And what happened to that house?

7 A We pushed it over, got rid of it.

8 MR. DELANEY: No further questions.

9 REDIRECT EXAMINATION

10 BY MR. GRAHAM

11 Q When you said that was Stanley Hunter's house, is that
12 the house that Mr. Lee lived in as a child?

13 A Yes, sir.

14 MR. GRAHAM: Nothing further.

15 THE COURT: Okay. Step down.

16 MR. BULSA: The state calls Markeisha Whitmire.

17 MARKEISHA WHITMIRE, having
18 been first duly sworn, testified as follows:

19 DIRECT EXAMINATION BY MR. BULSA

20 Q Good afternoon, Ms. Whitmire.

21 A Good afternoon.

22 Q Make sure you speak into the microphone so we can hear
23 you.

24 A Okay.

25 Q Would you introduce yourself to the ladies and

Markeisha Whitmire
Direct examination by Mr. Bulsa

- 1 gentlemen of the jury?
- 2 A I am Markeisha Whitmire.
- 3 Q Ma'am, where do you now live?
- 4 A I now live at [REDACTED], but I did reside
5 at the time at [REDACTED].
- 6 Q And is that the residence we see marked up there?
- 7 A Yes.
- 8 Q And when did you live at that location?
- 9 A I stayed there from March 28th of 2010 until August of
10 2011.
- 11 Q okay. Are you employed?
- 12 A Yes.
- 13 Q where are you employed?
- 14 A Li'L Cricket.
- 15 Q How long have you been with Li'L Cricket?
- 16 A Four and a half years.
- 17 Q which Li'l Cricket do you work at?
- 18 A I currently work at the one across from the landfill
19 in wellford.
- 20 Q Is that nearby where this is?
- 21 A Yes.
- 22 Q Were you working there back in 2010?
- 23 A No. I was actually working on Garner Road.
- 24 Q okay. So you had a little bit further distance.
- 25 A Yes.

Markeisha Whitmire
Direct examination by Mr. Bulsa

1 Q Now, were you living at -- on Tibbs Drive with anybody
2 in particular?

3 A My sister was staying there at the time.

4 Q Were you familiar with who owned the property around
5 you?

6 A Yes.

7 Q Who owned it?

8 A The Hunters.

9 Q Okay. And do you know Mr. Harris that just testified?

10 A Yes.

11 Q And whereabouts on this road did he live? Did he live
12 before you or after you?

13 A After me and after the brush. You had to go down to
14 the lower part there.

15 Q Okay. So coming from this direction, Nazareth Church
16 Road is up here?

17 A Uh-huh.

18 Q So coming down. And he lives beyond.

19 A Yes. Down on the left.

20 Q Okay. Do you recall the morning of June the 12th,
21 2010?

22 A Yes.

23 Q What in particular do you recall about it?

24 A Particularly about 5:30 in the morning I got a call to
25 come and babysit my drunken friend. We were outside at

Markeisha Whitmire
Direct examination by Mr. Bulsa

1 5:30 in the morning.

2 We went back in around 6:00 a.m. I came back outside
3 around 11:00-ish to get ready to go get my car washed. And
4 I was taking things out of my car to get my car washed.

5 Q Okay. And your car would have been parked about
6 where?

7 A Right between the trailer there's a big tree in the
8 yard. So it was right between the trailer and the big
9 tree.

10 Q would it have been near the road?

11 A Yes.

12 Q How close to the road?

13 A Probably roughly about ten feet off, away from the
14 road.

15 Q Okay. So you would have walked out your trailer and
16 walked towards the road to where your vehicle was?

17 A Yes.

18 Q Okay. And what did you notice around 11:00 o'clock
19 when you went to your car?

20 A There was a blue Durango coming down the road.

21 Q Were you familiar with that Durango?

22 A No.

23 Q Was that Durango a car you had seen on that road
24 before?

25 A No.

Markeisha Whitmire
Direct examination by Mr. Bulsa

- 1 Q Could you tell who was driving it?
- 2 A There was a light-skinned male.
- 3 Q Okay. And did you recognize that person?
- 4 A No.
- 5 Q Let me show you State's 46. Does that look familiar?
- 6 A Yes.
- 7 Q Does that look to be the type of Durango and color
- 8 that you saw?
- 9 A Yes, sir.
- 10 Q And where did this Durango go to?
- 11 A As they were passing by it went past the first cut
- 12 where the cars are parked right here, and it went down a
- 13 little further.
- 14 Q Past this area?
- 15 A Uh-huh. And it was parked on the street still turned
- 16 towards this way.
- 17 Q Okay.
- 18 A At some point while I was cleaning out my car -- when
- 19 I came back out it had -- it was backed in in that first
- 20 cut.
- 21 Q Use the pointer. Show the jury where the car moved
- 22 to.
- 23 A It moved right here in this area.
- 24 Q Okay. All right. How was it that you were able to
- 25 see the Durango from where your car was?

Markeisha Whitmire
Direct examination by Mr. Bulsa

1 A You can actually between the woods and my house, you
2 can still see right in that cut.

3 Q Okay. All right. And did you see any persons around
4 that vehicle?

5 A No.

6 Q Did you stop and observe to try to figure out what was
7 going on?

8 A No.

9 Q Did you ever approach the car in any fashion?

10 A No.

11 Q What did you do when you did see the car?

12 A I kept in -- in the car backed in?

13 Q Yes, ma'am.

14 A I kept going about my day.

15 Q All right. And did you have any other contact with
16 that vehicle?

17 A No.

18 Q So did you actually leave Tibbs Drive at that point?

19 A I did.

20 Q All right. And --

21 A The car was still parked when I left. It was still
22 parked right in this area.

23 I went to go get my car washed at Max's car wash on
24 290.

25 Q Okay.

Markeisha Whitmire
Direct examination by Mr. Bulsa

1 A But before then we did go pick up a friend named
2 Willie Kershaw. And we came back to Tibbs, and the car was
3 still there.

4 We left Tibbs again to go get the car washed. We came
5 back and dropped Willie off. When we got back to Tibbs
6 roughly around 1:00-ish the car was gone.

7 Q Okay. At what timeframe did you see the car when it
8 was backed in?

9 A I, I got my car washed around 11:50. So it takes a
10 while to process. So it was around 11:30-ish I want to say
11 when I seen the car coming down the street.

12 Q All right. I hope I didn't confuse the jury. You
13 pointed back on the roadway when you saw the car.

14 A That when I first seen the car I'm here. The car was
15 right here when I left Tibbs.

16 Q Okay.

17 A When I came back to Tibbs the car was backed in.

18 Q Okay. That's what I'm trying to understand.

19 A Yes.

20 Q All right. And then that was the last place you saw
21 the vehicle.

22 A Yes.

23 Q Can you estimate how long the vehicle was there?

24 A From about 11:30 -- when we came back about 1:20 it
25 was gone.

Markeisha Whitmire
Cross-examination by Mr. Delaney

1 Q Okay. All right. That's fair. Thank you, ma'am.

2 MR. BULSA: That's all I have.

3 CROSS-EXAMINATION

4 BY MR. DELANEY

5 Q Ms. Whitmire, how long have you lived there?

6 A I lived there from May 28th of 2010 to August of 2011.

7 Q So May 28th of 2010 until June 12th of 2010 is about
8 two weeks. You had been living there for about two weeks?

9 A Yes.

10 Q So you weren't familiar with really too much about
11 what you --

12 A Actually I stayed at the top of Tibbs before, roughly
13 about a year at [REDACTED].

14 Q So you had been there a lot longer than just two
15 weeks.

16 A Yes, Uh-huh. Not at that particular location.

17 Q Thank you.

18 A You're welcome.

19 MR. DELANEY: No further questions.

20 MR. BULSA: Nothing further. We ask that she be
21 excused.

22 THE COURT: You may step down.

23 MR. BULSA: May she be excused if she wishes to be?

24 THE COURT: She may be.

25 (Whereupon, the witness was excused.)

Stanley Hunter, Sr.
Direct examination by Mr. Bulsa

1 MR. BULSA: The state calls Stanley Hunter.

2 STANLEY HUNTER, SR., having
3 been first duly sworn, testified as follows:

4 DIRECT EXAMINATION BY MR. BULSA

5 Q Mr. Hunter, please introduce yourself to the jury.

6 A My name is Stanley Hunter, Sr.

7 Q Where do you live, Mr. Hunter?

8 A [REDACTED].

9 Q And how long have you lived there?

10 A Basically all of my life except for the time I lived
11 on Tibbs, which was about three years. So, so and my
12 father -- where I live now is next, next door to where I
13 grew up at.

14 Q So Miller Drive property is family property?

15 A Yes, it is.

16 Q How about the property on Tibbs Drive?

17 A Family property.

18 Q How many acres on Tibbs Drive do you own?

19 A About 72.

20 Q Looking at the picture on the screen -- for the record
21 State's 51 -- does that show where you used to live?

22 THE COURT: Mr. Hunter, be careful of that microphone.

23 THE WITNESS: Sir?

24 THE COURT: The microphone. Be careful.

25 THE WITNESS: Okay.

Stanley Hunter, Sr.
Direct examination by Mr. Bulsa

- 1 A Yes. That's, that's where we lived.
- 2 Q So that cleared-off area used to be your home site?
- 3 A Yes, sir.
- 4 Q What kind of house did you have at that location?
- 5 A There was a mobile home there.
- 6 Q Okay. And how long did you live at that residence?
- 7 A Approximately four years.
- 8 Q Did Mr. Lee live with you?
- 9 A Yes, he did.
- 10 Q That entire time?
- 11 A I expect during his senior year he was with Betty
- 12 Miller, or part of his senior year.
- 13 Q How much beyond that cleared area does your family
- 14 own?
- 15 A Beyond the cleared area -- that is the property line.
- 16 where it's cleared, that's the property line. My property
- 17 line and [REDACTED] where Ms. Whitmire lived, they still have
- 18 the same property line.
- 19 Q Okay. So do you know who owned the property behind
- 20 you?
- 21 A Jacob Frye.
- 22 Q Had you ever been into that wooded area?
- 23 A Yes, practically all of my life all of that -- both
- 24 sides of that we've owned all of my life. So, and I had a
- 25 horse ranch there, and we did other things. And then where

Stanley Hunter, Sr.
Direct examination by Mr. Bulsa

1 Jerry Harris lives, I had a brother that used to live
2 there. So it's just about since I was ten years old.

3 Q How about on Mr. Frye's property? Did you ever go
4 back in there?

5 A Yes, I did. It's always been a trash dump.

6 Q And when you say trash dump, what do you mean?

7 A Claude ran construction. He owned a construction
8 business. And there was a deep gully maybe 15 or 20 foot
9 deep, 15 foot wide. And right behind the gully there was a
10 creek. It used to be wide and we used to fish there. But
11 right now it's only about this wide. So I also scrapped
12 metal back there also.

13 Q Okay. Now, how do you know Mr. Lee?

14 A I met his mother when he was -- well, I've always
15 known his mother. But me and his mother got together when
16 he was about five or six years old.

17 Q Have you been living with his mother since then?

18 A Yes.

19 Q So you practically raised Mr. Lee?

20 A Yes, sir.

21 Q Okay. Now, so you were familiar with Ms. Rosa --
22 Rebecca Rosa.

23 A Yes.

24 Q And did you know -- or how long had they lived at [REDACTED]

25 [REDACTED]?

Stanley Hunter, Sr.
Direct examination by Mr. Bulsa

- 1 A Between a year and a half to two years.
- 2 Q And how far up the street was that from your place?
- 3 A There was only a house that separated us.
- 4 Q Did you have a lot of contact with them?
- 5 A Every other day or so.
- 6 Q When did you learn that she left Mr. Lee?
- 7 A Actually the day she left.
- 8 Q How is that?
- 9 A I don't know the date, but I know the day she left.
- 10 Q How did you find out?
- 11 A Because he and I had been, Robert Lee and I had been,
- 12 somewhere. And when we drove up she was telling Kim that
- 13 she was taking her winter clothes to storage or something
- 14 of that nature. And she didn't come back. And he also
- 15 helped her get stuff out of the house.
- 16 Q Okay. Did you know where she went?
- 17 A Had no idea.
- 18 Q Did you see Mr. Lee on a regular basis after that?
- 19 A Yes.
- 20 Q How was his demeanor or attitude?
- 21 A He seemed genuinely concerned about where she was. He
- 22 said to -- she'll be back, I know Becky, I know she'll be
- 23 back and, you know, things of nature. Never -- he didn't
- 24 say anything negative. He just said I know she -- I know
- 25 Becky and I know she'll be back.

Stanley Hunter, Sr.
Direct examination by Mr. Bulsa

- 1 Q Did you have the impression that he was looking for
2 her?
- 3 A Actually not.
- 4 Q You didn't think he was?
- 5 A I didn't -- he didn't say to me I'm going looking for
6 Becky. He never said that to me. The only time I heard
7 anything about him looking for Becky is when my
8 sister-in-law told me that they went looking for Becky at,
9 near the spot where they found her.
- 10 Q Who is your sister-in-law?
- 11 A Jean Hunter.
- 12 Q Okay.
- 13 A Thelma Gene Hunter.
- 14 Q Okay. Now, do you know why he left to go to ?
- 15 A He had no power. And then shortly after that he had
16 no water.
- 17 Q So he had to move in with his aunt?
- 18 A Yes, sir.
- 19 Q Do you remember the time of year when Ms. Rosa would
20 have left Mr. Lee?
- 21 A It was very hot, so I would say mid -- right in the
22 middle of summer.
- 23 Q Okay.
- 24 A Or close to getting summer.
- 25 Q Okay. Do you know about how many weeks took place

Stanley Hunter, Sr.
Direct examination by Mr. Balsa

- 1 from the time she left him until the time she went -- her
2 body was found?
- 3 A Weeks?
- 4 Q Yes, sir.
- 5 A I don't think it was weeks. Well, from the time she
6 left him until the body was -- okay. I would say a month
7 at Safe Home, a couple of weeks at Prince Hall Apartments.
- 8 Q Say six weeks?
- 9 A Six weeks, six weeks. I'd say six weeks.
- 10 Q Okay. All right. And during that timeframe did you
11 ever ask him if he was looking for her?
- 12 A No, I didn't.
- 13 Q Do you know if he ever found her?
- 14 A Did he find her?
- 15 Q Yes, sir. Do you know if he ever found her?
- 16 A No. I just know he went looking. He -- him and Jean
17 went looking for her, for Becky.
- 18 Q Now, when did you realize Becky was actually missing?
- 19 A When he came and told me.
- 20 Q And when did he tell you that?
- 21 A It was either the day of or the day after.
- 22 Q Okay. Do you remember what day of the week it was?
- 23 A It had to be Sunday or Monday if I am not mistaken.
24 Sunday or Monday.
- 25 Q Okay. And what did he tell you when he came to see

Stanley Hunter, Sr.
Direct examination by Mr. Bulsa

1 you?

2 A Well, when he came in he just said Becky's missing.

3 And he said that there was a woman came looking for Becky
4 at Food Lion, that she was going with this lady's husband.

5 And-but he also said, once again, I know she'll be back, I
6 know Becky, she'll be back.

7 Q Okay. How did he appear? Was he concerned?

8 A I would say yes.

9 Q And was he driving the blue Durango?

10 A Yes.

11 Q Was his mother home?

12 A Yes.

13 Q Did he speak with her?

14 A It's possible.

15 Q You don't know. You didn't see?

16 A Well, they did talk. Yes, they did, because I left.

17 I don't know what was said, because he and I had not very
18 much interaction. I left the room at that point. And they
19 was -- that was their conversation.

20 Q Okay. When was the next contact you had? Or let me
21 back up. Did you ever have a call from Jerry Harris?

22 A Yes, I did.

23 Q When did you receive a call from him?

24 A Jerry called me. And what Jerry told me was he saw
25 Robert Lee down there in the woods or going to the woods

Stanley Hunter, Sr.
Direct examination by Mr. Bulsa

1 and he asked him what was he doing there. And I was told
2 that --

3 Q Let me ask you this, Mr. Hunter. When Mr. Harris
4 called you did you go to this Tibbs Drive?

5 A Yes, I did.

6 Q Okay. And was it as a result of Mr. Harris' call?

7 A Yes.

8 Q And what did you do when you got to Tibbs Drive?

9 A Well, actually when I got there Ms. Whitmire was
10 there.

11 Jerry came -- Jerry came after I got there.

12 Ms. Whitmire came up to me and told me what she saw. She
13 said she saw him at the edge of the woods or close to the
14 edge of the woods carrying something. She didn't speak to
15 him. But she said she had saw him --

16 MR. DELANEY: Objection. Hearsay.

17 THE WITNESS: Well.

18 THE COURT: Sustained.

19 A Well, she took me to the spot where the truck was.

20 Q Okay. We heard her testimony about where she saw the
21 truck.

22 A Okay.

23 Q But you contact with her, and then you had contact
24 with Mr. Harris.

25 A Jerry called me first, and I talked with Ms. Whitmire.

Stanley Hunter, Sr.
Direct examination by Mr. Bulsa

1 And Jerry -- then Jerry came back up.

2 Q And did you and he go into the woods?

3 A Yes, we did.

4 Q What time of day was that?

5 A It was dark. It was 9:30 or 10:00 o'clock, maybe a
6 little later. But it was dark.

7 Q For what reason did you go into the woods?

8 A Well, to be honest, if he'd have said that she -- if
9 it had been said to me that she was on the other side of
10 the road I wouldn't have looked, because that's the bulk of
11 the land. On that side of the road where it was said that
12 he told where the body was there's only four -- there's
13 only four acres on that side that's actually my property.

14 So, and being the fact that I was in those woods
15 regularly there was only one place logical he could have
16 buried or anyone could have buried her, because it's so --
17 the woods are this dense, you know. There's a tree here.
18 So if you dug anywhere in between you, you couldn't dig
19 because of the roots. But that trash dump is wide open.

20 So I didn't look anywhere else. And when I come --
21 when I walked back and forth through there and once I
22 learned -- and afterwards I learned where they found the
23 body was, I realized that that was my starting point.
24 Every time I took off another way I'd go back. And I was
25 actually standing on the body. So if I went that way or

Stanley Hunter, Sr.
Direct examination by Mr. Bulsa

1 tried to look around I would start here. And where I was
2 standing was where she was at.

3 So I would go this way about 50 foot and that way
4 about 50 foot. And I had a stick poking in the ground.
5 And me and Jerry couldn't -- finally just gave up because
6 we couldn't see anything. But we were at -- we were
7 actually starting where she was actually at, where she was
8 found.

9 Q And-but that's -- you pieced that together after
10 learning where she was.

11 A Yes.

12 Q You didn't actually go and see the body, did you?

13 A I didn't see the body.

14 Q Okay.

15 A And the reason -- and the spot where she was, it
16 had -- there's a lot of metal buried in there. So any time
17 you went there the ground was, was soggy or soft. So I
18 never thought that, hey, this would be the actual spot. So
19 this spot looked like that spot, and that spot looked the
20 same way, because somebody was always digging.

21 Q Okay. Was there an overturned tree nearby?

22 A Yes, there was.

23 Q Once you got this information about Mr. Lee having
24 been on your property did you go talk to him about why he
25 had been there?

Stanley Hunter, Sr.
Direct examination by Mr. Bulsa

1 A I actually didn't know where he was at that point.

2 Q What do you mean?

3 A I didn't see him again. Well, the next time I heard
4 anything from Robert Lee was from my sister-in-law when she
5 told me -- well, he -- we went looking, and-but I didn't
6 see him, you know. So, and my sister was -- like, well, it
7 was told to me it was uncharacteristic of him to be at my
8 house or to be filthy at any point in time in his life. So
9 I never saw him dirty in my life. I honestly haven't.

10 Q Okay.

11 A He was a very neat, clean person, most of the time
12 polite. But that's the first time I ever heard anybody
13 ever say anything about Robert Lee being filthy.

14 Q But after you went to look for the body yourself --
15 well, were you actually looking for a body?

16 A Yes, I was.

17 Q Why were you looking for a body?

18 A Because that wasn't -- I had heard prior to that. I
19 don't remember where I heard.

20 Q Don't go into what you heard. But you had some reason
21 to believe that she was buried out there?

22 A It was rumored that she was there because he said
23 that --

24 Q Okay, okay. Now, with that information did you not go
25 to and knock on the door and say, "Robert, what were

Stanley Hunter, Sr.
Direct examination by Mr. Bulsa

1 you doing out there?"

2 A I talked to Betty Ruth about the duct tape and she
3 says --

4 MR. DELANEY: Objection.

5 THE COURT: Sustained.

6 A Well, I tell you what I asked her.

7 Q Mr. Hunter, did you go to --

8 A Yes, I did.

9 Q -- that evening looking for Robert Lee?

10 A No.

11 Q Did you go the next day?

12 A I don't remember going. I don't remember going and
13 asking for Robert Lee.

14 Q Okay. You just heard the next day that the search
15 party was out there --

16 A Right.

17 Q -- and found her. Okay. Did you ever see Robert Lee
18 again?

19 A Yeah. He was at -- he came back to the house, and his
20 mom made him get something to eat because he looked
21 drained, weary. And that was actually the last time I
22 really saw him. Personally, that's the last time I saw
23 him.

24 Q Thank you Mr. Hunter. Answer any questions
25 Mr. Delaney has.

Stanley Hunter, Sr.
Cross-examination by Mr. Delaney

1 CROSS-EXAMINATION

2 BY MR. DELANEY

3 Q Good afternoon. Mr. Hunter, did you ever see Robert
4 Lee on that property, on your property, in June of 2010?

5 A No.

6 Q Do you know -- so you and Mr. Harris went on your hunt
7 based on statements from --

8 A No. I went on my hunch from what Jerry told me he
9 saw, not a hunch, what he told me he saw.

10 Q I said you went hunting. I didn't say hunch. I said
11 you went on a hunt through the woods based on what Jerry
12 Harris saw and what Ms. Whitmire saw, is that accurate?

13 A Well, put together with the other things that were
14 told to me, yes.

15 And then on top of that I was just covering my tracks.
16 I got a body on my property, you know. And I called -- I
17 called the cops, called them for a couple of hours and
18 never got any respond [sic]. So I left and went home,
19 which she was found the next day.

20 MR. DELANEY: No further questions.

21 MR. BULSA: Nothing further, Your Honor.

22 THE COURT: You may step down.

23 We are going to break for lunch. Remember my caution
24 given you earlier. No discussions, no media exposure, no
25 research, no investigation.

Courtney Westfall
Direct examination by Mr. Bulsa

1 Have a good lunch. Please report to your jury room at
2 2:30, 2:30 this afternoon.

3 (The following takes place outside the presence of the
4 jury.)

5 THE COURT: Court is in recess until 2:30.

6 (Whereupon, a recess was taken.)

7 THE COURT: All right. Are we ready for the jury?

8 MR. BULSA: Yes, sir.

9 MR. DELANEY: Yes, sir.

10 THE COURT: Bring them in.

11 (The following takes place in the presence of the
12 jury.)

13 THE COURT: Good afternoon. We're going to continue
14 with the state's presentation.

15 MR. BULSA: The state calls Courtney Westfall.

16 COURTNEY WESTFALL, having been
17 first duly sworn, testified as follows:

18 DIRECT EXAMINATION BY MR. BULSA

19 Q Ms. Westfall, please introduce yourself to the jury.

20 A I'm Courtney Westfall. I am a forensic technician for
21 the City of Spartanburg Police Department.

22 Q And how long have you been with the City of
23 Spartanburg?

24 A Will be six years in February.

25 Q What kind of training have you had?

Courtney Westfall
Direct examination by Mr. Bulsa

1 A I have a bachelor of science in forensic
2 identification from West Virginia University and lots of
3 on-the-job training.

4 Q Okay. And what does a forensic technician do?

5 A We respond to crime scenes; we collect evidence; we
6 search for evidence, photograph evidence, basically do
7 crime scene interpretation, basically preserving the crime
8 scene by collecting evidence.

9 Q Okay. And in your capacity were you called to a
10 variety of locations involving the disappearance and death
11 of Ms. Rebecca Rosa?

12 A I was.

13 Q Do you recall the first location you were asked to?

14 A I responded to Prince Hall Apartments, [REDACTED],
15 on June 14th of 2010.

16 Q Do you recall when she was reported missing?

17 A That I'm not a hundred percent sure. I know
18 Investigator Nelson had asked me to come do a search
19 warrant on the apartment in reference to a missing person.
20 It was my understanding that she had been reported missing
21 maybe over the weekend.

22 Q Okay. Just to help the jury understand, we've got a
23 calendar here.

24 (Calendar marked State's Exhibit No. 52 for
25 Identification.)

Courtney Westfall
Direct examination by Mr. Bulsa

1 Q State's Exhibit No. 52. Does that appear to be an
2 accurate calendar of the month of June of 2010?

3 A Yes.

4 Q Okay.

5 MR. BULSA: Your Honor, the state would offer State's
6 Exhibit 52 into evidence.

7 MR. DELANEY: No objection.

8 THE COURT: It's admitted.

9 (Calendar marked State's Exhibit No. 52.)

10 Q When you responded on the 14th, what day of the week
11 was that?

12 A That was a Monday. I got out there about 4:30 in the
13 afternoon.

14 Q Okay. And at the time you responded to that location
15 had Ms. Rosa already been found?

16 A No.

17 Q She had not.

18 A No, sir.

19 Q So what specifically were you going to look for at
20 that apartment?

21 A We went in the apartment. We were basically just
22 looking for anything to indicate that a crime had occurred
23 there. We really didn't know what had happened. We just
24 had known through speaking with the family that it was
25 uncharacteristic of her to not be home and pick up her

Courtney Westfall
Direct examination by Mr. Bulsa

1 children. So we just kind of started searching the
2 apartment for any clue we could find.

3 Q Okay. You didn't know what happened. You were just
4 looking to be see if anything stood out.

5 A Correct.

6 Q And were you aware that the family had been in there
7 prior to the police?

8 A Yes.

9 Q All right. Now, just kind of explain for the jury
10 what exactly you did when you first got in and what you
11 observed.

12 A When we walked in the apartment I noticed it was very
13 clean. It didn't really look like it had been lived in.
14 There was very minimal furniture. There was maybe a couch
15 and a couple of little like plastic chairs or like
16 school-desk chairs, the old chairs, in the living room.

17 I think there was a small table in the kitchen.

18 The front bedroom -- as you walked down the hallway
19 the bedroom to the right, the first bedroom to the right,
20 there was maybe a baby crib or a toddler bed -- style bed
21 that was kind of still in pieces. It hadn't been put
22 together. It was just kind of laying there on the floor.

23 The back right bedroom, which would be the bedroom at
24 the end of the hall on the right if you were standing in
25 the living room looking towards the hall -- there was a bed

Courtney Westfall
Direct examination by Mr. Bulsa

1 and some toys scattered on the floor.

2 And the other bedroom on the left side of the hallway
3 directly across from the other bedroom, there was just a
4 mattress on the floor. I think there was a trash can and
5 maybe a chair in the room. There really, there really
6 wasn't a lot in the apartment.

7 Q Did you preserve what you saw on pictures?

8 A Yes.

9 Q Okay. And we have been viewing a lot of these
10 photographs during the course of the trial.

11 Just glance over those exhibits if you would and
12 identify those are the ones that you took.

13 A There's one in here.

14 Q That goes with another one?

15 A Yeah. Yeah, these are -- these are the photos I took.

16 Q Okay. In fact, you took many more, didn't you?

17 A Yeah.

18 Q And that was to preserve from all the different
19 angles.

20 A Yes.

21 Q And these are a portion of those that show the various
22 rooms?

23 A Uh-huh.

24 Q Okay. And once you photographed the items, what
25 specifically, if anything, did you notice that was of

Courtney Westfall
Direct examination by Mr. Bulsa

1 value?

2 A Well, first of all, we noticed the red mop bucket in
3 the kitchen. There was a couple of inches of water, about
4 maybe that much, and it was dirty, but there was no mop to
5 be found anywhere else in the entire house. Not a mop, no,
6 no cleaning rags or anything like that, nothing that would
7 indicate that someone had been cleaning and left it behind.
8 They left the mop, but there was no -- or mop bucket. But
9 there was no mop or anything in the apartment.

10 Q Okay.

11 A After I noticed that I thought it was kind of strange.
12 There were other investigators there with me. I asked them
13 to look through the dumpsters and the area just around the
14 apartment complex to see if they found any mops or
15 anything.

16 Q Was anything found?

17 A No.

18 Q Okay. So you've got the mop bucket and no mop.
19 Appears that somebody cleaned up maybe?

20 A Yes.

21 Q And then where did you go?

22 A Then started looking a little closer. Like I said,
23 the apartment was very clean.

24 At the back towards the back of the hallway I started
25 noticing some little specks of brownish-red substance on

Courtney Westfall
Direct examination by Mr. Bulsa

1 the wall. It looked to me to maybe be blood.

2 After that I tested it with a preliminary test to see
3 if it actually was blood. The test is called a hexagon
4 OBTI immunochromatographic test. And it's basically --
5 it's just a test to tell you if a stain that you think
6 might be blood, it tells you if it's human blood.

7 Q And what did you find?

8 A It tested positive for human blood.

9 Q Okay. What did you do once you determined that?

10 A I started photographing different areas. And the more
11 I looked the more I found on the walls and along the
12 floorboard area in the hallway.

13 Nothing was really higher than maybe waist high on me,
14 and I am 5'4". So about, what, 3 feet off the wall or off
15 the floor. I'm sorry.

16 Q Okay. So you -- did you photograph those and mark
17 those in any way?

18 A Yes. I photographed them and I marked them with what
19 we call scale tape. It's basically just masking tape with
20 a scale printed on it. So you can just see the general
21 size of the stain.

22 Q Now, Ms. Westfall, did you create a diagram of the
23 apartment?

24 A Yes, I did after -- well, while I was on the scene I
25 kind of sketched a diagram of the layout of the apartment.

Courtney Westfall
Direct examination by Mr. Bulsa

1 And items that I found or noted I assigned the numbers, and
2 the numbers were put on the diagram later.

3 Q So that was to help you kind of identify and oversee
4 what all occurred?

5 A Yeah. It kind of gives you more of a bird's-eye view
6 of what you're looking at. It kind of gives you a better
7 layout of the apartment and where everything was found,
8 because sometimes looking at pictures it can get kind of
9 confusing. If you have it laid out it's kind of a map. It
10 makes it a little bit easier.

11 (Diagram marked State's Exhibit No. 53 for
12 Identification; photographs marked State's Exhibits Nos. 54
13 through 60 for Identification.)

14 Q Okay. Ms. Westfall, first let me show you State's
15 Exhibit No. 53 for Identification. Is that the diagram you
16 prepared of apartment 212?

17 A It is.

18 Q And it accurately shows your work?

19 A Yes.

20 MR. BULSA: Your Honor, the state would offer 53 into
21 evidence.

22 MR. DELANEY: No objection.

23 THE COURT: It's admitted.

24 (Diagram marked State's Exhibit No. 53.)

25 Q Now, would you now look at State's Exhibits for

Courtney Westfall
Direct examination by Mr. Bulsa

1 Identification 54 through 60? Do you recognize those
2 photographs?

3 A Yes.

4 Q Specifically, do those document the items within the
5 hall?

6 A Yes, they do.

7 Q Okay.

8 MR. BULSA: The state would offer 54 through 60 into
9 evidence.

10 MR. DELANEY: Your Honor, if I could just inquire as
11 to whether she took those photos.

12 THE WITNESS: Yes, I did.

13 MR. DELANEY: No objection.

14 THE COURT: They are admitted.

15 (Photographs marked State's Exhibits Nos. 54 through
16 60.)

17 Q First the diagram. If you would kind of walk us in --
18 walk the jury through this apartment.

19 A Okay. As you walk in the front door right here, this
20 will be the living room. This will be the kitchen area.

21 There's a door leading to the hallway. On your left
22 there's a small bathroom.

23 The right, this is the front bedroom that had the crib
24 in pieces in it.

25 This was the bedroom with the -- just the single bed

Courtney Westfall
Direct examination by Mr. Bulsa

1 and the toys.

2 And this is the back bedroom with the mattress on the
3 floor. And this is the bathroom that's attached to that
4 bedroom.

5 Q Okay. So you referenced State's 32. Does this show
6 the first bedroom to the right?

7 A Yes.

8 Q Okay. State's 30. This would be the bedroom on the
9 end of the hall on the right.

10 A Yes.

11 Q And then the master bedroom, State's 29.

12 A Yeah.

13 Q Okay. Now, we noticed a lot of numbers on this
14 diagram. What are those?

15 A Those numbers, like I said earlier, they indicate
16 items of evidence or items that were noted. I believe all
17 of the numbers that are on here were collected, were items
18 that were collected or that were swabbed.

19 Q The items of suspected blood were located in what part
20 of the apartment again?

21 A Mainly in the hallway.

22 Q The hallway. Okay. And those would be Nos. 1, 2, 3,
23 4, 11, 12 and 13. Or what numbers would they be?

24 A One, two, three, four and -- yeah -- 11, 12, 13.

25 Q Okay. Were those the items that are shown in

Courtney Westfall
Direct examination by Mr. Bulsa

1 State's 54 through 60?

2 A Yeah, they are.

3 Q Okay. State's 1. If you would, direct the jury to
4 what that is supposed to be.

5 A Okay. No. 1 is if you look right here, that faint
6 kind of light brownish-colored stain, that is an area that
7 I expected to be blood. It was tested with the test kit
8 that I had mentioned earlier, and it tested positive for
9 blood.

10 Q Did you recover a swab?

11 A I did.

12 Q Kind of do it this way. So that's just to the --
13 that's in the doorway of the bedroom to the right.

14 A Yeah. It's on the door jam as you're going into the
15 door on the right side. If you were walking in it would be
16 the side of the door to your right.

17 Q Okay. And State's 2 shows what?

18 A That would be No. 2, which is another area of possible
19 blood stain. You can see the -- these little specks right
20 here.

21 Those are what we call medium velocity bloodstains,
22 which basically means blood is being flung from something.
23 It's not just simply dripping. There has to be some sort
24 of speed in order for it to have to that shape.

25 I don't know if there's a way to zoom in on that or

Courtney Westfall
Direct examination by Mr. Bulsa

1 not. But if you -- that's probably good.

2 If you look right here you see you've got a heavier
3 area of it and then a little tail coming off the end of it.
4 That basically means that that blood is traveling. And the
5 first part of the blood comes in contact with the wall and
6 the rest of it keeps traveling which gives you that tail.
7 And that tells you which direction it's traveling.

8 Q State's 2 is toward the -- it's on the wall near the
9 master bedroom?

10 A It's on the wall between the bathroom and the hallway
11 and the door to the master bedroom, yeah.

12 Q State's 3.

13 A No. 3 is another blood stain, just a little speck
14 right there. And that is on the hinge side of the door
15 into the master bedroom, meaning that the door appears to
16 have been opened when that blood came in contact with it.

17 Q And State's 4.

18 A No. 4. That's another medium velocity blood stain.
19 You can see it's traveling from this way to this way, just
20 looking at that little tail. That is on the wall, the
21 small wall, that's to the right of the master bedroom door.

22 Q Shown on your diagram.

23 A Yes. Well, I am sorry. Right there.

24 Q Now, you take -- what kind of samples did you take of
25 these?

Courtney Westfall
Direct examination by Mr. Bulsa

1 A I swabbed them.

2 Q What does that mean?

3 A Basically just take a Q-tip and since that blood was
4 dry put some distilled water on the Q-tip and swab it on
5 there until you get the blood on the Q-tip. And then you
6 place it in a carton.

7 Q And how do you seal the carton?

8 A I place the carton into an envelope and seal the
9 envelope with tamper-evident tape. Basically it's tape
10 that's got like a soft-tooth edge so if anyone tries to
11 open -- unpeal -- peel the tape off it the tape rips and
12 you can tell that someone's tried to enter that bag.

13 Q And what's the purpose of doing that?

14 A For chain of custody purposes. Once it leaves my
15 custody nobody else should be handling it, opening it until
16 it goes to SLED to be processed.

17 Q And now let's look at the other items in the hallway
18 diagram. State's 11.

19 A No. 11 is kind of upwards the front of the hallway on
20 the left wall. There's is a little -- a locked closet
21 there on the wall where the like AC unit or the furnace,
22 water cooler -- water heater would be. It was just to the
23 left of that little door.

24 That is actually a fingerprint in blood that's been
25 processed with a chemical called amino black. Amino black

Courtney Westfall
Direct examination by Mr. Bulsa

1 is a stain that basically -- it dyes any blood proteins a
2 dark blue to black color. It's -- it helps you to better
3 see fingerprints or any kind of print really in blood.

4 When -- before that was treated you could see a very,
5 very faint stain even, even paler than the No. 1 that you
6 saw. So it was treated with the amino black to see if
7 maybe there was a fingerprint or something there.

8 Q Were you able to take samples of that?

9 A I photographed it because there was some ridge detail
10 in it. And ridge detail is what you're looking for in the
11 fingerprint that identifies that fingerprint.

12 I also took a swap from it, but I believe the amino
13 black degrades the D.N.A., so.

14 Q Show you State's 12.

15 A No. 12 is the same thing. It was located, again, up
16 towards the front of the hallway but on the right wall
17 behind the door that leads into the hallway.

18 Q Okay. And State's 13.

19 A No. 13, once again, is a bloody print that's been
20 treated with amino black so that you can see it better.
21 It's located at the end of the hallway on that wall.

22 Q Now, you concentrated principally in the hallway. Do
23 you recall finding any blood spots in any other location in
24 the apartment?

25 A There was some -- there was something that appeared to

Courtney Westfall
Direct examination by Mr. Bulsa

1 be blood on the sheet of the bed or the mattress back here.

2 There was a comforter. The bed was made as you saw in
3 the picture. There was a comforter on top. Yeah, the
4 flowered comforter.

5 When we pulled the comforter back there was something
6 that appeared to be blood on the sheets underneath.

7 However, there was no blood or no stains on that bedspread.

8 Q So that appeared to be independent of anything in the
9 hallway?

10 A Yeah, yeah. I don't believe there was anything, any
11 other suspected blood, found just looking with the naked
12 eye.

13 Q Okay.

14 (Four swabs marked State's Exhibit No. 61 for
15 Identification.)

16 Q Let me show you what's been marked State's Exhibit 61
17 for Identification. Do you recognize that package?

18 A Yes.

19 Q What is it?

20 A This is the -- well, these are four swabs collected
21 from the hallway. Can I open it? This would be items -- a
22 swab from No. 1, a swab from No. 2, a swab from No. 3 and a
23 swab from No. 4.

24 Q Okay. And is this how you packaged it?

25 A Yes, yes. Each one of these cartons has a piece of

Courtney Westfall
Direct examination by Mr. Bulsa

1 tape on it, and they're all placed into this envelope.

2 Q And it has the red tape. Is that the tape you put on
3 it?

4 A Yes, it is.

5 Q And that's to seal it to keep it from being tampered
6 with?

7 A Uh-huh.

8 MR. BULSA: Your Honor, the state would offer State's
9 Exhibit 61 into evidence.

10 MR. DELANEY: No objection.

11 THE COURT: It's admitted.

12 (Four swabs marked State's Exhibit No. 61.)

13 Q Did you take any other steps in the hallway to
14 identify any possible other substance?

15 A Yes. The hallway was treated with a chemical called
16 Blue Star. Blue Star is a chemical that we use. It's kind
17 of like luminal if you heard of it. It's, it's a chemical
18 that helps us to find blood that's either been cleaned up
19 or washed out or you just can't see it with the naked eye.

20 When this chemical comes in contact with blood it
21 luminesces or glows a bright blue color. We just spray the
22 chemical on the area that we're treating.

23 Q Were you able to photograph that?

24 A Yes. When you're using the Blue Star everything has
25 to be dark. So you have to put the camera on a tripod and

Courtney Westfall
Direct examination by Mr. Bulsa

1 set it on 30-second shutter, which means your shutter's
2 going to be open for a very long time so that that light
3 will show up.

4 You set the -- set the camera, fire off the shutter.
5 And as the shutter is opened you treat the area. And if
6 anything does fluoresce or glow you're going to have a
7 photo of it. So you basically have 30 seconds to treat the
8 area.

9 (Photographs marked State's Exhibits Nos. 62 through
10 66 for Identification.)

11 Q Let me show you what's been marked for identification
12 State's 64 through 65. What do those depict?

13 A These are photos that I took during the Blue Star
14 process.

15 MR. BULSA: Your Honor, the state would move these
16 into evidence.

17 MR. DELANEY: No objection.

18 THE COURT: They're admitted.

19 (Photographs marked State's Exhibits Nos. 64 and 65.)

20 Q State's 62. Explain that to us.

21 A All of the blue that you see on the floor -- this is
22 standing in the hallway, the front of the hallway door,
23 looking back towards the back of the apartment. This is
24 just the Blue Star that's reacted on the floor here.

25 Q Appears that you've got the doors closed trying to

Courtney Westfall
Direct examination by Mr. Bulsa

1 block out the light.

2 A Yeah. It was still daylight at the time so it was --
3 you can still see the light coming in under there. But it
4 was fairly dark in there.

5 Q This was taken from standing?

6 A From standing right here, probably just right inside
7 this door here looking back this way.

8 Q Okay. State's 63.

9 A This is another shot from another angle. This is
10 actually standing just inside the master bedroom door
11 looking out into the hallway. This is the other bedroom
12 door. We put a blanket or a towel right there to try to
13 block some of the light out from the windows.

14 Q Show us on the diagram where it would be. Can you
15 see?

16 A I was standing probably right here with my camera, and
17 all of that blue is right here at the end of the hallway.

18 Q Okay. State's 64.

19 A This is another, another angle looking into the master
20 bedroom.

21 Can you pull that, the diagram, down just a little
22 bit?

23 Basically I'm standing right outside the bath -- the
24 bedroom door shooting in this way. So that's, that's the
25 floor of the master bedroom.

Courtney Westfall
Direct examination by Mr. Bulsa

1 Q Approximately how far into the bedroom would you
2 estimate that projects?

3 A Probably about 5 to 6 feet, about half way into the
4 bedroom.

5 Q Okay.

6 A Probably about to right where this chair would have
7 been sitting.

8 Q Okay. We see the No. 3 on the door.

9 A Yes, the No. 3 right there.

10 Q Okay. State's 65. What is this showing us?

11 A This is the kitchen sink. You can see luminescence on
12 both of the sink drains and there on the knob.

13 Q Okay. How long would you say you were -- it took to
14 process this apartment?

15 A Probably three to four hours maybe. I'm not -- I'm
16 not sure of the exact time that we left.

17 Q And once you located the spatter of blood and the
18 luminesce portions of the floor, did you look for any type
19 of weapons that could have caused some sort of injury?

20 A Yes. I remember there was a hammer in the kitchen.
21 At this point we didn't know what had happened. We just
22 knowed that there was a lot of blood or appeared to have
23 been a lot of blood. I did collect a hammer from the
24 kitchen table. I don't remember seeing any, any knives or
25 anything else that would have inflicted.

Courtney Westfall
Direct examination by Mr. Bulsa

- 1 Q Did you look in the drawers of the kitchen?
- 2 A I believe so, yes.
- 3 Q Would you have collected any knives that you found
- 4 them?
- 5 A Most likely, yeah.
- 6 Q How about anything in the drain? Would it have been
- 7 washed?
- 8 A I'm not sure I understand?
- 9 Q Did you see any type of knives?
- 10 A Oh, no. There was --
- 11 Q One second.
- 12 A I think there was a, a couple of drink cans or bottles
- 13 in the sink. Oh, you're talking about the dish drainer.
- 14 Q Yes, ma'am.
- 15 A No, no. I mean, there may have been like a butter
- 16 knife or something like that in the apartment, like just
- 17 a -- not like a steak knife or anything like that.
- 18 Q Okay. So you didn't see any steak knives or cooking
- 19 knives.
- 20 A I don't remember seeing anything like that, no.
- 21 Q State's 17 is a picture of the table in the kitchen.
- 22 Is that the hammer you talked about?
- 23 A Yes. And it was laying there on the table. And that
- 24 was just kind of right there obvious. Well, just in case,
- 25 we'll go ahead and collect it.

Courtney Westfall
Direct examination by Mr. Bulsa

1 Q Okay. Did you process it at a later time?

2 A Yes. I processed it for fingerprints later. I think
3 this was after the body had been found. There were no
4 fingerprints on it.

5 It wasn't processed for D.N.A. because after we found
6 the body we knew what had happened. The hammer most likely
7 wasn't the weapon.

8 Q Okay. So you collected it just in case.

9 A Yes.

10 Q And the body was found.

11 A The body was found on the next day.

12 Q Next day. Okay. Now, how about the locations on the
13 wall -- 11, 12 and 13? Did you do anything to try to
14 identify those prints?

15 A Yes. They were turned over to the AFIS examiner who
16 is the person -- Lou Jones. She does the fingerprint
17 comparisons.

18 Q And did you do any kind of evaluation of her
19 examination?

20 A Yes. Whenever she gets an identification on a
21 fingerprint I verify that, which is basically I just go
22 back over -- if she has a fingerprint that matches -- say,
23 we have an unknown fingerprint from a scene and she has a
24 known fingerprint from an individual, if they match, if she
25 comes up with a match, then I basically go over her work

Courtney Westfall
Direct examination by Mr. Bulsa

1 and just make sure it's correct.

2 Q And what did you determine?

3 A This was sometime later when it was identified. On
4 August 26th of 2010 I verified a print which was from item
5 No. 13, which was the print on the wall there, as the right
6 palm print of Robert Lee, Jr.

7 Q Okay. These swabs that you took from the spots of
8 blood on the wall, do you know if those were transported
9 for analysis?

10 A Yes. They were sent to SLED.

11 Q And did the evidence officer take those down?

12 A I believe so, yeah. Whenever anything is collected
13 it's turned into evidence, and the evidence technician --
14 basically the guy that works back in the evidence room that
15 is responsible for cataloging and keeping everything in its
16 place -- they transport anything to SLED when it needs to
17 go normally.

18 Q You collected it and preserved it and sealed it and
19 gave it to them, and they would have transported it for
20 analysis.

21 A Correct.

22 Q Right. Now, this was on the 14th. This was your
23 first involvement into the missing-person's case of Rebecca
24 Rosa.

25 A Yes.

Courtney Westfall
Direct examination by Mr. Bulsa

1 Q What was your next involvement?

2 A After the 14th -- well, later that day -- well, that
3 evening at around 9:50 p.m. I executed a search warrant
4 with a couple of other investigators on a blue Dodge
5 Durango.

6 (Photographs marked State's Exhibits Nos. 67 through
7 74 for Identification; letter marked State's Exhibit No. 75
8 for Identification.)

9 Q Where was the Durango when you executed the warrant?

10 A It was at city hall. I'm not sure if it was towed or
11 if Mr. Lee brought it up there, but it was at city hall in
12 our impound lot.

13 Q Okay. And there's one picture already introduced.
14 While I look for that would you look over these and see if
15 they show items you photographed?

16 A These are the photos I took of the Durango.

17 Q Do they show the vehicle inside some sort of
18 enclosure?

19 A Yeah. It's, it's -- we call it the bulk building.
20 It's just a building in the impound lot that we store large
21 items in -- vehicles, mopeds, just large items.

22 MR. BULSA: Your Honor, the state would offer these
23 into evidence -- State's 66 through 74.

24 MR. DELANEY: No objection.

25 THE COURT: They're admitted.

Courtney Westfall
Direct examination by Mr. Bulsa

1 (Photographs marked State's Exhibits Nos. 66 through
2 74.)

3 Q What specifically were you looking for when you
4 processed this Durango, if anything?

5 A We were looking for any evidence that Rebecca may have
6 been in the vehicle -- any blood, anything that would yield
7 D.N.A. or fingerprints or anything like that, and just any
8 other evidence that would maybe pertain to her whereabouts.

9 Q Okay. And this would have been after the crime scene
10 analysis.

11 A Correct.

12 Q So were you taking information you learned from that
13 thinking there may be some blood or something in that
14 truck?

15 A Yes.

16 Q And do you recall -- what do you recall finding?

17 A Well, we did find a letter in the back seat of the
18 vehicle. The letter was written to Becky from Robert.
19 There was no date or anything on the letter. We found
20 there was a lot of just stuff in the car.

21 Q Were there any blood items?

22 A No. The vehicle was treated again with the Blue Star,
23 and all the seating areas and in the cargo area. There
24 were a few areas that did glow a blue color. But when
25 those were tested with the OBTI test kit they were negative

Courtney Westfall
Direct examination by Mr. Balsa

1 for the presence of blood. So it could have been a
2 cleaning product or something like that.

3 Q Okay. Let's look at these photographs and kind of
4 talk the jury through what they show.

5 This is State's 46. This is a frontal view of the
6 vehicle.

7 A Yes.

8 Q And we have different perspectives -- 66, 67. It
9 looks like a pretty clean vehicle.

10 A Yes.

11 Q State's 68, the driver's seat. Did you test that area
12 for any blood?

13 A I believe so. I believe the whole interior of the
14 vehicle was tested with -- was sprayed with the Blue Star.

15 Q Okay. And there's 69. Is that the back-seat area?

16 A Yeah, yeah, that's the back seat looking in from the
17 passenger side.

18 Q Now, was there anything in the vehicle taken out of
19 that seat before this was taken?

20 A Yes. There were some boxes, some other I guess
21 household items, just random stuff that you'd find in a
22 vehicle sometimes.

23 Q Show you State's 72. Are those the boxes that would
24 have been in the back seat?

25 A Yeah.

Courtney Westfall
Direct examination by Mr. Bulsa

1 Q Okay. So, and then here's another view of the
2 exterior -- 74. And then a view of -- what is this,
3 State's 70?

4 A That's a crate and some other items that were in the
5 cargo area. You can see the crate right there. There's a
6 gas can. That's like a blanket -- poncho-type thing. I'm
7 not quite sure what that is. I can't see it very well.

8 Q Do you want me to show it to you?

9 A It's like a plastic tote, like a Rubber Maid tote kind
10 of thing.

11 Q Essentially, the car was loaded down with items.

12 A Yes.

13 Q And State's 71. What does this show?

14 A That's the cargo area after we took all the items out
15 of it.

16 Q What's that over to the right?

17 A It's a, a sprinkler nozzle.

18 Q Okay. But that went with the truck.

19 A Yeah. It was in there.

20 Q Now, State's 73.

21 A That's a photo of the letter that we found that was
22 inside one of those boxes.

23 Q Okay. Showing you what's marked for identification as
24 state's 75. Would you look at that?

25 A This is it.

Courtney Westfall
Direct examination by Mr. Bulsa

1 Q Is that the letter shown in the photograph?

2 A It is.

3 MR. BULSA: Your Honor, the state would offer this
4 into evidence -- State's 75.

5 MR. DELANEY: Your Honor, we have no objection to the
6 document in that it was found within the vehicle. As far
7 as any other findings contained in the letter, we would
8 have hearsay objections to that. If they want to introduce
9 it as something they found, that's fine.

10 THE COURT: Okay. It's admitted.

11 (Letter marked State's Exhibit No. 75.)

12 Q Did you read the letter?

13 A I did. I don't really remember what it said. It's
14 been quite a while.

15 Q For what reason did you take it?

16 A Just the connection between Robert and Rebecca. The
17 letter is written to Becky. And on the envelope it says --
18 it has her name on it and it was --

19 Q Was it open?

20 A Yeah, it was open.

21 Q Okay. Did you recover any other item from the truck?

22 A Yeah. I collected the gas can, that tan
23 poncho-blanket thing from the -- from the cargo area, the
24 key to the vehicle which was in the ignition.

25 There was a small cup of weed plant material kind of

Courtney Westfall
Direct examination by Mr. Bulsa

1 stuck in the undercarriage of the underside of the vehicle.
2 I took it just because -- the vehicle was very clean, and
3 that just kind of stood out to me. And there's also a
4 twig -- probably about that big stuck -- in the
5 luggage-rack area on top of the vehicle.

6 Q So what did you do, if anything, with the tan type
7 piece of cloth?

8 A I believe I processed it. I don't have in my
9 supplemental that I processed it. I believe it may have
10 just been placed into evidence.

11 Q Okay. In case it might have become of value later?

12 A Yes.

13 Q And that was before you found the body?

14 A Correct.

15 Q Okay. And did you do the same thing with the gas can?

16 A Yeah. It was placed in evidence.

17 Q Because at that time you didn't know what connection
18 it might have?

19 A Right. Just one of those just-in-case kind of things.

20 MR. BULSA: Your Honor, the state would offer
21 State's 75 and ask that it be published so the jury can see
22 what the letter says.

23 THE COURT: Let me see y'all.

24 (Bench conference held off the record in the presence
25 of the jury but out of the hearing of the jury.)

Courtney Westfall
Direct examination by Mr. Bulsa

1 THE COURT: You may.

2 Q Would you read this letter to the jury?

3 A Okay. On the outside of the envelope right here it
4 says to Rebecca C. Rosa Lee.

5 The letter says, "Becky, while I'm writing you because
6 I need to, I love you so much, and you are my life, and now
7 I have no life. Nothing to fight for, nothing to hope for.
8 My life is over. Accepting that is hard. I really see
9 that you don't care. As much as I need you, I guess you
10 don't need me and you've got this. Six years, my love, and
11 you act like I'm not even here. I told you what I told you
12 because I trust you, so keep it to yourself, please. I see
13 now that I'm not needed. I do not regret us -- meeting
14 you -- the love we had or the blessed life you gave and
15 took away. You were my soul. You give me peace, and now
16 my peace is gone. I'm looking at the sunset. It's
17 amazing. It reminds me of you. You make sure my kids know
18 I love them very much. It was so good to hold you. Just
19 in that moment I was at peace. It seems that the sun is
20 setting on me these days. Everything I love is gone. My
21 family is gone. I thank God for you. You blessed me with
22 you, and I wish you would have became, became my wife. I
23 have been thinking about the stiff that made us great. I
24 smile every time I think of you. I want you to understand
25 that I love you, Bookie, that I will always remember what

Courtney Westfall
Direct examination by Mr. Bulsa

1 was. You want me to give up. I ask you to help me. I
2 know you want to -- I know you won't do it. I prayed you
3 would. Hey, I lose again. Know this. I forgive you and
4 miss you. My heart will always be yours. Love, Robert
5 Lee. P.S. Send me a smile."

6 Q Okay. And what was your next involvement in this
7 case?

8 A Well, all items collected from the vehicle were
9 secured. On the 15th at about 12:15 I responded to Tibbs
10 Drive.

11 Q Okay. And explain to the jury where Tibbs Drive is.

12 A If you go out Reidville Road out into the county, take
13 a right onto Nazareth Road, continue on. And I think it
14 becomes Nazareth Church Road. There's a 4-way or 5-way.
15 There's a weird stop, like four or 5-way stop.

16 If you continue on straight it becomes Nazareth Church
17 Road. And Tibbs runs off to the left a little ways down
18 that way.

19 (Diagram marked State's Exhibit No. 76 for
20 Identification; photographs marked State's Exhibits Nos. 77
21 through 79 for Identification.)

22 Q If you would, look at these four documents and see if
23 you can identify what they show.

24 A These are basically maps and aerial photos that show
25 the location of Tibbs.

Courtney Westfall
Direct examination by Mr. Bulsa

1 Q Are those accurate depictions of that area of the
2 county?

3 A Yes.

4 Q And are those parts of the area of the county that you
5 went in to help investigate this case?

6 A They are.

7 MR. BULSA: The state would offer these into
8 evidence -- State's 76 through 79.

9 MR. DELANEY: No objection.

10 THE COURT: They're admitted.

11 (Diagram marked State's Exhibit No. 76; photographs
12 marked State's Exhibits Nos. 76 through 79.)

13 Q State's 76. Does this show the area of Tibbs Drive?

14 A Yes.

15 Q And can you depict -- do you still have the pointer?

16 A Yeah, I got it.

17 Q Show the jury where that intersection was that you're
18 talking about.

19 A Right here. I guess I made a mistake. I think maybe
20 this is Nazareth Church Road and that turns into Nazareth
21 Road, because Nazareth Church runs off that way.

22 Q Okay. And we see from this map Tibbs Road is, looks
23 like, the third road to the left.

24 A Yeah, yeah.

25 Q And do you -- can you see Miller Drive on this map?

Courtney Westfall
Direct examination by Mr. Bulsa

- 1 A Yeah. Miller Drive is right there.
- 2 Q Okay. Show you State's 77. First off let me --
- 3 what's the designation for [REDACTED] [REDACTED]?
- 4 A I believe it would be this little yellow box there.
- 5 Q What's the significance of that?
- 6 A [REDACTED] is the last house before where the
- 7 body was found.
- 8 Q So that was the closest reference --
- 9 A Yes.
- 10 Q -- to about where the body was found?
- 11 A Yeah.
- 12 Q Okay. State's 77. What is this?
- 13 A This is an aerial photo showing the area of Tibbs and
- 14 Miller.
- 15 Q Okay. Trace for us if you would Nazareth Road.
- 16 A Can I step down?
- 17 Q Yes.
- 18 A It's hard to see it up here.
- 19 (Whereupon, the witness left the stand.)
- 20 Q Yes, ma'am. Just keep your voice up.
- 21 A Okay. I believe if I'm not mistaken this is Nazareth.
- 22 Tibbs goes off right here, and then Miller Drive. I don't
- 23 believe you can get to it just right off Nazareth. I think
- 24 you have to make a couple of turns right in there to get to
- 25 it.

Courtney Westfall
Direct examination by Mr. Bulsa

1 Q Okay. Why don't you just stand right here.

2 All right. This is one that has been entered
3 previously, State's 51. Explain that photograph.

4 A This is another aerial photo just from a different
5 angle. You can see 310 Tibbs right here. Here is the
6 little pull-off clearing area, and around about in here is
7 where the body was found.

8 Q How far back in the woods do you recall it to be?

9 A I would say it was about 200 yards or so. It was a
10 good little walk down there.

11 Q Okay. And did you actually go to the bottom?

12 A I did.

13 Q And what was the condition of the area when you first
14 saw it?

15 A Well, when we first -- when you first go into this
16 area right in here there's a good bit of trash like old
17 couches and just different items kind of strewn throughout
18 the woods there. There's -- it's almost a little path that
19 goes through there. It's still pretty thick.

20 But you go down a little ways, and off to the left
21 there's kind of a gully, and in that gully there's a huge
22 tree that's been overturned. The root systems are all kind
23 of sticking up in the air. There's -- it's obviously a
24 dump site of some sort, like a lot of tires that have been
25 possibly burned or stripped out in that area.

Courtney Westfall
Direct examination by Mr. Bulsa

1 Q Okay. And where was the body when you first arrived?

2 A When I first arrived the body was where that downed
3 tree was.

4 She was laying in the dirt right next to the root
5 system of the trees. Her head was up under where the root
6 system was.

7 So when I got there she was -- she was in a mound of
8 dirt almost, and there was a thin layer of dirt on her like
9 she had been buried. But at the time when I got there she
10 was not.

11 However, I could not see her head because it was up
12 under where that root system was. So she was laying there
13 on her right side.

14 Q Okay. We can't show the jury pictures of the body,
15 but did it appear that she had been placed underneath the
16 root system?

17 A That's kind of what it looked like because it was
18 kinda -- I guess it would have already been dug up anyway
19 where the roots -- where the tree had fallen. But it was
20 just a perfect little hole there. She may have been up
21 under those roots and dirt, just kind of pushed up against
22 her.

23 Q When you saw her her head was still up under the root
24 system.

25 A Yes.

Courtney Westfall
Direct examination by Mr. Bulsa

1 Q And did you notice anything specific about her body?

2 A She was wearing a blue Food Lion polo type shirt, a
3 pair of khaki Capri pants and a pair of white ankle socks.

4 Q Did you notice any wounds?

5 A The body was starting to decompose. It was very
6 bloated. There were -- there was something protruding from
7 her abdomen. The shirt was pulled up probably about to
8 here, about mid, mid ways. And there was what appeared to
9 be internal organs coming out of her abdomen.

10 Q Appeared that there was some wound toward the torso.

11 A Right, but at the time I couldn't see it.

12 Q Right.

13 (Diagram marked State's Exhibit No. 80 for
14 Identification.)

15 Q I'm going to show you what's been marked State's
16 Exhibit 80 for Identification. Did you do a diagram of the
17 area?

18 A Yeah. This is just a rough sort of drawing of the
19 positioning of the body.

20 Q Okay. Since we can't show a picture we'll use this
21 diagram.

22 A Okay.

23 MR. BULSA: The state would offer State's 80 into
24 evidence.

25 MR. DELANEY: No objection.

Courtney Westfall
Direct examination by Mr. Bulsa

1 THE COURT: It's admitted.

2 (Diagram marked State's Exhibit No. 80.)

3 Q It's rudimentary, but did you do it on a computer
4 system?

5 A I did.

6 Q Okay. And did you have the head positioned underneath
7 the tree's root system?

8 A Yeah. The way the, the system is you can't -- you
9 can't really color that in, but just picture you not being
10 able to see that right there.

11 Q Okay.

12 A That's, that's -- just gives you an idea of how she
13 was laying when I -- when I was there.

14 Q All right. At that time what were you actually
15 looking for?

16 A Well, any -- anything that would tell us maybe who had
17 been there, who had put her there. We did find a few
18 items, but really nothing.

19 Q Of value?

20 A Right.

21 Q Okay. Have a seat back up there.

22 (Whereupon, the witness returned to the stand.)

23 Q Was the coroner's office called out to the scene?

24 A They were.

25 Q Did they take possession of the body?

Courtney Westfall
Direct examination by Mr. Bulsa

1 A They came out and they did their investigation. They,
2 you know, photographed and basically did the same thing I
3 did. They photographed the scene. And I believe E.M.S.
4 and maybe a local fire department there -- I'm not a
5 hundred percent sure which fire department came -- but they
6 came and recovered the body. And the body was transported
7 to the morgue.

8 Q And were you present when an autopsy was conducted?

9 A Yes.

10 Q When was that conducted?

11 A I think it was later that day. It was -- yeah. It
12 was later that day about 5:15.

13 Q Okay. Were you present when the wounds were noted?

14 A Yes.

15 Q Who performed the autopsy?

16 A Dr. Wren.

17 Q Okay. And did he recover anything from the body?

18 A He didn't. I collected the clothing and placed it
19 into evidence, and I also collected fingernail scrapings.

20 Q Did you notice if he did anything with the liver?

21 MR. DELANEY: Objection, Your Honor. I think the
22 doctor would have to testify to any findings he made.

23 THE COURT: He's going to be here, is he not?

24 MR. BULSA: Yes, sir.

25 THE COURT: She can testify if she saw him do anything

Courtney Westfall
Direct examination by Mr. Bulsa

1 if she knows.

2 A Whenever Dr. Wren does an autopsy he takes samples
3 from different organs of the body. He did take sections of
4 the liver and place them into a little plastic vial kind of
5 thing.

6 Q Okay. Did you take possession of those?

7 A No, no. I'm not sure if he keeps possession of that
8 or if the coroner's office does, but I know that the
9 coroner's office is responsible for transporting it to
10 SLED.

11 Q Okay. So he would have taken samples.

12 A Yes.

13 Q And the coroner's office would have dealt with that.

14 A Correct.

15 Q Once the body was removed and you processed the scene
16 there at Tibbs Drive, what was your next involvement with
17 this case?

18 A Well, like I said, I went to the autopsy. On the
19 16th, which would have been the following day on Wednesday,
20 I went with other investigators to [REDACTED] [REDACTED].

21 Q Okay. And that was actually shown on the diagram,
22 State's 76, the upper portion?

23 A Right there.

24 Q Okay. And what was your purpose of going there?

25 A We were looking for anything to connect Rebecca --

Courtney Westfall
Direct examination by Mr. Bulsa

- 1 D.N.A. items, anything that may have -- anything that may
2 have had her D.N.A. possibly.
- 3 Q Did you know if she had actually lived there?
- 4 A I believe I knew she had lived there beforehand but
5 had moved out into Prince Hall.
- 6 Q And you photographed that scene?
- 7 A Yes.
- 8 Q We've had a number of those entered into evidence
9 already. I'll show you that group of photos.
- 10 A Okay.
- 11 Q Are those photos that you took?
- 12 A Yes.
- 13 Q Okay.
- 14 (Photographs marked State's Exhibits Nos. 81 and 82
15 for Identification.)
- 16 Q Let me show you two more, State's 81 and 82 for
17 Identification.
- 18 A Okay.
- 19 Q Are those pictures also taken from [REDACTED]?
- 20 A They are.
- 21 Q And they were taken at the same time as the others?
- 22 A Correct.
- 23 MR. BULSA: Your Honor, the state would offer these
24 into evidence.
- 25 MR. DELANEY: No objection.

Courtney Westfall
Direct examination by Mr. Bulsa

1 THE COURT: They're admitted.

2 (Photographs marked State's Exhibits Nos. 81 and 82.)

3 Q Now, you took numerous photographs in the apartment,
4 and we've seen them. And contrast them with -- excuse
5 me -- in the trailer. And contrast them with the
6 apartment. Did the kitchen appear well stocked to you --

7 A Yeah.

8 Q -- as far as having cooking utensils and knives?

9 A Yeah. There were several, you know, just basically
10 kitchen items in this kitchen.

11 Q Okay. I'll draw your attention to State's 81. What
12 is that?

13 A That is the knife block on the kitchen counter.

14 Q Does it appear that one is missing?

15 A It does.

16 Q In your search of this residence did you find a knife
17 that would have matched that set?

18 A No.

19 Q Okay. And State's 82, what is this?

20 A That's a Duke Power bill for that residence, [REDACTED]
21 [REDACTED]. And it's got Rebecca Rosa and Robert Lee on
22 it.

23 Q So it shows the power in both names?

24 A Yes.

25 Q Did it appear that anybody was actually living in the

Courtney Westfall
Direct examination by Mr. Bulsa

1 trailer?

2 A If I remember correctly there was no power. There
3 was -- I mean, the trailer, it was full. There was -- it
4 definitely looked lived in, but there was no power.

5 Q Did you collect any items of note from this residence?

6 A I believe I collected a pair of white Reebok shoes
7 from the master bedroom.

8 Q And what was the purpose of that?

9 A I'm not sure if we got information that those may have
10 been the shoes worn by Mr. Lee during the incident.

11 Q Were you able to link them to anything else?

12 A No.

13 Q Okay. So we've got you processing the apartment, the
14 Durango, Tibbs Drive burial site, [REDACTED]. Did
15 you have any other involvement in this case?

16 A On the 17th, which would have been the following day,
17 I went with other investigators to a, a stream, I guess you
18 would call it, which we later determined to be the Middle
19 Tyger River about a mile to a mile and a half into the
20 woods past the dead end of Tibbs Drive.

21 Q How far?

22 A Probably a mile to a mile and a half. It was a long
23 way in there.

24 Q How did you get into it?

25 A Well, when I went we had members of the fire

Courtney Westfall
Direct examination by Mr. Bulsa

1 department with us. We had their gator ATV kind of thing
2 and we rode down in there.

3 There's a little gravel road that kind of goes down
4 into the woods at the end of Tibbs Drive, but then it
5 eventually ends and turns into just a service road, which
6 is really muddy. And it's basically just a clear-cut area
7 for utility companies to get down in there. There's no --
8 really not -- I wouldn't really call it a road.

9 Q Let me show you State's 51. Does the asphalt road end
10 at some point and then the gravel road begins?

11 A Correct. It ends a little ways down here. There's a,
12 there's a house on the left right where the woods start to
13 get thick. That's right about where the road ends.

14 (Photograph marked State's Exhibit No. 83 for
15 Identification.)

16 Q Show you State's 83. Does that appear to be an aerial
17 photograph of the area?

18 A Yeah, yeah.

19 Q Does it show -- does it show the portion that we're
20 seeing on the screen here?

21 A It shows part of it. It shows a lot more than that
22 photo does though.

23 Q Okay. Does that show the area where you went to the
24 creek?

25 A Yes.

Courtney Westfall
Direct examination by Mr. Bulsa

1 MR. BULSA: The state would offer State's 83 into
2 evidence.

3 MR. DELANEY: No objection.

4 THE COURT: It's admitted.

5 (Photograph marked State's Exhibits No. 83.)

6 Q Okay. Orient the jury if you would to this.

7 A Can I step down again?

8 Q Yes, ma'am.

9 (Whereupon, the witness left the stand.)

10 A Right here is Tibbs. Right here is about where the
11 asphalt ends if I remember correctly. There's a, there's a
12 house right here.

13 Q Where? Where is the part of Tibbs Drive in
14 State's 51?

15 A Probably would be this. It's hard to tell leaving
16 that up there. I think it's right here.

17 Q Okay. Sort of a bend in the road?

18 A Yeah.

19 Q Okay. All right. So where does the asphalt end,
20 again?

21 A I believe it ends just past this area right here, and
22 then it kind of -- I can't remember if there was actually
23 gravel there or not. It may have been -- there may have
24 been some gravel, but it really was a rough, rough road.

25 Q Okay. More like a trail or a road?

Courtney Westfall
Direct examination by Mr. Bulsa

- 1 A Yeah. I would maybe call it more of a 4-wheeler
2 trail.
- 3 Q Okay. Did you have to park your vehicles?
- 4 A Yeah. We parked right in this area.
- 5 Q What part of the river did you go to?
- 6 A I believe, you know, we continued on down this little
7 trail. And I think we came on down through here. And at
8 some point it was past, past this bend maybe in this area
9 here.
- 10 Q Okay.
- 11 A It's, it's really hard to see --
- 12 Q I understand.
- 13 A -- the layout of the road there.
- 14 Q I understand. You can have a seat.
- 15 A Right.
- 16 (Whereupon, the witness returned to the stand.)
- 17 Q Did one of the officers indicate where the search
18 should take place?
- 19 A Yes.
- 20 Q Was anything recovered at the river?
- 21 A No.
- 22 Q So you then searched this river. And then what else,
23 if anything else, did you do?
- 24 A I processed some items of evidence for fingerprints.
25 I think I've talked about that already. And on July 15th I

Courtney Westfall
Cross-examination by Mr. Delaney

1 took some of those aerial photographs that you've seen.

2 Q Okay. Was this a more involved case than usual?

3 A Yes.

4 Q Okay. You work for the city of Spartanburg. Is
5 Prince Hall Apartments in the city of Spartanburg?

6 A It is.

7 Q And Tibbs Drive is located within the county?

8 A Correct.

9 Q Did you have county involvement at the scene?

10 A Yeah. When I -- when I arrived there were several law
11 enforcement agencies. I think it was mostly county. But
12 when we made a determination that the body found most
13 likely was Rebecca, the county turned it over to us. I
14 believe maybe a deputy may have stayed on scene there with
15 us, but it was ours.

16 Q Okay. Thank you. Answer any questions Mr. Delaney
17 may have.

18 CROSS-EXAMINATION

19 BY MR. DELANEY

20 Q Thank you. Good afternoon.

21 A Hey.

22 Q Back up to your initial contact in this case at Prince
23 Hall. Can you describe for the jury where Prince Hall is
24 actually located?

25 A I guess I'll just go from city hall. If you come out

Courtney Westfall
Cross-examination by Mr. Delaney

1 of city hall parking lot and make a left on Daniel Morgan
2 Avenue you're going to follow Daniel Morgan on around until
3 you get to Forrest.

4 Take a left onto Forrest. And right before you get to
5 the train tracks you'll see Dee Traxx, a little convenience
6 store there at the train tracks. Right before that there
7 is a turnoff into the -- kind of goes up the hill. And
8 that's Prince Hall Apartments.

9 Q Is it located in the Park Hills area or behind Park
10 Hills?

11 A It's more -- it's more behind Highland area.

12 Q Would you consider that a high crime area?

13 A From time to time.

14 Q How many apartments do you know are in the Prince Hall
15 development?

16 A I'm not, not really sure. There's several buildings,
17 and in each building there's -- I think there's maybe three
18 floors on, in each building. But I'm not a hundred percent
19 sure.

20 Q Have you ever processed a crime scene at Prince Hall
21 Apartments before?

22 A I'm sure I have.

23 Q And did you -- was it -- do you recall processing one
24 where you may have found blood in the interior of an
25 apartment?

Courtney Westfall
Cross-examination by Mr. Delaney

- 1 A I've processed several scenes. I don't -- I'm not
2 sure.
- 3 Q At the conclusion of your processing of those scenes,
4 if blood was found at any given scene is that apartment
5 then scrubbed and so that blood is removed so as not to be
6 found in the future?
- 7 A I'm not an apartment manager there. I don't know. We
8 don't clean up after we leave, no.
- 9 Q That would be left to whoever owns the apartment.
- 10 A Correct.
- 11 Q So if I went into [REDACTED] Prince Hall Apartment today in
12 November of 2011 and I did a Blue Star treatment do you
13 think I would find blood in that hallway?
- 14 A It's a possibility.
- 15 Q So if there's a crime committed there today and that
16 scene is processed and there's a Blue Star treatment they
17 could potentially find blood in that apartment today.
- 18 A That's correct.
- 19 Q And that Blue Star treatment doesn't give you any age
20 of the blood?
- 21 A No, no.
- 22 Q Photo No. 11 here, that blue treatment on the door in
23 the doorjamb there, can you again tell me what that is
24 called?
- 25 A It's called amino black.

Courtney Westfall
Cross-examination by Mr. Delaney

1 Q And when you entered ■ Prince Hall that particular
2 area of the apartment didn't look like that. There wasn't
3 a blue liquid, drippy substance coming out.

4 A Right, right.

5 Q That is a direct result of a chemical that you
6 apply --

7 A Right.

8 Q -- to extract fingerprints from that, correct?

9 A Yes. It's a pretty messy process.

10 Q And how do you make a determination -- for example,
11 photo one here, the entrance to the bedroom on the right,
12 you identified what you believed to be blood.

13 A Yes.

14 Q Is that correct?

15 A Yes.

16 Q And in photo one you swabbed that, is that correct?

17 A I did.

18 Q Why not apply that same blue treatment that you
19 applied to No. 11 to No. 1? How do you make that
20 differentiation?

21 A I believe on the areas 11, 12 and 13 it was faint.
22 And I could see what appeared to be some ridge detail,
23 which is what's present in fingerprints and palm prints.
24 That's why I treated it with the Blue Star, so that I could
25 enhance that ridge detail and be able to see it better.

Courtney Westfall
Cross-examination by Mr. Delaney

1 The spot at No. 1, I didn't see anything that appeared
2 to be ridge detail.

3 Q So the spot in 11 before the, the treatment was
4 applied to it, what color was it?

5 A It was -- well, you can see the walls in there are not
6 really a white but, well, kind of like a cream color that's
7 in here. It was just very, very faint, darker than the
8 wall was. You could tell something was there.

9 Q And that is at the entrance to the hallway.

10 A That's right, yeah, right about in this area.

11 Q If someone had been in that apartment moving in days
12 or maybe seven to eight days earlier, moving furniture, and
13 they left fingerprints behind, could it be possible that
14 you found some of those fingerprints?

15 A Unless they had bloody hands, no.

16 Q So the only fingerprints you were looking for was as a
17 result of what you think might be blood.

18 A Correct.

19 Q You're not dusting for fingerprints or --

20 A Correct. I believe I did process the door, the door
21 area, for fingerprints. But that just -- it was treated
22 with amino black because I could see that there looked like
23 there may be some ridge detail which is, like I said, what
24 identifies a fingerprint. And that's why it was treated
25 with the amino black.

Courtney Westfall
Cross-examination by Mr. Delaney

1 Q In the -- is this what you refer to as the -- I think
2 you called it OBTI test?

3 A No. That's Blue Star.

4 Q Okay. This is Blue Star. I'm sorry.

5 A That's okay.

6 Q Is there anything done to wash up that Blue Star when
7 you're done, or does it kinda just go away on its own?

8 A Yeah. I believe we may have taken a towel and sopped
9 up because it, it does gets everything really wet. We may
10 have wiped up some of it with a towel. But, no, we just
11 left it.

12 Q And has there been any testing done? I'm just -- I'm
13 curious to know the science on this a little bit better.
14 Again, we are about a year and a half removed from June of
15 2010.

16 A Uh-huh.

17 Q You know, if I went back in that apartment today and
18 did that same procedure would I find those same results?

19 A It just depends on what all they did to clean up the
20 apartment. You know, if they had replaced the floors,
21 probably not. I don't -- I don't know what kind of
22 cleaning process they've used.

23 Q Was any -- was the hammer on the kitchen table, was
24 that checked for blood or anything?

25 A No, because it was -- it was secured in the evidence

Courtney Westfall
Cross-examination by Mr. Delaney

1 room until -- I'm not sure what day -- the 18th was when I
2 processed it. And by that time we already knew that the
3 hammer wasn't the weapon.

4 Q Moving on to the -- to the Durango. You found the
5 letter in the Durango. And you read it to the jury
6 earlier. Do you recall that?

7 A Yes, sir.

8 Q Is there any date on that letter?

9 A No, there's not a date.

10 Q And it was in -- you found it in a box, and there was
11 like a folder box. And there was a lot of, appeared to be
12 a lot of, personal papers in there. Do you recall that?

13 A Yes.

14 Q Did you recover any other significant or what you feel
15 might be significant papers in that box?

16 A No.

17 Q Do you recall what any of them were?

18 A I, I really don't. I don't remember. You know, we
19 didn't photograph every single one. Usually if we find
20 something that, you know, would link, you know, the two
21 together, or the owner of the vehicle, you know, we may
22 photograph that or collect it, but nothing, nothing else.

23 Q And the contents of the apartment at Prince Hall,
24 every room was pretty -- was pretty bare. There wasn't a
25 whole lot of furniture.

Courtney Westfall
Cross-examination by Mr. Delaney

1 A Yeah. You could tell that either someone had maybe
2 just moved in or just didn't have a lot of stuff.

3 Q And what is the, again, the significance of the photo
4 of the power bill?

5 A Just showing that they had lived there together.

6 Q But it was pretty common knowledge that they were
7 romantically involved at some point.

8 A Yeah. It was just -- it's just of one of the things
9 that we do on a search warrant. If we find paperwork that
10 has, you know -- our people that we're focusing on, you
11 know, whether be the victim, suspect or whatever, we
12 usually snap a photo if we find something like that. It
13 doesn't necessarily mean anything. Just, just to have it.

14 Q Was there any investigation into any other individuals
15 whom Rebecca Rosa may have had a romantic relationship
16 with?

17 A If there was I didn't have anything to do with it.

18 Q And there was a short mention of some Reebok shoes.

19 A Uh-huh.

20 Q Could you tell me a little bit more about that?

21 A It might be hearsay, but one of the investigators had
22 through talking with Mr. Lee, had gotten information that
23 those were the shoes that he was wearing during all of this
24 going on.

25 Q But you didn't find anything to substantiate that.

Courtney Westfall
Cross-examination by Mr. Delaney

1 A Correct. I didn't find any, any blood or anything on
2 the shoes.

3 Q And you didn't find -- you know, I think your last
4 involvement in the case was the expedition to the stream or
5 the river. And did you find any evidence there?

6 A No.

7 Q The Durango. Is it, is it a Blue Star treatment that
8 you apply to the interior of the Durango?

9 A Correct.

10 Q And it's the same process where you set up the camera
11 on the tripod and put it on a 30-second shutter and --

12 A Yes.

13 Q And there was -- let me show you State's 65. And even
14 on the handle here --

15 A Yes.

16 Q -- Blue Star -- is it -- that's indicating blood
17 there, is that right?

18 A It could be, yes.

19 Q Even it could be. What else could it be?

20 A The reason I say that, on this picture at the time
21 that I took that I was doing the Blue Star treatment I
22 didn't notice that glowing at the time. I noticed that
23 afterwards, after I was looking at my photos. So I don't
24 know what kind of a reaction it gave.

25 With blood it gives a bright reaction and it lingers,

Courtney Westfall
Cross-examination by Mr. Delaney

1 and it stays glowing for maybe a minute or so. If it's a
2 cleaning product like bleach it'll give a really violent
3 quick reaction and then go away. So fact, I'm not sure of
4 that on the handle.

5 Q So how are we to know if -- is this a quick violent
6 reaction in this picture or a long drawn out one?

7 A That was a long drawn out one. You can see the more
8 intense brightness there, you know, where it's -- where
9 it's brighter, it's more concentrated.

10 Q What if you had a cleaning substance and it was
11 concentrated like that? Could it glow like that?

12 A Every time I've seen it applied to bleach it's -- it's
13 just a real quick.

14 Q But if I was to snap that photo that quick, it would
15 look like that?

16 A No. You have -- in order for this to even show up on
17 a camera it has to be -- you have to have the shutter open
18 for a very long time.

19 Q But you're not -- you're not convinced that's blood.

20 A I, I don't know, is what I am saying. I didn't notice
21 the reaction of that particular stain at the time that I
22 was doing it. I didn't notice that that was on that handle
23 until afterwards when I was looking at my photos, several
24 days afterwards.

25 Q And the treatment that was applied to the Durango

Courtney Westfall
Redirect examination by Mr. Bulsa

1 interior shows no blood whatsoever.

2 A There were a few areas that did fluoresce, but when
3 they were tested they tested negative for blood.

4 Q And there was -- were there any fingerprints extracted
5 from the Durango?

6 A No.

7 MR. DELANEY: No further questions.

8 MR. BULSA: Just briefly on reply.

9 REDIRECT EXAMINATION

10 BY MR. BULSA

11 Q Ms. Westfall, the picture showing the sink, the drains
12 are glowing and the cold water handle is glowing.

13 A Yes.

14 Q Were the -- were the drains evident to you?

15 A Yeah. They were swabbed, and I believe we even
16 collected the drains just, once again just, to have them.

17 Q So that's the reason we have this picture, is because
18 the sink drains themselves.

19 A Uh-huh.

20 Q And then looks like the done light might even be
21 glowing a little bit there.

22 A It may be. I can't tell from this angle, but it may
23 be.

24 Q But the -- so just through the nature of photography
25 it just so happens that's the candle light that glows.

Mylnor Beach
Direct examination by Mr. Bulsa

1 A Yes.

2 Q Okay. Thank you. That's all I have.

3 THE COURT: You may step down.

4 we'll take a short break. I will ask the jury to
5 please go to your jury room. Don't discuss the case. I'll
6 bring you back after that break.

7 (The following takes place outside the presence of the
8 jury.)

9 THE COURT: Court's in recess 15 minutes.

10 (Whereupon, a recess was taken.)

11 THE COURT: Are we ready for the jury?

12 MR. DELANEY: Yes, sir.

13 THE COURT: Bring them in.

14 (The following takes place in the presence of the
15 jury.)

16 MR. BULSA: The state calls Mylnor Beach.

17 MYLNOR BEACH, having been
18 first duly sworn, testified as follows:

19 DIRECT EXAMINATION BY MR. BULSA

20 Q Good afternoon, Mr. Beach.

21 A Good afternoon.

22 Q Please introduce yourself to the jury.

23 A I'm Mylnor Beach, property and evidence technician for
24 the Spartanburg Public Safety Department.

25 Q Okay. And what is a property and evidence technician?

MyInor Beach
Direct examination by Mr. Bulsa

1 what do you do?

2 A I receive all property and evidence as gathered by the
3 officers out in the field that's brought in to us. They
4 log it in and document it.

5 we go back in and collect it and verify it. Then we
6 bar code it during this period of time and restore it, load
7 it into the computer. And then it's our job to maintain
8 the integrity of that evidence and keep the inventory at
9 that time.

10 The reason I said, at this particular time we did go
11 to a new system the first of this year that's electronic,
12 done a little bit different. But any time an officer
13 brings any type of evidence in they log it in and put it in
14 what we call our drop-box area. That's either a mail, like
15 a postal type office box that's locked or a locker that is
16 once it's shut it's locked. And there are only three
17 people that have keys to that -- my partner and myself and
18 Major Lamb who is our supervisor.

19 Q On this case in particular let me show you what's been
20 previously marked as State's Exhibit 61. This is a piece
21 of evidence that would have been received by the evidence?

22 A Yes, sir. It was.

23 Q Okay. And was it in the same condition when it was
24 received?

25 A Yes, sir.

Mylnor Beach
Direct examination by Mr. Bulsa

1 Q There's crime tape on the back, the evidence label --

2 A The evidence label on the back, it was turned in by
3 Courtney Westfall, forensics department. Any time she
4 turns anything that's sealed like this, we do not open it.

5 Q Okay. And --

6 A Now, my partner received this on June the 18th of 2010
7 at 12:30.

8 Q Did you transport that to the state law enforcement
9 division?

10 A Yes, sir, I did.

11 Q And what condition was it in when you transported it?

12 A It was in this envelope sealed. It was handed over to
13 them by me. They log it in and put it in a heat-sealed
14 pack -- pouch, which I think you've got that there. I have
15 to sign on the -- initial the heat seal itself and date it.
16 And then there's a place on the envelope where I sign and
17 date it also.

18 Q Okay. Show you State's Exhibit 84 for Identification.
19 Is that the bag you're talking about?

20 A Yes, sir. I signed here, date it, date it, and
21 initial up here.

22 Q Okay.

23 MR. BULSA: Your Honor, the state would offer
24 State's 84 into evidence.

25 MR. DELANEY: No objection.

Mike Shaw
Direct examination by Mr. Bulsa

1 THE COURT: It's admitted.

2 (Bag for swabs marked State's Exhibit No. 84.)

3 Q So when you leave -- when you left State's 61 at the
4 South Carolina Law Enforcement Division -- was that in
5 Columbia?

6 A Yes, sir. It is.

7 Q It was sealed within this bag here, State's 84.

8 A Yes, sir. It was sealed in front of me by their
9 property and evidence technician.

10 At that time they had -- he, like I said, signed and
11 initialed the heat seal. And then they finish processing
12 and putting their tag and label on.

13 Q All right. Thank you, sir. That's all we have.
14 Answer any questions Mr. Delaney may have.

15 MR. DELANEY: No questions for this witness, Judge.

16 THE COURT: You may step down.

17 MR. BULSA: Your Honor, we ask that he be excused.

18 THE COURT: He may be.

19 (Whereupon, the witness was excused.)

20 MR. BULSA: The state calls Mike Shaw.

21 MIKE SHAW, having been first
22 duly sworn, testified as follows:

23 DIRECT EXAMINATION BY MR. BULSA

24 Q Mr. Shaw, would you please introduce yourself to the
25 jury?

Mike Shaw
Direct examination by Mr. Bulsa

1 A Mike Shaw. I currently work at the Spartanburg County
2 Environmental Enforcement. Prior to my employment there I
3 was at the Spartanburg County Coroner's Office as a
4 coroner's investigator.

5 Q And in your position as a coroner's investigator did
6 you respond to a scene on Tibbs Drive on June the 15th of
7 2010?

8 A I did.

9 Q And did you observe a deceased person at that scene?

10 A That's correct.

11 Q And as part of your job with the coroner's office did
12 you oversee the transportation of that body to the morgue?

13 A That's correct. There is a chain of custody that
14 follows the body from the scene to the morgue.

15 Q Was that body readily identifiable?

16 A No, sir, it was not. It was in an advanced state of
17 decomposition.

18 Q What steps did you take to identify who that person
19 was?

20 A The first steps we took to establish a preliminary
21 identification was speak with the family, determine
22 clothing, any identifying marks if there were. The
23 clothing was a close match to what the family states she
24 may have been wearing.

25 In discussing with the family we did find out that she

Mike Shaw
Direct examination by Mr. Bulsa

1 had a dentist. Once we found that out we requested that
2 dental x-rays be taken by the hospital x-ray technician.
3 Those x-rays were provided to me. I took those to this
4 dentist's office, which is out on John B. White Boulevard,
5 for a comparison.

6 Q Okay. And what was the result of the comparison?

7 A Dr. Williams made a positive match between his dental
8 records of the victim with the body that we had at the
9 morgue.

10 Q So that was Rebecca Rosa?

11 A Correct.

12 Q And from then on was everything identified as Rebecca
13 Rosa?

14 A Correct.

15 Q So any other records in the coroner's office would
16 have been pertaining to Rebecca Rosa.

17 A Correct. Once a legal identification was made all
18 records would then show Rebecca Christine Rosa rather than
19 Jane Doe.

20 Q All right. Thank you, sir. Answer any questions
21 Mr. Delaney may have.

22 MR. DELANEY: No questions.

23 THE COURT: You may step down.

24 MR. BULSA: The state calls Randy -- we ask that
25 Mr. Shaw be excused.

Randy Eugene Bogan
Direct examination by Mr. Bulsa

1 THE COURT: He may be.

2 (Whereupon, the witness was excused.)

3 MR. BULSA: The state calls Randy Bogan.

4 RANDY EUGENE BOGAN, having
5 been first duly sworn, testified as follows:

6 DIRECT EXAMINATION BY MR. BULSA

7 Q Good afternoon. Please introduce yourself to the
8 jury.

9 A I'm Randy Eugene Bogan. I work with the Spartanburg
10 County Coroner's Office. I'm chief investigator.

11 Q Okay. And, Mr. Bogan, as part of your duties did you
12 transport items from the morgue to the state law
13 enforcement division?

14 A Yes, sir, I did. I actually transported liver. I
15 picked it up from the morgue and took it back to the office
16 where I placed it in a bag and heat sealed it with my
17 initials and the date and carried it to SLED and presented
18 it to SLED in Columbia.

19 Q Okay. I want to show you what's been marked for
20 identification as State's 85. Would you look over those
21 items?

22 A All right, sir.

23 Q Do those appear to be photocopies of the container
24 that the liver was in?

25 A That's correct.

Randy Eugene Bogan
Direct examination by Mr. Bulsa

1 Q And was it designated as Rebecca Rosa?

2 A Yes, sir, it was.

3 Q And does it show a copy of the bag that you placed it
4 in at SLED?

5 A It does.

6 MR. BULSA: Your Honor, the state would offer
7 State's 85 into evidence.

8 MR. DELANEY: No objection.

9 THE COURT: It's admitted.

10 (Photocopies of container marked State's Exhibit No.
11 85.)

12 Q So when you left this evidence at the state law
13 enforcement division it was sealed in this package.

14 A Yes, sir.

15 Q And your instructions were to send it to which
16 department?

17 A I actually took it from the morgue to log in at SLED,
18 and they took it from me at log-in.

19 Q Did you ask that it be directed to a certain location
20 within SLED?

21 A Toxicology department.

22 Q Okay. All right. Thank you, sir. That's all I have.
23 Answer any questions Mr. Delaney may have.

24

25

Randy Eugene Bogan
Cross-examination by Mr. Delaney

1 CROSS-EXAMINATION

2 BY MR. DELANEY

3 Q Any -- what's the reason that you directed that it go
4 to the toxicology department?

5 A Every time we collect either blood and/or liver,
6 whenever we send it to SLED we do toxicology on all blood
7 or liver to determine what specifically is in the blood at
8 the time of death.

9 Q Thank you.

10 MR. DELANEY: Nothing further.

11 MR. BULSA: We have nothing further.

12 THE COURT: You may step down.

13 MR. BULSA: We ask that he be excused.

14 THE COURT: He may be.

15 THE WITNESS: Thank you.

16 (Whereupon, the witness was excused.)

17 MR. BULSA: The state calls Jennifer Brown.

18 JENNIFER BROWN, having been
19 first duly sworn, testified as follows:

20 DIRECT EXAMINATION BY MR. BULSA

21 Q Good afternoon, Ms. Brown.

22 A Good afternoon.

23 Q Please introduce yourself to the jury.

24 A My name is Jennifer Brown, and I am a forensic
25 toxicologist at SLED.

Jennifer Brown
Direct examination by Mr. Bulsa
Cross-examination by Mr. Delaney

1 Q And how long have you been a toxicologist at SLED?

2 A It'll be five years in January.

3 Q Would you give us the benefit of your educational
4 background?

5 A I have a bachelor of science in chemistry at the
6 University of South Carolina, but most of our training is
7 done in-house at SLED in our toxicology department, which
8 is an extensive over-a-year program.

9 Q Have you ever testified in court before?

10 A Yes.

11 Q Been qualified as an expert in toxicology?

12 A Yes.

13 Q Been -- testified in South Carolina courts?

14 A Yes.

15 Q About how many times?

16 A Over five. I can't remember how many.

17 Q Okay.

18 MR. BULSA: Your Honor, the state would offer
19 Ms. Brown as an expert in toxicology.

20 CROSS-EXAMINATION

21 BY MR. DELANEY

22 Q Ms. Brown, did you testify that you've been classified
23 as an expert in toxicology five times previously?

24 A At least five times, yeah. I can't remember how many,
25 but at least five.

Jennifer Brown
Redirect examination by Mr. Bulsa

1 Q Were all of those in states -- in courts in the state
2 of South Carolina?

3 A Yes.

4 MR. DELANEY: We don't object, Your Honor.

5 THE COURT: All right. She is so qualified.

6 REDIRECT EXAMINATION

7 BY MR. BULSA

8 Q Ms. Brown, I show you copies of what's been marked as
9 State's Exhibit 85. Does that show a package that you
10 would have received?

11 A Yes.

12 Q And did you perform any tests on those, that item?

13 A Yes.

14 Q What kind of tests did you perform?

15 A I performed a general drug screen to look for a
16 variety of different drugs in the sample.

17 Q Were you able to find any?

18 A No.

19 Q Do you know why?

20 A Either they weren't taken or we didn't have an
21 extensive history to look for them.

22 Q Okay. Did you take -- did you do anything in addition
23 to the portion of the liver that you received?

24 A I had to give a portion of that to our D.N.A.
25 department for their analysis.

Jennifer Brown
Recross-examination by Mr. Delaney

1 Q Okay. And how did you do that?

2 A Well, basically you just cut a section of liver off
3 and put it in a test tube. Then I put it in another pouch
4 that looks like so with my initials and date and signature
5 on it and then with a unique bar code. And then I give it
6 to our technicians to take downstairs.

7 Q Okay. And you do all of that to preserve the
8 integrity of that item?

9 A Yes.

10 Q Okay. And that would have been transferred to the
11 D.N.A. department.

12 A Yes.

13 Q To be received in that packaging.

14 A Uh-huh.

15 Q Okay. Thank you, ma'am. That's all I have. Answer
16 any questions Mr. Delaney may have.

17 MR. DELANEY: Thank you.

18 RECROSS-EXAMINATION

19 BY MR. DELANEY

20 Q The toxicology tests you performed, were you looking
21 for drugs such as cocaine, methamphetamine? Can you kind
22 of give me a list of what, what kind of tests you were
23 looking for?

24 A We can see about everything and anything. Certain
25 things we'd have to have more of a history for, so let's

Jennifer Brown
Redirect examination by Mr. Bulsa

1 say marijuana we'd have to have a better history for. Some
2 benzodiazepines we'd have to have a better history for.
3 But, yeah. Cocaine, methamphetamine. Your general
4 prescription type of drugs we could easily see.

5 Q Do you have any written test results as a result of
6 the tests that you performed?

7 A Yes. I have a report.

8 Q Do you have a copy that I can review?

9 A Sure.

10 (Pause.)

11 Q Thank you.

12 A Uh-huh.

13 Q So the results of your comprehensive drug screen was
14 that no drugs or poisons of concern were found.

15 A Correct.

16 Q Would that include alcohol?

17 A Basically, in tissue type of samples we don't look for
18 alcohol. Or if by chance it was looked for we don't report
19 it because of decomposition.

20 Q Thank you.

21 REDIRECT EXAMINATION

22 BY MR. BULSA

23 Q What do you mean, decomposition?

24 A When a body decomposes it can produce a small amount
25 of alcohol, depending on if there's bacteria and stuff like

Maryann Boehm
Direct examination by Mr. Bulsa

1 that present. so we basically will not report out alcohol
2 in any tissue samples because of that.

3 Q Do you know why you just received the liver and not
4 blood?

5 A No, not in this case.

6 Q You have no idea. All right. Thank you, ma'am.
7 That's all I have.

8 THE COURT: You may step down.

9 MR. BULSA: Your Honor, we ask she be excused.

10 THE COURT: You may be.

11 (Whereupon, the witness was excused.)

12 MR. BULSA: The state calls Maryann Boehm.

13 MARYANN BOEHM, having been
14 first duly sworn, testified as follows:

15 DIRECT EXAMINATION BY MR. BULSA

16 Q Good afternoon, ma'am. Would you introduce yourself
17 to the jury?

18 A Good afternoon. My name is Maryann Boehm. I am a
19 forensic scientist at the South Carolina Law Enforcement
20 Division. I am assigned to the D.N.A. case work section.

21 Q How long have you been with the state law enforcement
22 division?

23 A Approximately six years.

24 Q Would you give us the benefit of your education?

25 A Yes. I have a bachelor of science in integrated

Maryann Boehm
Direct examination by Mr. Bulsa

1 science and technology with a concentration in
2 biotechnology from James Madison University.

3 I also went through training when I -- or was employed
4 by SLED. That was about approximately a year long by a
5 court qualified analyst. I've also attended outside
6 training on specific instrumentation used in our
7 laboratory.

8 Q So how many times have you testified in court?

9 A Approximately 18 times.

10 Q Here in state court?

11 A Yes, sir.

12 Q Were you qualified as an expert in serology and D.N.A.
13 analysis --

14 A Yes, sir.

15 Q -- on each of those occasions?

16 A Yes, sir.

17 MR. BULSA: Your Honor, the state would offer her as
18 an expert in those areas.

19 MR. DELANEY: No objection.

20 THE COURT: She is so qualified.

21 Q Ms. Boehm, in this case in particular did you receive
22 four samples of blood that are packaged in State's
23 Exhibit 84?

24 A Yes, I did.

25 Q And those were four swabs?

Maryann Boehm
Direct examination by Mr. Bulsa

1 A Yes, they were four swabs from a hallway wall.

2 Q Okay. And did you receive from your toxicology
3 department a portion of a liver from Rebecca Rosa?

4 A Yes, I did.

5 Q Okay. Is that how you were able to identify or make
6 the comparison?

7 A Right. What I do is I will obtain some profile from
8 evidence and compare that to D.N.A. profiles developed from
9 known standards. In this case the liver was used as a
10 known standard from Rebecca Rosa.

11 Q Is that normal?

12 A On a deceased body, yes. Sometimes it depends on how
13 long they're there. There may not be blood left or
14 collected, so we'll have to go to an organ.

15 Q So no blood was actually directly sent to you.

16 A No, sir.

17 Q You had to go to toxicology and ask for a sample of
18 blood from the liver.

19 A Yes, sir.

20 Q Okay. And you received that in a sealed condition.

21 A Yes, sir.

22 Q All right. And the samples from the Spartanburg
23 Public Safety Department were in that sealed pouch.

24 A Yes. The four swaps from the hallway, as well as the
25 cigarette butt.

Maryann Boehm
Direct examination by Mr. Bulsa

1 Q Is there any doubt in your mind that either of those
2 objects had been tampered with?

3 A No. They were sealed.

4 Q Okay. And then what did you do with the four swabs?

5 A Well, first I look to see if there's any kind of
6 biological fluid on the swabs. So I did a test for blood,
7 and it was positive. So blood was indicated.

8 So then I proceeded with D.N.A. analysis. I developed
9 a D.N.A. profile from those four swabs and compared it to
10 the D.N.A. profile I developed from Rebecca Rosa.

11 Q And what was your result?

12 A The D.N.A. profile developed from items six, seven and
13 eight matches the D.N.A. profile of Rebecca Rosa.

14 The probability of randomly selecting an unrelated
15 individual having a D.N.A. profile matching these items is
16 approximately one in 9.2 quadrillion.

17 The D.N.A. profile developed from item five, which was
18 one of the swabs from the wall, is a mixture of at least
19 two individuals.

20 The D.N.A. profile of the major contributor to this
21 mixture also matches the D.N.A. profile of Rebecca Rosa.

22 The D.N.A. profile of the minor contributor is
23 insufficient for reliable interpretation.

24 Q And what were those numbers again?

25 A Items six, seven and eight, and then item five,

Maryann Boehm
Direct examination by Mr. Bulsa

1 because they're SLED items.

2 Q Okay. And what -- do you reference which swabs those
3 match from the public safety department's records?

4 A Yes. Item five was swabbed from area No. 1 on hallway
5 wall. Item six was swabbed from area No. 2 on hallway
6 wall. Item seven was swabbed from area No. 3 on hallway
7 wall, back left bedroom door. And then item eight was
8 swabbed from area No. 4 on the hallway wall.

9 Q And which ones were the direct match?

10 A Items six, seven and eight.

11 Q Which were what items of city?

12 A Two, three and four.

13 Q Okay. And then your item five would have been public
14 safety item one.

15 A That's correct.

16 Q Okay. You didn't have anything to do with this
17 diagram, but I want to reference it to the jury. So the
18 notations provided to you -- two, three and four were the
19 match to Rebecca Rosa, and one was the sample that had
20 two -- two persons?

21 A That's correct. It was a mixture of at least two
22 individuals.

23 Q And one we know was Ms. Rosa.

24 A Yes. The major contributor.

25 Q Thank you. Answer any questions Mr. Delaney has.

Maryann Boehm
Cross-examination by Mr. Delaney

1 CROSS-EXAMINATION

2 BY MR. DELANEY

3 Q So is it in your expert opinion, Ms. Boehm, fair to
4 say that Rebecca Rosa's blood was found in Rebecca Rosa's
5 apartment?

6 A That is correct.

7 Q And no one else's blood was found in her apartment
8 based on the samples you studied.

9 A Well, there was mixture from one of the items, and I
10 cannot tell you if it was both of those -- you know, D.N.A.
11 profiles were from blood, but the minor contributor was
12 insufficient. So I couldn't make any comparison anyways on
13 that minor contributor.

14 Q Thank you.

15 MR. DELANEY: No further questions.

16 MR. BULSA: Nothing further. We ask that she be
17 excused.

18 THE COURT: You may step down. You may also be
19 excused.

20 (Whereupon, the witness was excused.)

21 MR. BULSA: TheIma Jean Harris.

22 THELMA JEAN HUNTER, having
23 been first duly sworn, testified as follows:

24 DIRECT EXAMINATION BY MR. BULSA

25 Q Ms. Harris, would you introduce yourself to the jury,

Thelma Jean Harris
Direct examination by Mr. Bulsa

- 1 please?
- 2 A My name is Thelma Hunter.
- 3 Q I'm sorry. I called you Harris.
- 4 A My name is Thelma Hunter.
- 5 Q Okay. I've got Harris on your --
- 6 A That's my maiden name.
- 7 Q Maiden name. Okay. But you're actually a Hunter.
- 8 A Right.
- 9 Q I'm sorry. Where do you live, ma'am?
- 10 A [REDACTED].
- 11 Q All right. And is that the Tibbs Drive we've been
- 12 seeing in the pictures?
- 13 A Yes, it is.
- 14 Q About how far down that drive do you live?
- 15 A Maybe, maybe I guess a hundred yards from where --
- 16 Q From [REDACTED]?
- 17 A Right.
- 18 Q Okay. So it was your house -- would you have to pass
- 19 your house in order to get to 310?
- 20 A Right.
- 21 Q And which side of the street are you on?
- 22 A Actually from the -- coming down Tibbs it would be on
- 23 the left-hand side.
- 24 Q Driving down Tibbs you're on the left.
- 25 A Right.

Thelma Jean Harris
Direct examination by Mr. Bulsa

- 1 Q And [REDACTED] would be further down on the right.
2 A Right.
3 Q Okay. Now, don't you actually have a long drive up to
4 your house?
5 A Right. We do.
6 Q About how long is that? It's pretty extensive, isn't
7 it?
8 A It is. A few hundred feet. It's got to be a few
9 hundred feet.
10 Q In fact, your house is a brick house that sets up on a
11 hill?
12 A Right.
13 Q Back behind are a couple of other houses.
14 A Right.
15 Q Okay. But because your driveway connects to Tibbs,
16 that's why you have a Tibbs Drive address?
17 A Right.
18 Q You actually have a nice view off your front porch,
19 don't you?
20 A The back porch.
21 Q Your back porch.
22 A Right.
23 Q Okay. All right. How long have you lived there?
24 A Approximately five years now.
25 Q Who do you live there with?

Thelma Jean Harris
Direct examination by Mr. Bulsa

- 1 A My husband, Jonathan Hunter, Jr.
- 2 Q Is he Stanley Hunter's brother?
- 3 A Brother.
- 4 Q Okay. Who else lives there with you?
- 5 A Daughter. At the time my two daughters.
- 6 Q At the time. And what are their names?
- 7 A Jewell Harris and Shannon [REDACTED].
- 8 Q And Ms. Shannon is out of town?
- 9 A She's away at school.
- 10 Q Okay. But does Jewell still stay with you?
- 11 A Yes. She is.
- 12 Q Now, do you know Robert Lee?
- 13 A Yes, I do.
- 14 Q How do you know him?
- 15 A He's like a nephew to me.
- 16 Q All right. And how long have you known him?
- 17 A The whole five years I've been in the family.
- 18 Q So you married into the family about five years ago?
- 19 A Yes.
- 20 Q And then you moved into that residence.
- 21 A Right.
- 22 Q Okay. Now, did you know Mr. Lee's girlfriend?
- 23 A I did.
- 24 Q How well did you know her?
- 25 A She would -- they would come around maybe two or three

Thelma Jean Harris
Direct examination by Mr. Bulsa

- 1 times a month or whatever.
- 2 Q So they would actually come and visit you on Tibbs
- 3 Drive?
- 4 A Sometimes.
- 5 Q Did you ever go to their place on Miller Drive?
- 6 A I think I was there maybe once or twice.
- 7 Q Did you ever learn that she had left Mr. Lee and moved
- 8 out of the house?
- 9 A I did.
- 10 Q About when did you learn that information?
- 11 A A couple of days, actually a couple of days, after she
- 12 was missing.
- 13 Q Because you didn't know she had left and --
- 14 A No, I didn't.
- 15 Q -- and then went missing.
- 16 A No, I didn't.
- 17 Q Okay. Because we're talking about two separate
- 18 instances. Well, how did you learn that she was missing?
- 19 A Actually I got a call from my father-in-law.
- 20 Q What's his name?
- 21 A Mr. Jonathan Hunter, Sr.
- 22 Q Okay. All right. When you heard the information
- 23 what, if anything, did you do?
- 24 A I really didn't know what to think because, you know,
- 25 like I say, they came around occasionally. But it was -- I

Thelma Jean Harris
Direct examination by Mr. Bulsa

1 guess it was just strange to me because that's something I
2 know -- from knowing both of them, that's something I know
3 she personally wouldn't just disappear.

4 Q Did you have any contact with Mr. Lee after you
5 learned that she had disappeared?

6 A I did.

7 Q And where was that contact?

8 A At my home at [REDACTED] [REDACTED].

9 Q Okay. And how did Mr. Lee come to be there?

10 A And, well, this particular day my husband was getting
11 ready to go to work early. And he showed up at the door
12 early that morning, and we had a brief conversation.

13 And I said come on in, which we did, I mean, he did.
14 And we decided to take a walk. And we proceeded down the
15 back of the house, which is toward Tibbs Drive. And once
16 we got on Tibbs Drive we took the road up, back up, the
17 right side of Tibbs Drive until we reached Nazareth Church
18 Road.

19 At the time that we reached the road as soon as we got
20 on Nazareth Church Road there was a Spartanburg County car
21 behind us. So we proceeded to walk toward the top of my
22 driveway.

23 And I thought it was a good idea we probably go back
24 in because something was, you know, was going on in the
25 area. And we talked and just walked. And by the time we

Thelma Jean Harris
Direct examination by Mr. Bulsa

1 reached the top of my driveway we decided to go on in the
2 residence.

3 Q Okay. Do you remember what day of the week that would
4 have been?

5 A This had to be the day that she was found. Definitely
6 know it was the day she was found.

7 Q Okay. I'm going to put a diagram up here. If I
8 understand you correctly you said that morning he came
9 over.

10 A That morning. It was early, because I'm usually up
11 when my husband goes to work early in the morning, and I
12 usually go back to sleep. And that morning I didn't
13 because we just -- I mean, like I said, he showed up early.
14 And I was familiar it was a little out of the ordinary
15 because usually nobody comes to the house, our house, that
16 early in the morning.

17 Q How did he appear when he arrived?

18 A I would have to say he looked to me knowing him like
19 yesterday. And what I mean by that is that I remember what
20 he had on the day before. And it looked to me that he had
21 on a pair of khaki pants and a white t-shirt that he had
22 been out and about in.

23 Q Okay. Did he look normal?

24 A He looked like he was stressed out.

25 Q Okay. Did anybody else walk with you --

Thelma Jean Harris
Direct examination by Mr. Bulsa

- 1 A No.
- 2 Q -- at that time?
- 3 A Just the two of us.
- 4 Q Okay. Now, if you would, just glance up here at this
- 5 map. For the record it's State's Exhibit 76. And we show
- 6 this yellow marked as [REDACTED]. So your house would be
- 7 further down towards Nazareth Road up in this area. Do you
- 8 see where the light is?
- 9 A I would say if you coming in off of Tibbs and you
- 10 coming down.
- 11 Q Here's Nazareth, and you coming down Tibbs.
- 12 A And turn onto Tibbs. Before you get to --
- 13 Q [REDACTED]. You're somewhere over here.
- 14 A Right. We have a long driveway that has, actually
- 15 has, a piece of board on a tree that will let you know
- 16 that's [REDACTED]. If you take that left driveway,
- 17 like I said, a couple of hundred yards up to the back side
- 18 of the house.
- 19 Q And you told the jury that you -- you and he took a
- 20 walk down Tibbs Drive.
- 21 A Right. We came back down --
- 22 Q And then you walked actually down to Nazareth Church
- 23 Road.
- 24 A Right. Front side of Nazareth.
- 25 Q About how long of a walk is that?

Thelma Jean Harris
Direct examination by Mr. Bulsa

1 A From the 200 yards, I guess I estimated coming out of
2 the back of our driveway and up Tibbs turning onto Nazareth
3 maybe -- it may take us 15 or 20 minutes. We just took our
4 time and walked.

5 Q Did you notice anything going on at Tibbs Drive at
6 that time?

7 A Not really. I heard -- I got a phone call actually
8 from my father-in-law, and told me that they were going to
9 be a search party. And I was leery about even going out
10 because of that. I didn't want to be -- I didn't want to
11 get in the investigation, what they had going on.

12 Q All right.

13 A But we walked anyway.

14 Q And you say when you saw the deputy's car you came
15 back and went back to your house.

16 A Right, because I figured that then the search must be
17 getting ready to start.

18 Q All right. So you and Mr. Lee went back to your
19 house.

20 A To our house, uh-huh.

21 Q And then what happened?

22 A A few minutes after being back in the house my two
23 daughters and -- actually the four of us were talking. We
24 had a brief talk. And the search -- no, not the search
25 party. At the time they wanted to go down and see what was

Thelma Jean Harris
Direct examination by Mr. Bulsa

1 going on. And I said I didn't want to go because I felt
2 like that me going down would interfere. If I walked up on
3 her in any kind of way, I mean, I didn't want to see that.
4 So I, I stayed in the house. And the three of those
5 proceeded to go down to the back side of Tibbs Drive.

6 Q So that would have been Mr. Lee?

7 A And my two daughters, Shannon [REDACTED] and Jewell
8 Harris.

9 Q Jewell and Shannon. And you stayed up at the house?

10 A I stayed at the house. And, as a matter of fact, I
11 actually went out on the back porch because I wanted to
12 watch them walk down.

13 Q Did you stay outside?

14 A On the back, on the back deck.

15 Q And what was the next thing you did?

16 A I remember sitting in the chair. And they must have
17 been not quite at the end of the driveway when I heard a
18 scream that was so awful. I heard her brother scream, "Oh,
19 my God, Rosa." And I knew then they had found her.

20 By that time I noticed Nick and my daughters turn
21 to -- my daughter made a phone call to me that quick and
22 let me know, mom -- my oldest daughter that they had found
23 her. From the screams that I heard I knew that they had
24 found her because I heard it.

25 I wanted to grab my shoes, try to get to my shoes from

Thelma Jean Harris
Direct examination by Mr. Bulsa

1 the back deck, and go out, because I noticed Nick came back
2 up my driveway. But by the time I got up my driveway, out
3 of my -- out of my back deck and took through the house he
4 had disappeared. And that was the last time I saw him.

5 Q Did you see him running anywhere?

6 A He came through the back yard. But by the time --

7 Q Okay.

8 A -- I got up the driveway out of my back yard and
9 through my foyer to the front entrance of my porch I
10 didn't -- I didn't see him no more.

11 Q Okay. My understanding is that you actually saw him
12 running up the driveway?

13 A Coming up -- back up the driveway running. And when
14 my daughter called me I knew -- I felt like I needed to
15 have got to him before -- I don't know what was going on,
16 but I felt like I needed to have got to him and maybe just
17 kept him in the house until someone got there or whatever
18 because of what was going on. But by the time I got my
19 shoes and got out I didn't -- I didn't see him any more.

20 Q So he didn't run to your house.

21 A No.

22 Q Which direction did he run?

23 A Well, by the time I got -- all I recognized him was --
24 that when the driveway's so long that by the time I got
25 through and grabbed some shoes I just remember him coming

Thelma Jean Harris
Direct examination by Mr. Bulsa

1 up the back driveway. That's all I remember seeing. I
2 don't remember seeing him again.

3 Q All right. Well, what is -- look up here at the map
4 if you would. What is there behind your house?

5 A Behind my house there's a -- well, actually in the
6 front of my house, because we use the back deck a lot to
7 sit, but to come around it goes off into Frances and
8 then --

9 Q You're saying Frances?

10 A There's another road. Frances Drive actually is the
11 road in front of our house.

12 Q There it is right there.

13 A Right.

14 Q Okay.

15 A There's a drive -- there's another whole road right in
16 front of our house, so if you come around the front drive.

17 Q All right. Is this --

18 A It's like a hill. You go down into Frances.

19 Q All right. And is it grown up or is it clear?

20 A No. It's a clear road.

21 Q I'm talking about the area between your house and
22 Frances.

23 A There is a lot of wooded area on the right-hand side
24 that my father-in-law owned.

25 Q Okay. All right. Did it appear to you he was running

Thelma Jean Harris
Direct examination by Mr. Bulsa

- 1 towards that direction when you lost sight of him?
- 2 A I have no idea.
- 3 Q Okay. You left your driveway and continued going.
- 4 A There's so much wooded area in that area that --
- 5 Q Okay. Ma'am, let me back up a little bit. While you
- 6 were walking with him on Tibbs Drive --
- 7 A Right.
- 8 Q -- to Nazareth Road did y'all talk about Ms. Rosa at
- 9 all?
- 10 A We talked about quite a few things -- life in general,
- 11 just different things, nothing in particular, just trying
- 12 to keep his spirits up really.
- 13 Q When you saw the deputy's car did the --
- 14 A I knew there was something.
- 15 Q -- the subject of her body come up?
- 16 A No. At the time that I saw the deputy on Nazareth
- 17 Church Road we kept walking and talking. But the car kept
- 18 getting closer and closer on the back of us. And I felt
- 19 like that we needed to have -- maybe go back in because
- 20 there was fixing to be something going on.
- 21 Q Okay. All right. So you didn't actually see all the
- 22 other cars that came in earlier.
- 23 A No, I didn't. I got a phone call. I didn't actually
- 24 see.
- 25 Q Okay. All right. Did you try to call to him as he

Thelma Jean Harris
Cross-examination by Mr. Delaney

1 was running?

2 A I did, I did.

3 Q Did he respond?

4 A He was -- by the time I got out he was -- he was
5 already gone. I have no idea what direction he took.

6 Q Did he say anything back to you?

7 A No. I don't remember. I really right now don't
8 remember.

9 Q Okay.

10 A So much going on at the time.

11 Q Okay. But he definitely never came to your house
12 seeking --

13 A No.

14 Q -- any refuge or anything.

15 A He didn't.

16 Q Okay. All right. Did you see him again at any point
17 after that?

18 A No, I didn't.

19 Q Okay. All right. Thank you, ma'am. Answer any
20 questions Mr. Delaney may have.

21 MR. DELANEY: Thank you.

22 CROSS-EXAMINATION

23 BY MR. DELANEY

24 Q Good afternoon. Ms. Hunter, did -- were you -- you
25 were aware that at one point in time Mr. Lee and Ms. Rosa

Thelma Jean Harris
Cross-examination by Mr. Delaney

1 were living in that double-wide trailer on Miller Road,
2 correct?

3 A That's correct.

4 Q And that's when you had a lot of interaction with
5 them?

6 A Yes, it is.

7 Q They were at your house two to three times a month
8 approximately?

9 A That's correct.

10 Q At some point in late May or early June of 2010 did
11 you know that they were no longer together as a romantic
12 couple?

13 A Maybe prior to a -- say maybe -- I don't know -- maybe
14 a week. I want to say a week, but I didn't actually know
15 they was actually separated-separated, because she arrived
16 at my house with him on one occasion. And this was how I
17 guess I came about knowing that they actually were on-off.
18 I mean, I don't really know how to say it.

19 Q Did you know that at one point she moved to a Safe
20 Home?

21 A Yes, I did.

22 Q And did you know that she would often telephone Robert
23 Lee from the Safe Home?

24 A Yes, I did.

25 Q And did you know that she would request Robert Lee

Theima Jean Harris
Cross-examination by Mr. Delaney

1 come and pick her up from the Safe Home?

2 A Yes, I did.

3 Q And did you know that she would request that Robert
4 Lee would return her to the Safe Home?

5 A I don't know if I'll say return her, but I know on
6 occasions that -- and one particular incident when she was
7 supposed to have been living in Safe Home they were at my
8 house because he was transferring her to work that day.

9 Q And do you -- did you ever personally eye witness
10 Mr. Lee being physically violent to Mr. Rosa?

11 A No.

12 Q Did you ever personally eye witness Ms. Rosa being
13 physically violent towards Mr. Lee?

14 A No.

15 Q Do you know how Ms. Rosa gained eligibility or
16 entrance into the Safe Home?

17 A No, I don't.

18 Q Do you know if she made any allegations that Mr. Lee
19 had been physically abusive to her to get into the Safe
20 Home?

21 A Not to my knowledge.

22 Q Do you know if Ms. Rosa gained any financial benefit
23 or any financial gain, whether it be through an actual
24 monetary contribution or through a government program, by
25 being in that Safe Home?

Thelma Jean Harris
Redirect examination by Mr. Bulsa

1 A Not to my knowledge.

2 Q In your opinion, Ms. Hunter, was Rebecca Rosa fearful
3 of Robert Lee?

4 A I don't think so.

5 MR. DELANEY: No further questions.

6 REDIRECT EXAMINATION

7 BY MR. BULSA

8 Q Did you ever witness them arguing about any matters?

9 A I'm not going to say actually it was an argument. The
10 day in particular I'm talking about is the day that he
11 transferred her to work.

12 And when I opened the door they were there. And they
13 seemed pretty -- like a couple that was trying to reconcile
14 or whatever. And they came in and like they needed to talk
15 or whatever. And they did briefly, because she was getting
16 ready to go to work.

17 But there was a few things said that she made the
18 comment to me that, you know, he doesn't listen to what I
19 say. And I'm like, well, maybe you guys need to take time
20 and start listening to each other. And I gave them space.
21 I gave them time to talk to each other that day. And they
22 talked to each other. And I assume that he took her on to
23 work.

24 Q Did she cry in your presence?

25 A She did, she did. She wanted to work things out

Thelma Jean Harris
Redirect examination by Mr. Bulsa

1 because of the children. She wanted to -- no matter what
2 happened in this, with this situation, she wanted him to
3 still be able to see the children or whatever. And she let
4 it be known.

5 Q Do you remember what day that was?

6 A I knew it was a day that she worked, but I'm not
7 actually for sure exactly the date.

8 Q How close in time was that to when she was found?

9 A A couple of weeks.

10 Q A couple of weeks?

11 A A couple of weeks.

12 Q So apparently sometime after she left the Safe Homes
13 you had knowledge, personal knowledge --

14 A Right.

15 Q -- that they were trying to work things --

16 A Right.

17 Q -- out for the sake of the children.

18 A Right.

19 Q But she teared up. She was upset enough to cry about
20 something.

21 A Yeah, because she felt like he didn't listen to her
22 that things she -- to try to work this thing out and that
23 it was one sided most of the time. And, you know, they
24 talked to each other. And I assumed that when they left
25 there things were okay because they left there pretty much

Thelma Jean Harris
Recross-examination by Mr. Delaney

1 on goods terms.

2 Q But they stayed separated.

3 A Yeah, they did.

4 Q Thank you, ma'am.

5 MR. BULSA: That's all I have.

6 RECROSS-EXAMINATION

7 BY MR. DELANEY

8 Q Ms. Hunter, you -- you again were aware that in
9 approximately late May or early June of 2010 Ms. Rosa moved
10 into a Safe Home and separated, broke up with Robert Lee,
11 correct?

12 A Correct.

13 Q Do you know if Ms. Rebecca Rosa was romantically
14 involved with another male at that time?

15 A Not personally myself. I don't -- I wouldn't know
16 that.

17 Q Are you sure?

18 A I'm sure.

19 MR. DELANEY: No further questions.

20 MR. BULSA: Nothing further, Your Honor.

21 THE COURT: You may step down.

22 We are going to recess for the afternoon. So I'll
23 remind the jury to keep in mind the caution I've previously
24 given you. No discussions, no media exposure, no
25 investigation, no research.

1 Do have a good evening. Please report to your jury
2 room at 9:30 in the morning, at 9:30 in the morning. Have
3 a good afternoon.

4 (The following takes place outside the presence of the
5 jury.)

6 THE COURT: Court is in recess until 9:30 in the
7 morning.

8 END OF PROCEEDINGS NOVEMBER 29, 2011

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 (Proceedings November 30, 2011)

2 (The following takes place outside the presence of the
3 jury.)

4 THE COURT: Any matters that need to be addressed
5 before the jury is brought in?

6 MR. BULSA: None by the state.

7 MR. DELANEY: No, sir.

8 THE COURT: Bring them in.

9 (The following takes place in the presence of the
10 jury.)

11 THE COURT: Good morning, ladies and gentlemen.

12 I understand that there are some number of jurors that
13 wish to have a pad to take notes during the course of the
14 trial, and that's permissible.

15 There was a time when note-taking was not permitted,
16 and there was a good reason for that. There obviously is a
17 good reason for taking notes if you feel it is necessary,
18 but you can tell often as much about the credibility and
19 the believability of a witness' testimony by watching a
20 witness as they testify as you can by hearing what they
21 have to say, because demeanor is one of the factors that
22 you take into consideration when assessing a witness'
23 credibility and believability. If you spend a lot of time
24 taking notes and looking down at your notepads and not
25 watching the witness you miss out on that particular

1 factor.

2 And obviously there are good reasons for taking notes,
3 is if there's a lot of testimony, and especially if it's
4 complicated testimony, then it might assist the note-taker
5 in remembering the testimony or remembering certain facts
6 they wish to remember.

7 In any event, some jurors have asked to take notes,
8 and those pads and pens have been provided to those jurors.
9 Please understand however that the note-taking is for the
10 benefit of the juror taking the notes. It is not for the
11 benefit of any other juror. And no juror is to rely upon
12 another juror's taking of notes as being what was testified
13 as a fact during the trial.

14 If you have a question about a witness' testimony and
15 you have a disagreement about it when you go back to begin
16 deliberations, you are permitted to have that testimony
17 replayed in whole or in part if you need to.

18 So while you may take notes, they are for the
19 note-takers own benefit. They're not to be relied upon by
20 any other juror.

21 Okay. All right. We'll continue with the state's
22 presentation.

23 MR. BULSA: The state calls Jewell Harris.
24
25

Jewell Harris
Direct examination by Mr. Bulsa

- 1 JEWELL HARRIS, having been
2 first duly sworn, testified as follows:
3 DIRECT EXAMINATION BY MR. BULSA
4 Q Good morning, Ms. Harris.
5 A Good morning.
6 Q Please introduce yourself to the jury.
7 A My name is Jewell Harris.
8 Q Where do you live, Ms. Harris?
9 A [REDACTED].
10 Q How old are you, ma'am?
11 A Twenty-five.
12 Q How long have you lived at that residence?
13 A About two years off and on.
14 Q Who do you live with?
15 A My mother.
16 Q Is that Ms. Hunter that we saw yesterday?
17 A Yes, Thelma Hunter.
18 Q Ma'am, do you know Robert Lee?
19 A Yes. He is my cousin.
20 Q How close of a cousin?
21 A He is a step-cousin.
22 Q Okay. Would you see him often?
23 A Sometimes.
24 Q How well did you know his girlfriend Rebecca Rosa?
25 A I didn't know her well.

Jewell Harris
Direct examination by Mr. Bulsa

- 1 Q Did you know who she was?
- 2 A Yes.
- 3 Q Okay. Did you know that she left him at some point
- 4 prior to June of 2010?
- 5 A I heard.
- 6 Q You just heard. Okay. All right. So did you have
- 7 any contact with her at all after she left?
- 8 A No. I just remember her coming over to the house.
- 9 Q Okay. Do you remember when?
- 10 A Maybe a week before she came missing.
- 11 Q Okay. Who was she with when she came over there?
- 12 A With Robert Lee.
- 13 Q Okay. So she apparently left and then reestablished
- 14 contact.
- 15 A Yes.
- 16 Q Okay. And how were they acting at that point?
- 17 A They was fine to me.
- 18 Q Did you know where she was living?
- 19 A No. I just heard rumors about the Safe House, really
- 20 didn't know.
- 21 Q Okay. Did you know she was at Prince Hall Apartments?
- 22 A I heard.
- 23 Q Okay. All right. Now, when did you learn that
- 24 Rebecca went missing?
- 25 A I don't know. My mom told me, but I seen it on the

Jewell Harris
Direct examination by Mr. Bulsa

1 news.

2 Q Okay. Would that have been the first part of that
3 week?

4 A Yes.

5 Q All right. And do you recall anything happening on
6 your road around that timeframe?

7 A Not really.

8 Q Okay. Do you remember seeing Robert Lee after you
9 learned that Ms. Rosa was missing?

10 A Yes.

11 Q And where did you see him?

12 A He was at the house.

13 Q Do you remember what day of the week that was?

14 A I think it was the day they found her.

15 Q The day they found her. Okay. Do you remember when
16 he came over there that day?

17 A I wasn't there at the time. I had an appointment at
18 the One Stop Career Center.

19 Q Okay. So tell us how you came to know he was there.

20 A I got home. My cousin took me to the appointment, and
21 I came back around maybe 10:15 to 10:30, and I came in the
22 house. I didn't suppose anybody was there because there
23 wasn't a car there. But when I came in the living room
24 area -- I guess the dining room area -- it was Robert Lee
25 and my mom and my sister. And I had my little girl with

Jewell Harris
Direct examination by Mr. Bulsa

1 me.

2 Q Okay.

3 A And we was just sitting in. They was already talking.
4 And we was just sitting there, I mean, just having a
5 conversation or whatever. It wasn't about nothing.

6 Q Did you ever leave the house after that?

7 A Yes.

8 Q Where did you go?

9 A We had heard there was going to be a search party for
10 her down the road from where the house is. So me, my
11 sister and Robert Lee and my girl decided to go down the
12 road.

13 Q And how old was your little girl?

14 A She's three.

15 Q Three. So when you say go down the road, tell us
16 where you went.

17 A At the back of the house is a driveway off -- it's off
18 coming onto Tibbs. And I remember walking down there with
19 him and my sister and my child. And we got down to the
20 bottom of the driveway.

21 We was going to walk to the left, but by the time I
22 got to the end I heard a sound. And I remember me saying,
23 well, I didn't see any cars or nothing but, you know what
24 I'm saying, maybe we need to go back to the house because I
25 didn't see anyone. But I did hear a loud noise.

Jewell Harris
Direct examination by Mr. Bulsa

1 And as we proceeded to go back up to the driveway to
2 go home the sounds got louder or whatever. And I remember
3 seeing her brother run from the house across. It was kinda
4 like some woods right there or something there. You
5 couldn't really see. I just knew it was a figure coming
6 headed my way or whatever. And by that time Robert Lee
7 ran.

8 Q All right. Ma'am, do you remember giving a statement
9 to the police?

10 A Yes.

11 Q Okay. In the statement did you tell the police that
12 you walked towards the sound?

13 A No. We didn't -- we didn't make it out, not
14 completely out the driveway, maybe three steps from the
15 driveway. We didn't make it all the way down the road.

16 Q Okay. Let me show you this. Is that your signature?

17 A Yes, that's mine.

18 Q Read over to yourself if you would. Start, "walking
19 down the street," over to yourself.

20 (Pause.)

21 A Yeah. But we didn't start walking until after the
22 fact of seeing her brother and them. That's when me and my
23 sister went on down the road. We wasn't with him then.

24 Q Okay. What did Mr. Lee do when you heard the screams?

25 A Ran.

Jewell Harris
Direct examination by Mr. Bulsa

- 1 Q Okay. And was anybody chasing him?
- 2 A Yes. We had saw her brother. It was -- he was from a
- 3 distance like it was bushes right here. And we could see a
- 4 figure because where the lady's house is it's like a
- 5 deep -- a deep what ya call it into her yard, and then it
- 6 goes out.
- 7 Q You didn't tell the police that.
- 8 A That's how it was. There was a lot of stuff told.
- 9 Q You told the police that no one was chasing him.
- 10 A No. It was her brother. I remember his [sic]
- 11 brother.
- 12 Q But did you tell the police that no one was chasing
- 13 him?
- 14 A I don't recall saying that.
- 15 Q Was it in your statement?
- 16 A No. I didn't see it there, but I don't recall it.
- 17 They was asking so many questions, so.
- 18 Q Excuse me?
- 19 A They was asking a lot of questions like the same stuff
- 20 over and over.
- 21 Q And they wrote it down.
- 22 A Yeah.
- 23 Q And you read it and signed it.
- 24 A Yeah.
- 25 Q And in that statement you wrote -- you signed that no

Jewell Harris
Direct examination by Mr. Bulsa

1 one was chasing him.

2 MR. DELANEY: He is leading the witness, Your Honor.
3 I object.

4 THE COURT: Overruled.

5 Q Huh?

6 A I saw what I saw. And I saw him running. I saw the
7 brother. And I also saw the sister too standing with
8 somebody at the top of the road.

9 Q And then you -- you and Shannon went down toward the
10 screaming --

11 A Yeah.

12 Q -- while your cousin was running away from the
13 screaming.

14 A Yeah.

15 Q Okay. And did you see him again?

16 A No.

17 Q Did you try to contact him?

18 A No.

19 Q Did your mother try to contact him?

20 A I believe so, but I'm not sure.

21 Q Do you know if he answered his phone when she called?

22 A I really don't know.

23 Q Once again, I refer you to your statement. Just read
24 that paragraph to yourself.

25 A I really don't recall. She might have had tried to

Jewell Harris
Cross-examination by Mr. Delaney

1 call, but I don't remember.

2 Q Isn't that what you told the police?

3 A This has been a while, so I don't know. I don't
4 recall.

5 Q Okay. Thank you, ma'am. That's all I have.

6 CROSS-EXAMINATION

7 BY MR. DELANEY

8 Q Good morning.

9 A Good morning.

10 Q Did Rebecca and Robert come to your home and visit two
11 or three times per month? Would you say that's accurate?

12 A Well, I know -- I really wouldn't know because I was
13 in and out of the house, but I have saw her there with him.

14 Q Have you ever seen Mr. Lee be physically violent
15 toward Ms. Rosa?

16 A No.

17 Q Have you ever seen Ms. Rosa be physically violent
18 towards Mr. Lee?

19 A No.

20 MR. DELANEY: No further questions.

21 THE COURT: You may step down.

22 MR. GRAHAM: The state calls George Gist.

23

24

25

George Gist
Direct examination by Mr. Graham

1 GEORGE GIST, having been first
2 duly sworn, testified as follows:

3 DIRECT EXAMINATION BY MR. GRAHAM

4 Q Good morning, Mr. Gist. Would you please introduce
5 yourself to the jury?

6 A My name is George Gist. I live at [REDACTED].

7 Q Okay. Do you know Robert Lee?

8 A Yeah, I know him.

9 Q How do you know him?

10 A By his aunt, Betty Miller.

11 Q Okay. Do you know -- did you know Rebecca Rosa?

12 A I had seen her, but I really didn't know her.

13 Q Okay. Where had you seen her?

14 A Over to -- over in the house when I was up to Betty
15 Miller. I seen her in her yard, you know.

16 Q Okay. When did you realize that Ms. Rosa had gone
17 missing?

18 A When, when his aunt, Robert Lee's aunt, told me --
19 Betty Miller.

20 Q Okay. Do you remember what day that was, what day of
21 the week?

22 A No. I don't recall.

23 Q Or how closely in time it was after she went missing?

24 A Probably a couple of days before.

25 Q Okay. Do you remember the day that she was found?

George Gist
Direct examination by Mr. Graham

- 1 A Yeah, I remember it.
- 2 Q You remember. Okay. Did Robert Lee come to your
3 house that day?
- 4 A Yes, he did.
- 5 Q About what time did he come?
- 6 A I would say between 12:00 and 1:00.
- 7 Q Between 12:00 and 1:00.
- 8 A Uh-huh.
- 9 Q When he arrived at your house was he -- did it appear
10 he had been running?
- 11 A Yeah, it appeared, yeah.
- 12 Q How so? Was he sweaty?
- 13 A Yeah, and kind of like he might have been tired, you
14 know.
- 15 Q He was out of breath.
- 16 A Right.
- 17 Q Was he nervous or anxious?
- 18 A He seemed a little, a little, a little nervous.
- 19 Q Okay. And when he came to your house, what happened
20 then?
- 21 A Well, when he came my niece let him in. I didn't -- I
22 wasn't -- she went to the door and she let him in. And he
23 came on in where I was and asked me to carry him to the
24 Reidville Road.
- 25 Q Okay. And you said you knew Robert Lee from his aunt.

George Gist
Direct examination by Mr. Graham

- 1 But had he ever been to your house before?
- 2 A No, he hadn't.
- 3 Q Okay. I'll show you what's been marked State's
- 4 Exhibit 76. Do you see Nazareth Road there?
- 5 A Yeah.
- 6 Q Okay. Which direction? Where is your house on
- 7 Nazareth Road? If it's not on this map, just point. You
- 8 know, is it down here --
- 9 A Uh-huh.
- 10 Q -- or is it -- which direction? Can you tell?
- 11 A Let me think. The 4-way stop you take --
- 12 Q This is Tibbs Drive up here.
- 13 A Yeah. I'm on down here.
- 14 Q You're down here. This is the 4-way stop right here.
- 15 A Where the 4-way stop at?
- 16 Q Right here.
- 17 A Okay. Well, you go to your -- this is the way to my
- 18 house.
- 19 Q Up here?
- 20 A You don't go that far.
- 21 Q Okay.
- 22 A At the 4-way stop you go to your left.
- 23 Q So you'd be right up in here?
- 24 A Yeah.
- 25 Q Okay. But you're on Nazareth Road though.

George Gist
Direct examination by Mr. Graham

- 1 A Yeah, Nazareth Road.
- 2 Q You'd be right about here maybe.
- 3 A Well, yeah, yeah.
- 4 Q Okay. And he tell -- he asked you when he first asked
- 5 you to take him somewhere, he asked you to go to Reidville
- 6 Road?
- 7 A Yes.
- 8 Q Okay. Where did you end up taking him?
- 9 A To James Creek Apartments.
- 10 Q And why did you change locations?
- 11 A That's what he asked me to, he said, well, just drop
- 12 me off at James Creek.
- 13 Q Okay. Approximately how far is it from Tibbs Drive to
- 14 your house?
- 15 A Maybe a quarter of a mile, say.
- 16 Q Okay. While you were taking him to James Creek did he
- 17 say anything?
- 18 A Well, no, he didn't at that time when he got in the
- 19 car.
- 20 Q Okay.
- 21 A But, you know, I asked him -- seemed like, you know,
- 22 he kind of slumped down in the seat, and I asked him what
- 23 was the matter. He said nothing. So I drove him on where
- 24 he asked me to carry him.
- 25 Q Okay. And where did you let him out?

George Gist
Direct examination by Mr. Graham

- 1 A At James Creek Apartment.
- 2 Q Okay. About what time was this?
- 3 A I'd say around 12:30, something to 1:00 maybe,
- 4 somewhere in that neighborhood.
- 5 Q Did he give you any reasons as to why he changed
- 6 locations?
- 7 A No.
- 8 Q He just -- he told you Reidville Road first.
- 9 A Yeah.
- 10 Q And he said while you were en route to Reidville Road,
- 11 he said, no, just drop me off right here?
- 12 A Right.
- 13 Q Okay. Did this appear suspicious to you or out of the
- 14 ordinary?
- 15 A Well, kind of, you know, kind of but --
- 16 Q Did you ask him any questions?
- 17 A No, I didn't.
- 18 Q Okay. Please answer any questions the defense
- 19 attorney may have.
- 20 MR. DELANEY: No questions.
- 21 THE COURT: Step down.
- 22 MR. BULSA: We ask Mr. Guess be excused.
- 23 THE COURT: He may be.
- 24 (Whereupon, the witness was excused.)
- 25 MR. BULSA: The state calls Jennifer Carrion.

Jennifer Carrion
Direct examination by Mr. Bulsa

- 1 JENNIFER CARRION, having been
2 first duly sworn, testified as follows:
3 DIRECT EXAMINATION BY MR. BULSA
4 Q Ms. Carrion, please introduce yourself to the jury.
5 A My name is Jennifer Carrion.
6 Q And, ma'am, do you know the parties in this case?
7 A Yes, I do.
8 Q How do you know them?
9 A I know them very well. I know Becky from where I
10 worked with her at Food Lion and I know Robert Lee through
11 Becky. And they both babysat my son. And I spent lots of
12 time at their house.
13 Q When you worked at Food Lion, what was your job at
14 Food Lion?
15 A I was a front-end sales assistant.
16 Q Okay. And how did you interact with Becky there?
17 A I was technically her supervisor, but I was more of a
18 friend to her. And we just became friends. We started
19 hanging out outside of work.
20 Q What was her actual job at Food Lion?
21 A She was a cashier.
22 Q And what did Mr. Lee do at Food Lion?
23 A I wasn't there when he worked there, but he did work
24 in deli-bakery.
25 Q Okay. So when did you stop working in Food Lion?

Jennifer Carrion
Direct examination by Mr. Bulsa

- 1 A In May of 2009.
- 2 Q And did Ms. Rosa continue to work there?
- 3 A Uh-huh.
- 4 Q Yes?
- 5 A Yes, she did.
- 6 Q Yes or no.
- 7 A Yes.
- 8 Q Okay. So Mr. Lee would have started after you left.
- 9 A Yes.
- 10 Q Okay. How do you know that he actually worked there?
- 11 A Because I would see him working there.
- 12 Q Did you go to visit?
- 13 A Yes. I would speak to him at work.
- 14 Q Okay. So you said you became friends with Becky. Was
- 15 it through meeting her at work?
- 16 A Yes, through meeting her at work.
- 17 Q And after you left Food Lion you continued to have
- 18 contact with her --
- 19 A Yes.
- 20 Q -- and Mr. Lee.
- 21 A Yes.
- 22 Q You said that they babysat or Mr. Lee babysat your
- 23 child.
- 24 A Yes. They both did. They babysat my son, yes.
- 25 Q Okay. And where did they babysit your son?

Jennifer Carrion
Direct examination by Mr. Bulsa

- 1 A At Miller Drive.
- 2 Q Okay. Is that [REDACTED]?
- 3 A Yeah, [REDACTED].
- 4 Q That was the home they were living in together.
- 5 A Yes.
- 6 Q Okay. How did you learn that she had, she and he had,
7 separated?
- 8 A I had learned through -- well, I learned they'd been
9 fighting. It all started over a post on My Space. It was
10 over --
- 11 Q Don't go into that.
- 12 A Oh, okay.
- 13 Q You knew they were having trouble.
- 14 A Yeah, they were having trouble.
- 15 Q When did you learn that she had left?
- 16 A I learned she had left I guess probably about a month
17 before she went missing.
- 18 Q So that would have been sometime in May?
- 19 A Yeah.
- 20 Q Did you -- did she ever contact you during that
21 timeframe?
- 22 A No, and I think it was because I was close with Robert
23 Lee, and I think she was just trying to, you know, distance
24 herself.
- 25 Q Okay. But you continued to have contact with Mr. Lee

Jennifer Carrion
Direct examination by Mr. Bulsa

1 during that timeframe.

2 A Yes, I did.

3 Q How so?

4 A I would just hang out with him trying to raise his
5 spirits up because he was kinda distressed because she was
6 gone. And me and a couple of other friends were just
7 trying to bring him back up because he was, you know,
8 depressed.

9 Q Was he trying to find her?

10 A He, he was saying things like, you know, she has run
11 away before, she'll come back, you know. And he, he kind
12 of looked but not really.

13 Q Okay. Did he ever during that timeframe tell you that
14 he did eventually find her and reestablish contact?

15 A He did tell me that he found out where she was. He
16 told me that he found out that Tyler had taken her to a
17 safe home. And I, I never found out about the Prince Hall
18 Apartment. So I didn't know about the Prince Hall
19 Apartment situation.

20 Q So as far as you know she was at Safe Home.

21 A Yes.

22 Q Okay. And when did you learn she'd actually went
23 missing?

24 A I learned she had went missing through the television.

25 Q Through the news?

Jennifer Carrion
Direct examination by Mr. Bulsa

- 1 A Yeah, through the news. I saw it on the news that she
2 was missing.
- 3 Q Do you remember what day of the week that would have
4 been?
- 5 A That was probably Monday.
- 6 Q Monday?
- 7 A Yeah.
- 8 Q Okay. Now, think back to the weekend before that
9 Monday. Did you have contact with Mr. Lee at any time?
- 10 A Yes, I did.
- 11 Q When?
- 12 A On, on Sunday.
- 13 Q And what kind of contact did you have with him?
- 14 A I let him watch my son on Sunday.
- 15 Q And how did you make those arrangements?
- 16 A I just went by his house.
- 17 Q What time of the day was it?
- 18 A It was the afternoon.
- 19 Q And how did he seem to you at that point?
- 20 A He was still kind of down, you know. He had been
21 down. You know, he was just kind of, you know, sullying,
22 kind of like, you know, just like he was -- like he had
23 lost meaning in his life.
- 24 Q Okay. All right. Now, that was Sunday. Then Monday
25 you heard she was missing.

Jennifer Carrion
Direct examination by Mr. Bulsa

- 1 A Yes.
- 2 Q Did you have contact with Mr. Lee after that?
- 3 A Yes, I did on Tuesday.
- 4 Q And how did you come to be in contact with him then?
- 5 A He called me.
- 6 Q Approximately what time of the day did he call you?
- 7 A It was around 11:30 or 12:00 o'clock, around in that
- 8 time.
- 9 Q What was the reason for his call?
- 10 A He wanted me to pick him up.
- 11 Q And did you?
- 12 A Yes, I did.
- 13 Q And where did you pick him up?
- 14 A I picked him up on a side road alongside a church.
- 15 Q Do you know what part of town that was in?
- 16 A It was near Miller Drive.
- 17 Q Okay. So you didn't go to his home and pick him up.
- 18 A No, I didn't go to his home and pick him up.
- 19 Q Was he at anybody's residence?
- 20 A He, he was at a family -- he said the property was his
- 21 family member's, but he was related to everybody around
- 22 there, so everybody was his family member. So it didn't
- 23 surprise me that, you know, someone was his family member.
- 24 Q You said it was a side road.
- 25 A Yeah. It was like a -- like here's the church, and

Jennifer Carrion
Direct examination by Mr. Bulsa

1 then there's like a gravel road alongside the church.

2 Q Did he come out of a house when you met him?

3 A He, he came out from like alongside a house.

4 Q Okay. All right. Did that seem odd to you?

5 A A little bit, but, you know, I just -- he would --
6 he'd been doing odd things, you know.

7 Q At that time did you know that they were out searching
8 for Becky?

9 A I knew people were looking for Becky, yes.

10 Q Okay. But that day in particular did you know that
11 people were out looking for her?

12 A No, I didn't know.

13 Q Okay. So at the time he called you didn't know that
14 there was any connection.

15 A No. I didn't know anything about like the search
16 party or anything like that.

17 Q Had you ever picked him up in that kind of fashion
18 before?

19 A No, no.

20 Q All right. So you picked him up. And what happened
21 then?

22 A He, he told me to drive, and so I did. And we headed
23 out. And we, we started out towards Spartanburg, and we
24 went towards Reidville Road kind of like, almost like,
25 we're going to Kensington Manor in a way. But then all of

Jennifer Carrion
Direct examination by Mr. Bulsa

1 a sudden he changed direction. He was like, no, turn this
2 way. And so then we went down some other streets and back
3 and forth until like I didn't really know where I was
4 going. And then eventually we wound up near a J.D. Byrider
5 where he decided he would get out.

6 Q Do you know what street that was on?

7 A I think it was 221.

8 Q 221.

9 A Uh-huh.

10 Q Okay. What was the conversation about during that
11 trip?

12 A Just where Becky was, how she was doing and whether
13 she was okay or not, you know, just her general welfare
14 and --

15 Q What was his comments to you?

16 A He, he just said things like how he had been receiving
17 threatening phone calls and people threatening his life and
18 people threatening Becky's life and that he had called the
19 police and they didn't do anything.

20 Q Did he give you any time reference as to when these
21 threats supposedly were made?

22 A The previous day.

23 Q Monday?

24 A Yes.

25 Q Did he indicate who was making those threats to

Jennifer Carrion
Direct examination by Mr. Bulsa

- 1 himself and Becky?
- 2 A He didn't know. He just said it was a male.
- 3 Q He said a male was calling and making threats against
- 4 him as well as Becky?
- 5 A Yes.
- 6 Q How long was he actually in your car approximately?
- 7 A Probably about 20 minutes, I guess. As long as it
- 8 takes to get from his house to Spartanburg.
- 9 Q He was actually giving you directions.
- 10 A Yeah. He was telling me, you know, turn left here,
- 11 turn right here, you know.
- 12 Q You dropped him off.
- 13 A Yeah. Well, we had stopped.
- 14 Q Beside the road?
- 15 A We stopped at a gas station, and I picked him up a
- 16 Power Aid and then I dropped him off.
- 17 Q Was it beside the road you dropped him off?
- 18 A It was -- it was in the parking lot of J.D. Byrider.
- 19 He made a phone call to somebody, and I guess whoever was
- 20 going to meet him there, and so that's when he got out.
- 21 Q Do you know who he called?
- 22 A No.
- 23 Q Did he call anybody else?
- 24 A No.
- 25 Q So he made one phone call while he was in your car.

Jennifer Carrion
Cross-examination by Mr. Delaney

1 A Yes.

2 Q Okay. And did you ever take this information to the
3 police?

4 A Yes, I did.

5 Q How so?

6 A Once I found out that Robert Lee was wanted I went to
7 the police because I didn't want to be implicated in
8 anything, and so just to protect myself I went to the
9 police.

10 Q Did you kind of connect the drops and realize you had
11 driven him away --

12 A Yes.

13 Q -- from where Becky had been?

14 A Yeah.

15 Q Okay. Thank you, ma'am. Answer any questions
16 Mr. Delaney may have.

17 CROSS-EXAMINATION

18 BY MR. DELANEY

19 Q Good morning.

20 A Good morning.

21 Q So you knew both Robert Lee and Rebecca Rosa very
22 well.

23 A Yes, I did.

24 Q Did you know a gentleman -- you were -- at Food Lion
25 you were Becky's supervisor?

Jennifer Carrion
Cross-examination by Mr. Delaney

- 1 A Yes.
- 2 Q And was Marvin your boss? Did you know a gentleman
- 3 that worked at Food Lion by the name of Marvin?
- 4 A Do you mean Melvin?
- 5 Q I'm sorry. Tyler.
- 6 A Oh, Tyler. Yeah, I knew Tyler.
- 7 Q Is Tyler the gentleman that assisted Rebecca to get
- 8 into the Safe Home?
- 9 A That's what I heard. That's what I was told.
- 10 Q Do you know anything about how he assisted her in
- 11 doing that?
- 12 A Just that he took her to the Safe Home, which I always
- 13 thought was a little odd.
- 14 Q Do you know why Becky needed to go to a safe home?
- 15 A No.
- 16 Q Have you ever been Robert Lee be violent towards her?
- 17 A No.
- 18 Q Have you ever been Rebecca Rosa be violent towards
- 19 him?
- 20 A No.
- 21 Q Do you know why they separated in May of 2010?
- 22 A I believe it was over just jealousy, because there was
- 23 some pictures posted on line of Robert Lee with somebody
- 24 else. And then, you know, Robert Lee heard things that
- 25 Becky was with somebody else. So it was just mutual

Jennifer Carrion
Cross-examination by Mr. Delaney

1 jealousy.

2 Q Do you know if -- do you know specifically if Becky
3 had begun dating someone else?

4 A No, not specifically.

5 Q Do you know if Ms. Rosa has -- has ever run away
6 before since you've known her, been gone for a few days or
7 anything of that nature?

8 A I had heard that she had, but I didn't physically
9 witness it. It was all told to me that it was part of her
10 prior lifestyle, like she used to run away a lot.

11 Q Did you know -- so do you know that Becky stayed in a
12 Safe Home for some period of time?

13 A Yes.

14 Q And was that in May of 2010 up until early June of
15 2010?

16 A Well, that's -- that's what I had assumed, that she
17 was still in the Safe Home. I, I never found out about the
18 apartment.

19 Q Did you know if she ever called Robert Lee while she
20 was in the Safe Home?

21 A Yes. She did.

22 Q And would she request that Robert Lee come and pick
23 her up from the Safe Home?

24 A I don't know about picking her up. I know that they
25 had talked about him visiting the kids.

Jennifer Carrion
Cross-examination by Mr. Delaney

1 Q On -- about the time on the Sunday when Becky had gone
2 missing, on that Sunday, you dropped your son off at Robert
3 Lee's house?

4 A Yes.

5 Q Was that on Miller Drive?

6 A Yes.

7 Q Did you notice any major mood changes in Mr. Lee on
8 that Sunday?

9 A He was just -- he was very quiet.

10 Q And had he been quiet for some time?

11 A Yes, because he hadn't been sleeping.

12 Q And that had been -- how long had that been going on?

13 A For a couple of days.

14 Q And after Becky had left him in mid May did you notice
15 a major mood change in him at that point?

16 A He had when she left -- he had many mood fluctuations.
17 It would go from elation to aggravation, to depression, to
18 just -- just going through the motions of a breakup.

19 Q So on the -- on the Sunday that you dropped your son
20 off there for him to babysit you didn't see anything out of
21 the ordinary in his mood, did you?

22 A No, because it was the same way he had been the past
23 couple of days.

24 Q Do you know if Tyler still works at Food Lion?

25 A I saw him there about a month ago. So I think he

Jennifer Carrion
Redirect examination by Mr. Bulsa

1 does, yes.

2 Q Do you know his last name?

3 A Grooms.

4 Q Can you spell that for me?

5 A G-R-O-O-M-S.

6 Q Thank you.

7 MR. DELANEY: No further questions.

8 MR. BULSA: Just briefly if I may, Your Honor.

9 REDIRECT EXAMINATION

10 BY MR. BULSA

11 Q When you referenced that he was very quiet and hadn't
12 been sleeping for a couple of days --

13 A Uh-huh.

14 Q -- what do you mean by a couple of days?

15 A Like he's -- he told me that his sleep was very poor,
16 that he hadn't been sleeping very well.

17 Q Is that what he told you that Sunday?

18 A Yeah. And that's why he said that he -- he'd started
19 staying over at his aunt Bet's house.

20 Q How long do you know he'd been staying over at her
21 house?

22 A Just for a few nights.

23 Q Thank you.

24 MR. BULSA: That's all.

25 THE COURT: You may step down.

Cintyna Travis
Direct examination by Mr. Graham

- 1 MR. BULSA: We ask she be excused if she desires to.
2 THE COURT: She may be.
3 (Whereupon, the witness was excused.)
4 MR. GRAHAM: The state calls Cintyna Travis.
5 CINTYNA TRAVIS, having been
6 first duly sworn, testified as follows:
7 DIRECT EXAMINATION BY MR. GRAHAM
8 Q Good morning, Ms. Travis.
9 A Good morning.
10 Q Please introduce yourself to the jury.
11 A My name is Cintyna Travis.
12 Q Ms. Travis, do you know Robert Lee?
13 A I do.
14 Q How do you know him?
15 A I went to elementary school with him.
16 Q Elementary school.
17 A Uh-huh.
18 Q So how many years have you known him?
19 A A good 10 or 15.
20 Q Okay. Up until the time of this incident had you been
21 in contact with him?
22 A Probably like a week prior is most recently, and then
23 over the years.
24 Q A week prior to Rebecca going missing?
25 A Uh-huh.

Cintyna Travis
Direct examination by Mr. Graham

- 1 Q Who initiated this contact?
- 2 A I did.
- 3 Q You did. Okay. And what was the nature of this
- 4 contact?
- 5 A Just calling just to check up, you know, catch up,
- 6 because we hadn't talked in a while.
- 7 Q Okay. And how often did you talk to him during this
- 8 week span?
- 9 A Probably like every day almost.
- 10 Q Okay. Every day. Did you hang out with him at all?
- 11 A Uh-huh.
- 12 Q Okay. Where was this relationship headed?
- 13 A I don't know yet, I mean, probably like rekindling old
- 14 feelings or what not, but right then and there it was just
- 15 friends.
- 16 Q So it could have gone -- could have ended up being a
- 17 romantic relationship.
- 18 A Uh-huh.
- 19 Q Okay. When did you learn that Rebecca Rosa had gone
- 20 missing?
- 21 A That Saturday.
- 22 Q Okay. How did you learn that?
- 23 A From Robert.
- 24 Q Okay. And how did he tell you?
- 25 A He just told me that she hadn't come home and that her

Cintyna Travis
Direct examination by Mr. Graham

1 family and stuff, they were looking for her or what not
2 because she ain't came home.

3 Q Okay. Was this a phone conversation?

4 A Uh-huh.

5 Q How many times did you talk that day on Saturday?

6 A Once.

7 Q And what time about?

8 A That night. It had to have been probably about
9 8:00 or 9:00 at night.

10 Q Okay. Did you have any contact with him on Sunday?

11 A I did.

12 Q What type of contact?

13 A Phone and personal, face to face.

14 Q Okay. Did he come to your apartment?

15 A He did.

16 Q And what time did he come?

17 A It was at night probably about 6:00 or 7:00.

18 Q How long did he stay?

19 A Until about 10:00, 10:30 or 11:00.

20 Q What you and Robert do?

21 A We talked about Becky being gone, how he was worried
22 and stuff like that.

23 Q Did he say he was looking for her or was going to look
24 for her?

25 A He said he had been trying to call her, was the main

Cintyna Travis
Direct examination by Mr. Graham

1 thing, that he had been trying to call her or whatever to
2 see what was wrong.

3 I asked him about the kids, if they were okay. He was
4 like that they were with her parents or what not.

5 Q Did he say anything about her relationship or his
6 relationship with her?

7 A He told me that they had broken up, that he was happy
8 that, you know, she was moving on. She had, she had her
9 own place.

10 Q Did anything seem out of the ordinary during this
11 Sunday night visit?

12 A Not really. He was -- other than that he was pretty
13 quiet. The only thing that seemed odd to me was that when
14 he came he had a box of Episom salt. I thought that was
15 odd, but I didn't question it.

16 Q Was this Episom salt in his car?

17 A No. It was in -- it was in my apartment.

18 Q He brought it with him?

19 A Uh-huh.

20 Q Okay. Monday. Did you have any contact with him on
21 Monday?

22 A I did.

23 Q Okay. What was the nature of this contact?

24 A A phone conversation. He had asked me to pick him up
25 from work.

Cintyna Travis
Direct examination by Mr. Graham

- 1 Q Did he mention anything about Rebecca that day?
- 2 A Uh-uh.
- 3 Q He didn't say anything about being worried or that he
- 4 was going to try to find her? Did you have any contact
- 5 with him on Tuesday?
- 6 A I did.
- 7 Q Was this the day Becky was found?
- 8 A Yes.
- 9 Q What was the nature of this contact?
- 10 A Phone conversation.
- 11 Q When was -- did he call you first?
- 12 A He called me first, the first time, between -- I'd say
- 13 between 12:00 and 1:00. He told me that he needed my help.
- 14 He said he didn't want to go into the reason why right then
- 15 but he just needed my help and was asking me if I was
- 16 getting off work at the same time and that he wanted me to
- 17 meet him at my house.
- 18 Q Okay. Did he say where he was calling from?
- 19 A No.
- 20 Q What phone did he call you from? Did you recognize
- 21 the number?
- 22 A Uh-uh.
- 23 Q What did you tell him?
- 24 A I told him that I got off work -- I was getting off
- 25 work at my usual time or what not. I told him to just call

Cintyna Travis
Direct examination by Mr. Graham

- 1 me back later or what not.
- 2 Q Did he say anything about Becky then?
- 3 A No.
- 4 Q What time do you get off work?
- 5 A 6:00.
- 6 Q Did he call you again that day?
- 7 A He did.
- 8 Q And what was the nature of this conversation?
- 9 A The first time he called me again that day I didn't
- 10 answer the phone because I didn't recognize the number.
- 11 But then the second -- I called the number back and
- 12 realized it was him. And by then I found out that
- 13 Rebecca's body had been found.
- 14 Q How did you find that out?
- 15 A Through the news.
- 16 Q And what time was this, the second phone call?
- 17 A Probably about -- probably about 4:00 or 4:30.
- 18 Q Okay. And what did he say during this phone
- 19 conversation?
- 20 A He was like -- he told me that he was being set up.
- 21 He said someone had called him earlier that day threatening
- 22 him. He told me he attempted to call the police and they
- 23 did nothing, because I had questioned him about Rebecca's
- 24 body and the fact that they were now looking for him. And
- 25 he told me that he didn't have anything to do with it,

Cintyna Travis
Direct examination by Mr. Graham

- 1 because I was like why are you lying, why were you lying to
2 me. And he was like he wasn't lying, he was being set up.
3 I told him to go to his mother, and he informed me
4 that he couldn't go to his mother. So I was like, well,
5 I'm still at work, I gotta go. And he just kept saying,
6 well, I just need you to believe in me. And he was trying
7 to make sure that I was going to come home that day.
8 Q Was he planning on meeting you after work?
9 A Uh-huh.
10 Q Did he describe who was setting him up?
11 A He just said it was a male.
12 Q A male?
13 A Uh-huh.
14 Q Did he give you a reason why he was being set up?
15 A No.
16 Q What happened -- or where do you live?
17 A [REDACTED].
18 Q And how far away is this approximately from where
19 Robert Lee lived?
20 A Twenty or 30 minutes.
21 Q Did he call you again that day?
22 A Yes, he did, but by then the police had picked me up.
23 Q Okay. why did they pick you up?
24 A They picked me up because they found my number in
25 someone's phone being a number that he had called.

Cintyna Travis
Direct examination by Mr. Graham

1 Q And where did he call you this third time? where did
2 he call you from this third time?

3 A I didn't find out he was -- I didn't find out where he
4 was calling from until I reached the police station, and I
5 found out he was actually calling me from my neighbor's
6 house.

7 Q You say your neighbor. Do you live in an apartment
8 complex?

9 A Uh-huh.

10 Q And where was this apartment in relation to your
11 apartment?

12 A Across the hall, like my apartment is right here and
13 my neighbor's apartment is right there like.

14 Q Like a few feet across from your apartment.

15 A Uh-huh.

16 Q Do you think he was calling you to get help that time
17 as well?

18 A I wasn't sure. He said he needed my help, but by then
19 I found out Rebecca's body had been found. So I didn't
20 know what, what to think.

21 Q Do you have a car?

22 A Uh-huh.

23 Q Was your car in good condition?

24 A Uh-huh.

25 Q It could be driven long distances away?

Cintyna Travis
Cross-examination by Mr. Delaney

1 A Sure.

2 Q Going back to how he asked you for help, did he
3 specify exactly what kind of help ever?

4 A Uh-uh.

5 MR. GRAHAM: One moment, please.

6 (Pause.)

7 Q What was your address at those apartments?

8 A [REDACTED].

9 Q And the address he called you from would have been?

10 A [REDACTED], Apartment whatever -- [REDACTED].

11 Q I'm talking about the neighbor across the hall from
12 you. Do you have that address?

13 A No. I'm [REDACTED]. He's [REDACTED], I think, maybe. I don't
14 know.

15 Q Okay. Please answer questions of the defense
16 attorney.

17 CROSS-EXAMINATION

18 BY MR. DELANEY

19 Q Good afternoon -- good morning. Where were you
20 working --

21 A Where?

22 Q -- in May or June of 2010? Yes, ma'am.

23 A I work at a preschool.

24 Q Are you still working there now?

25 A Uh-huh.

Cintyna Travis
Cross-examination by Mr. Delaney

- 1 Q Did you know Rebecca Rosa?
- 2 A I knew of her.
- 3 Q You never -- you never met her personally?
- 4 A No.
- 5 Q Did -- you said you went to elementary school with
- 6 Robert Lee?
- 7 A Uh-huh.
- 8 Q And then when did you reconnect with him
- 9 approximately?
- 10 A A week before Rebecca went missing.
- 11 Q And that was the first time you had had any contact
- 12 with him in years?
- 13 A Oh, like periodically over the years.
- 14 Q So y'all didn't just come back together kind of after
- 15 a 10-year absence.
- 16 A No.
- 17 Q You'd been in and out of each other's lives for quite
- 18 some time.
- 19 A Uh-huh.
- 20 MR. DELANEY: I don't have any further questions,
- 21 Judge.
- 22 MR. GRAHAM: Nothing further, Your Honor.
- 23 THE COURT: You may step down.
- 24 MR. GRAHAM: Ask she be excused if she desires.
- 25 THE COURT: She may be.

John Eric Gallman
Direct examination by Mr. Bulsa

1 (Whereupon, the witness was excused.)

2 MR. BULSA: The state calls officer Gallman.

3 JOHN ERIC GALLMAN, having been
4 first duly sworn, testified as follows:

5 DIRECT EXAMINATION BY MR. BULSA

6 Q Please introduce yourself to the jury.

7 A My name is Officer John Eric Gallman. I work for the
8 City of Spartanburg Police Department.

9 Q In what capacity?

10 A I'm assigned to the violent crimes task force for the
11 City of Spartanburg.

12 Q What were your duties back in June of 2010?

13 A The same, sir. Assigned with them as an officer with
14 the violent crimes task force.

15 Q Were you participating in the investigation of the
16 death of Rebecca Rosa?

17 A I was, sir.

18 Q And were you directed to go to any location to look
19 for Mr. Lee?

20 A Yes, sir. On June the 15th of 2010 around
21 5:00 o'clock in the afternoon myself, Officer Layton and
22 Officer Watson were sent to 345 Bryant Road to Creekside
23 Apartments to set up surveillance around apartment building
24 No. 6, around apartment N, to possibly locate Mr. Lee.

25 Q And what did you find there?

John Eric Gallman
Direct examination by Mr. Bulsa

1 A After we set up and the sun began to set behind the
2 apartment we noticed there was a shadow right out in front
3 of what we thought was apartment six or, excuse me,
4 apartment N.

5 At that time we notified our supervisor that, hey,
6 there's someone setting outside this apartment in the
7 breezeway area, we're going to go ahead and secure the
8 building.

9 At that time we moved closer to the building. We were
10 in an unmarked cruiser, and got out. I attempted -- I
11 walked to the front of the apartments. And as I rounded
12 the corner into that breezeway I observed Mr. Lee coming
13 down the stairs from that apartment.

14 At that time I did have warrants in my possession for
15 murder, and I took him into custody without incident.

16 Q What time of the day was that?

17 A When we took him into custody it was around I would
18 say 8:00 o'clock that evening.

19 Q Where was he taken after that?

20 A He was transported by us to city hall for a further
21 interview.

22 Q Okay. Thank you. Answer any questions Mr. Delaney
23 may have.

24 MR. DELANEY: No questions.

25 THE COURT: Step down.

Louis Nelson
Direct examination by Mr. Bulsa

1 MR. BULSA: The state calls Louis Nelson.

2 We ask that Officer Gallman be excused.

3 THE COURT: He may be.

4 (Whereupon, the witness was excused.)

5 LOUIS NELSON, having been
6 first duly sworn, testified as follows:

7 DIRECT EXAMINATION BY MR. BULSA

8 Q Investigator Nelson, please introduce yourself to the
9 jury.

10 A My name is Louis Nelson. I'm an investigator with the
11 Spartanburg Public Safety Department.

12 Q How long have you been a police officer?

13 A First began in January of '93. So I'm closing in on
14 18 years.

15 Q How long have you been an investigator?

16 A Approximately --

17 THE COURT: Excuse me just a minute.

18 Are we having an issue back here? Let's have a seat
19 please.

20 Excuse me.

21 MR. BULSA: Yes, sir.

22 Q How long have you been an investigator?

23 A I've been doing investigative work on the narcotics
24 and the criminal side for approximately 14 years.

25 Q And you were assigned to work the case of Rebecca Rosa

Louis Nelson
Direct examination by Mr. Bulsa

1 when she went missing?

2 A Yes. That's correct.

3 Q Do you remember when you received that case?

4 A I initially began to work on the case on a Sunday
5 night.

6 officer Leslie Smith who was the sergeant shift
7 supervisor on patrol that particular night, she called me
8 roughly at a little after 10:00 p.m., 2200 hours at night.
9 And she briefly explained to me that they had a missing
10 person and she had received some information from family
11 members and met with the family over at the missing
12 person's apartment, which was Ms. Rebecca Rosa.

13 She divulged the information to me that they had also
14 spoken with a neighbor in one of the apartments downstairs,
15 that she had provided a statement saying that they had
16 seen --

17 MR. DELANEY: Objection. Hearsay.

18 THE COURT: Who is providing the statement?

19 Q Which statement would that be?

20 A That would be Ms. Deloris Green.

21 MR. BULSA: She has testified in court.

22 THE COURT: Well, let me see y'all just a minute.

23 (Bench conference held off the record in the presence
24 of the jury but out of the hearing of the jury.)

25 THE COURT: Sustained.

Louis Nelson
Direct examination by Mr. Bulsa

1 Q You learned that Ms. Green had given a statement to
2 the patrol officers?

3 A Officer Patsy, yes, that's correct.

4 Q And Ms. Green that testified in court yesterday.

5 A That's correct.

6 Q And the information she testified to, is that
7 consistent with the information that you learned?

8 A That's correct. Yes, sir.

9 Q And based on hearing that information what did you do?

10 A Based on that information I decided that it was
11 imperative that I come out and conduct a follow-up because
12 the officer seemed very concerned at that time based on
13 what they found when they arrived at the apartment and what
14 Ms. Green told them.

15 Q Okay.

16 A I responded to city hall, because by that time the
17 officer had cleared from Prince Hall Apartments. So I went
18 to city hall and met with Officer Smith and got more
19 information and some of the family contact numbers from the
20 mother, Ms. Deborah Cook; Ms. Rachel Cook, who is the
21 sister; numbers for Matthew Cook; and I believe Jonathan
22 Rosa. And I began to try to contact them just to speak
23 with them to try and obtain more information regarding when
24 the last time she was seen, information like that.

25 Q Let me ask you this, Officer. This is late at night.

Louis Nelson
Direct examination by Mr. Bulsa

1 A Yes. By this time it's nearly 11:00 p.m. at night.

2 Q What's the purpose of starting this investigation at
3 that time of the night?

4 A Well, it was just based on the overall information at
5 that time. It -- I wanted to come out. It wasn't
6 something that I -- that I felt like could wait until in
7 the morning. I wanted to come out and try to exhaust
8 whatever means that was available that night just to try to
9 get a handle on what was going on.

10 Q Did you feel a sense of urgency based on the
11 information?

12 A Exactly, yes, sir. I felt like it was very
13 imperative. It was an urgent matter that I come out.

14 Q Okay. And what did you do after getting those contact
15 numbers?

16 A After, after getting those contact numbers I basically
17 just gathered information on who she could have been with,
18 friends, things of that nature, just, just to try and find
19 out a starting point who I may need to go to speak with.
20 And after those conversations Mr. Robert Lee was a person
21 that I felt like maybe I needed to go speak with.

22 Q Okay. Because of his relationship with Ms. Rosa?

23 A Yes, sir, that's correct, because the two of them had
24 two children together. They had lived together. And based
25 on the information provided by Ms. Green also in the

Louis Nelson
Direct examination by Mr. Bulsa

1 apartment below Rebecca.

2 Q And did you go find him?

3 A I did. After speaking with some of the family
4 members, they provided the information based on where I may
5 be able to locate him. And because of a previous case that
6 I was working on I had some contact with him. I wasn't
7 familiar with him, but I remembered him from a previous
8 investigation I was working on.

9 Q He wasn't involved in that investigation.

10 A No, sir, he was not. He was not.

11 Q But because of that information you had an idea where
12 you might find him.

13 A Yes, sir.

14 Q Okay. And then where did you go to find him?

15 A I went out to Miller Drive. It's located out near the
16 county landfill, the Spartanburg County Landfill. I was
17 told that he would be possibly residing with his aunt that
18 lives right across the street from the trailer where he and
19 Rebecca used to reside.

20 Q Tell us what you did.

21 A By this time after -- because I was playing hit and
22 miss with some of the family members on the telephone. And
23 then they would call me back. By the time I got enough
24 information and figured out where I was going it was
25 getting close to maybe 2:00 in the morning. So by this

Louis Nelson
Direct examination by Mr. Bulsa

1 time it was on June the 14th.

2 So I went out to Miller Drive. I walked -- pulled up
3 at the house, at the trailer, and just walked across the
4 street and I found -- I identified the house basically
5 because it was so dark out there I couldn't really find a
6 number on the house. But I did notice that the blue Dodge
7 Durango, which is the vehicle that he was said to be
8 driving, it was parked in the back or right along the side
9 of the house.

10 So I went around and I started to knock on the front
11 door until I got an answer. Mr. Lee answered. Robert Lee
12 answered the front door. At that time I advised him who I
13 was and told him I needed to speak with him.

14 He invited me in, and I spoke to him briefly in the
15 living room. And I told him I needed to ask him, you know,
16 some questions about Rebecca, that she had been reported
17 missing. And I asked him if he would come back to city
18 hall so we could sit down and we could talk.

19 Q Did he agree to do that?

20 A He agreed to do so. And at that time I asked him if
21 he would drive his Durango and just follow me so after we
22 finished talking he could just drive himself back. He said
23 that he didn't really have a lot of gas.

24 So he went in and he asked his aunt, Ms. Betty Ruth
25 Miller. He woke her up and asked him to drive her -- drive

Louis Nelson
Direct examination by Mr. Bulsa

1 him to city hall. And I followed them back to city hall.

2 Q Okay. All right. So this is 2:00 or 3:00 in the
3 morning?

4 A Yes, sir. At this time it's a little after 2:00, I
5 think.

6 Q All right. So did you meet with him in city hall?

7 A Yes, sir. Once we arrived at city hall I escorted
8 everyone upstairs to our division.

9 I asked Ms. Miller -- Ms. Miller just -- she had a
10 seat right there in the waiting area and Robert Lee and I
11 stepped into the interview room and we began -- I began
12 asking him questions just to try to gather some information
13 on the nature of their relationship, when the last time he
14 had seen her, things of that nature.

15 Q Okay. So tell us. What did he tell you? When did he
16 indicate the last time he saw her was?

17 A The last time Robert Lee said that he saw Rebecca was
18 on the Friday, that Friday, before she was reported
19 missing, which would have been I think June the 11th at
20 1:30 -- 1:30 p.m. in the afternoon.

21 Q State's Exhibit 52 is a calendar of the month of June
22 of 2010. So Friday would have been the 11th. And you're
23 talking to him on Monday the 14th?

24 A Yes, sir. At this time it's a Monday morning.

25 Q Early Monday morning.

Louis Nelson
Direct examination by Mr. Bulsa

1 A Early Monday morning, yes, sir.

2 Q All right. And what's the type of contact that he
3 had with -- he said he had with her on June the 11th?

4 A I believe he said that he assisted her in moving some
5 furniture into the residence.

6 Q Okay. And --

7 A They, they apparently had gotten a crib, a baby crib,
8 from Merry Land, a Thrift store, some type of thrift store.
9 I'm not familiar with the store, but I think he called it
10 Merry Land Thrift Store. And he helped her place that --
11 take that crib upstairs and put it into the apartment.

12 Q And he indicated to you that that was the last time he
13 had physical contact with her. Did he indicate that he had
14 any other contact with her, either a phone call or texting
15 or anything like that after, after July the 11th?

16 A He stated that he was supposed to take her to work on
17 that following Saturday morning at 10:00 a.m., but he
18 stated that he got up and he went over to the residence on
19 June the 12th, Saturday morning, and he knocked on the
20 door. This would have been from what I was told around
21 9:00 -- 9:00 a.m. in the morning.

22 Q Where did he say he parked?

23 A He said he parked in the front of the building,
24 apartment building, in a parking lot.

25 Q He said he parked and went and knocked on the door.

Louis Nelson
Direct examination by Mr. Bulsa

1 And what happened?

2 A He knocked on the door and he didn't get a response.

3 Q What did he do?

4 A At that point when he didn't get a response he left.

5 Q Let me back up a minute. You said he had actually
6 gone in the apartment the day before and actually helped
7 move some furniture?

8 A My understanding was that bedding -- it was some type
9 of bedding or bed for one of the children, or a crib. I
10 can't remember exactly which, but it was some type of
11 bedding that they went to Merry Land.

12 Q And where did he park?

13 A He said that he, he parked in front of the building
14 and he pulled his Durango over the curb and he backed it
15 down to the front of the stairwell in the front of the
16 building and they off loaded it.

17 Q Just like we heard that was the best way to unload
18 furniture yesterday.

19 A Yes, sir.

20 Q Okay. All right. Now, let's -- on Saturday after he
21 knocked on the door and he leaves -- did he indicate he had
22 any phone or text conversations or contact with Ms. Rosa?

23 A He stated that he later received a text message from
24 Rebecca stating that you don't have to come and pick me up.
25 It was something to the effect that you don't have to come

Louis Nelson
Direct examination by Mr. Bulsa

1 and pick me up.

2 Q Did he say approximately the time of the day?

3 A 10:29 a.m. So that would have been roughly an hour
4 and a half after he would have knocked on the door that
5 morning.

6 Q Okay. Did he actually show you the text?

7 A He did.

8 Q Okay. And did he indicate what he did in response to
9 that text?

10 A No, sir. At that point I think he said he, he
11 continued on with his day.

12 Q Okay. Did he do anything or did he indicate that
13 anybody contacted him looking for Rebecca?

14 A He said that he had spoken with her brothers, Jonathan
15 and Matthew, I believe about, about her being missing. And
16 they had spoken to him also about it, because I think he
17 briefly mentioned it to me when I initially made contact
18 with him inside the house.

19 But he mentioned that again. He stated that he did
20 speak with the brothers and that he didn't know where she
21 was, that he would occasionally -- she would occasionally
22 go missing, you know, for a couple of days or/and that she
23 would pop back up.

24 Q So during the interview with Mr. Lee did he -- how did
25 he appear to you?

Louis Nelson
Direct examination by Mr. Balsa

1 A His demeanor he was -- his arms were crossed, somewhat
2 withdrawn. And he seemed to be -- he was constantly
3 coughing throughout the interview.

4 I didn't know if that was maybe a stress reaction
5 which some people have when they're put under stress during
6 an interview. Sometimes your body reacts to stress in
7 different ways. Some people sweat and some people just
8 respond in different ways. He was constantly coughing
9 during the interview. And he seemed -- I didn't really
10 know him, so I couldn't really make an assessment on how
11 nervous he was. But he appeared to be slightly nervous.

12 Q Did he appear concerned that the mother of his
13 children went missing?

14 A He seemed somewhat concerned, yes, sir, somewhat
15 concerned, not -- I mean, not as concerned as I would have
16 been. He just seemed concerned.

17 Q Did he offer any explanation about where she might be?

18 A I asked him if he knew of any other acquaintances that
19 she had, any other boyfriends or any other guys that she
20 might have been seeing. And he, he said that he had heard
21 of two or three but he didn't -- he didn't know any of
22 them. And he said that she would occasionally kind of like
23 just go missing and then she would come back whenever she,
24 I guess, cleared her head or whatever.

25 Q So did you confront him about whether he had done

Louis Nelson
Direct examination by Mr. Bulsa

1 anything to her himself?

2 A Yes, sir, I did. I asked him point blank did he know
3 where she was, and he told me no. I asked him did he hurt
4 or harm her in any way. He told me no. I asked him did he
5 kill her. He told me no, he didn't do anything. He
6 somewhat said that she and the kids are better off right
7 now than I am. That was his response.

8 Q So he never gave you an explanation --

9 A No, sir.

10 Q -- of why she was gone.

11 A No, sir. He never -- he never provided me an
12 explanation about other than saying that she would just go
13 missing sometimes and she would come back home.

14 Q So he, in essence, denied any involvement then.

15 A Yes, sir, he did. He denied any involvement in the
16 disappearance or causing harm or anything.

17 Q Okay. Now, about how long did your interview with him
18 last?

19 A A little over an hour, maybe an hour and 20 minutes.

20 Q What did you do at the conclusion of that interview?

21 A At the conclusion of the interview he asked for my
22 card. I gave him one of my business cards and asked him to
23 stay in contact. And I also asked him if he heard from
24 Rebecca -- I asked him to call me and let me know, and if
25 anything that he thought of that might be of assistance to

Louis Nelson
Direct examination by Mr. Bulsa

1 me, I asked him to call me and let me know. And at that
2 point I terminated the interview, at that point. And he
3 went home with his aunt.

4 Q So he went home with his aunt?

5 A Yes, sir, he went home with his aunt.

6 Q So that would have been early Monday morning, the
7 14th.

8 A Yes, sir. That would have been at that point getting
9 close to about 4:00 or a little over 4:00 a.m. in the
10 morning.

11 Q Did you continue your investigation?

12 A Yes, sir. At that point with it being Monday morning,
13 I knew that the rest of the office -- the rest of the
14 investigators and my lieutenant would be coming in in a few
15 hours.

16 So I decided to go -- based on what I had at this
17 point I knew that I would have to get some -- get a little
18 bit more help. And with everybody coming in in a couple of
19 hours I decided just to go home and get a few hours sleep
20 and then come back and try to be fresh. And that's what I
21 did.

22 I came back in at about 9:00 -- about 8:15, 9:00
23 o'clock. And I briefed my lieutenant, Ron Cantrell, at the
24 time and advised him of what, what was going on and the
25 results of my interview.

Louis Nelson
Direct examination by Mr. Bulsa

1 Q Okay. And did you -- did that cause you to go back to
2 Prince Hall Apartments or to go to Prince Hall Apartments?
3 You hadn't been there -- you had been there before, had
4 you?

5 A I had not been there. I was acting off of what the
6 officers had relayed to me.

7 At that point based on the information the officers
8 had provided me and the interview and witness accounts, at
9 point I decided to go ahead and speak with a magistrate to
10 obtain a search warrant for the apartment because she was
11 missing.

12 And with all the other circumstances I obtained a
13 search warrant. And we went over to the Prince Hall
14 Apartments, [REDACTED], [REDACTED] which is where
15 Rebecca Rosa resided. And we executed a search warrant of
16 the apartment.

17 Q And we heard about the processing of that scene.

18 A Yes, sir.

19 Q Did you search for other potential witnesses at that
20 time?

21 A Yes, sir. While we were there and forensics was
22 conducting their investigation looking for fingerprints and
23 other types of evidence, processing the apartment, we began
24 to knock on doors of the, the neighbors right there in that
25 particular building in that breezeway. And as we went

Louis Nelson
Direct examination by Mr. Bulsa

1 downstairs to the apartment directly below Ms. Rosa, I
2 believe it was Officer Chris Banks and myself. We knocked
3 on the door and we spoke with I believe Ms. Higgins and
4 Mr. Smith.

5 Q Okay.

6 A And we spoke with them and asked them if they knew
7 anything about Ms. Rosa, when is the last time that she was
8 seen.

9 Q Okay. And so then they gave you their statement?

10 A Yes, sir. They provided a written statement.

11 Q So the processing is going on upstairs. You're
12 looking for witnesses, collect all of that information.
13 What did you do after that?

14 A At that point based on what we discovered inside the
15 apartment and what witnesses told us, I called another
16 investigator who was back at the office. And I asked to
17 start drafting the search warrant for the blue Dodge
18 Durango at this point.

19 Q And did you collect the Durango?

20 A Yes, sir. Investigator Porter. He was tasked with
21 going to the work location for Robert Lee. During the
22 interview he also told me where he worked, the location
23 where he worked cleaning office buildings. So at that
24 point in time I knew that he -- he should have been at
25 his -- at his job. I asked Officer Porter to take the

Louis Nelson

Direct examination by Mr. Bulsa

1 search warrant. And they went and they found the Dodge
2 Durango, and we had it towed back to the city impound. And
3 we put it inside our building so we could process it.

4 Q Okay. So -- and then that was processed. We heard
5 about that yesterday.

6 A Yes, sir. Now, all of this is still on the 14th.
7 This is still on Monday.

8 Q Right.

9 A And while, while we was -- before we cleared from
10 Prince Hall Apartments and when I spoke with Investigator
11 McCullough, she advised me -- she informed me that a
12 gentleman had called and provided some information about
13 Tibbs Road.

14 Q Okay.

15 A Based on the information, based on that tip that we
16 received, we decided to split into two groups. One group
17 was to go to Tibbs Drive and start conducting a search
18 while the other group, which was a smaller group, we went
19 back to city hall to the city impound. And we began to
20 process the Dodge Durango.

21 Q Who led the group at Tibbs Drive?

22 A Lieutenant Ron Cantrell took the group to Tibbs Drive.
23 And they went and they began to -- they met with -- I
24 believe he was Mr. Stanley Hunter.

25 Q Unfortunately Mr. Cantrell is not with us any more.

Louis Nelson
Direct examination by Mr. Bulsa

1 A No, sir.

2 Q He just passed recently.

3 A Yesterday.

4 Q And so we've got a group at Tibbs Drive. We've got
5 you back at city hall. Did the two groups come together
6 and conduct a search later?

7 A Yes, sir.

8 Q Tell us about that.

9 A Once the -- once the group went down to Tibbs Drive
10 they were -- they searched for a short period of time. And
11 then darkness came and they thought it was dangerous to
12 continue to search in the area they were unfamiliar with,
13 because it was a dumping area with tires and couches and a
14 lot of different debris.

15 We completed the search on the Durango and everyone --
16 we concluded late that night at about -- it was close to
17 midnight.

18 The next morning -- the next morning on the 15th we
19 came back in and Investigator Burgess -- he was tasked
20 with, with taking a group back down to Tibbs Drive. They
21 were going back down to Tibbs Drive to begin another -- to
22 continue the search that they initiated on the following
23 night.

24 At that point I was -- I was taking care of other
25 responsibilities, trying to gather other information. And

Louis Nelson
Direct examination by Mr. Bulsa

1 as that group was en route heading out to Tibbs Drive we
2 received a call saying that --

3 MR. DELANEY: Objection. Hearsay. He's going to go
4 into what the caller said, Your Honor.

5 THE COURT: Well, I don't know who called yet.
6 who did you receive the call from?

7 THE WITNESS: It was the dispatch over the radio.

8 THE COURT: Overruled.

9 THE WITNESS: Police radio.

10 THE COURT: Go ahead.

11 A We received the call over the radio that there was a
12 group of people out on Tibbs Drive and that a body had been
13 found.

14 Q Okay. And that was while your officers were still en
15 route?

16 A Yes, sir. Officers I do believe were already en
17 route. I think they were partially, partially -- I think
18 about half the way to the location.

19 Q What did you do when you got that information?

20 A When I got that information I immediately went down to
21 my vehicle and I -- Investigator Hurne and I -- we
22 proceeded to the area. It was right off of Nazareth Road
23 near the landfill.

24 Q Okay. And you heard about the processing of that
25 site. Did you actually go into where the body was found?

Louis Nelson
Direct examination by Mr. Bulsa

1 A Yes, sir.

2 Q And in your recollection how far off the road did it
3 appear to be to you?

4 A A hundred to maybe 125 meters.

5 Q Okay. A little longer than a football field?

6 A Yes, sir, I would say.

7 Q How was the walk into the area?

8 A If you remember from the pictures that were up the --
9 the cleared area -- once you -- there were tires and
10 couches and different things.

11 As you kind of went down and just as you entered the
12 wood line as you made your way down into the wooded area
13 there was a slight decline as you were going, kind of
14 going, down into a gully.

15 I would say that it was not thickly wooded, but it was
16 -- it wasn't easy to negotiate your way down because there
17 were vines and trees and limbs. So you kinda -- you had to
18 manipulate your way down constantly. And you were going
19 down into a ravine or a gully area.

20 Once, once there there was a large tree that it
21 appeared like maybe the root system just gave way and it
22 fell. And that's -- I walked around. You had to find a
23 way down, and I found my way down underneath the tree. And
24 that's where -- that's where she was found. That's where
25 she was discovered.

Louis Nelson
Direct examination by Mr. Bulsa

1 Q Once she was discovered what did you do? Did you look
2 for Mr. Lee again?

3 A Yes, sir. I came back up to the top of the road, and
4 I met with our colonel and the director. They also by this
5 time were on the scene with a lot of the other county
6 officers and Investigator John Burgess. I appointed him
7 and asked him to be the crime scene manager since he -- he
8 and I had began to work the case, and he was pretty much
9 aware of everything, just about everything, that had been
10 going on. And we pretty much were working it side by side.
11 So I appointed him as the crime scene manager.

12 I asked him to handle everything at this point right
13 there on that particular scene. And I left the scene on
14 Tibbs Drive, and I came back to the City of Spartanburg and
15 I met with you.

16 Q Okay. You can't go into that.

17 A Yes, sir.

18 Q But did you begin to search for Mr. Lee?

19 A Yes, sir.

20 Q Where did you look for him?

21 A We began to check back and forth Miller Drive. We had
22 officers conducting stakeouts in that -- in that particular
23 area. And we -- we also began to do what's called ping --
24 ping a phone. And we received information while we were in
25 the office when Ms. Carrion -- she came in. And once --

Louis Nelson
Direct examination by Mr. Bulsa

1 once -- when she was spoken to and debriefed we obtained a
2 phone number from her phone number in the information that
3 she provided. Then we began to ping that particular phone
4 for a location. And we got subscriber information, found
5 out who the phone belonged to and --

6 Q Was that Ms. Travis' phone?

7 A That would be, yes, Ms. Travis.

8 She then -- she was located and she was brought in.
9 And at the same time officers began to conduct surveillance
10 on her apartment based on another phone call that came into
11 her cell phone that was coming from the neighbor. And we
12 felt like that potentially was where we could find Robert
13 Lee. And as Officer Gallman testified, he set up
14 surveillance in the area. And he was taken into custody
15 later that afternoon.

16 Q Was he brought to city hall?

17 A Yes, sir.

18 Q Mr. Lee was?

19 A Yes, sir, he was brought to city hall for questioning.

20 Q So he was brought in for questioning again?

21 A Yes, sir.

22 Q And this would have been June the 15th?

23 A Yes, sir, at this time.

24 Q Approximately what time?

25 A Around 2000 -- I mean, about 8:00 p.m. or a little

Louis Nelson
Direct examination by Mr. Bulsa

- 1 after 8:00 p.m., somewhere.
- 2 Q So thinking back to your last contact with him on
3 Monday the 14th, this would have been about a day and a
4 half later?
- 5 A Yes, sir. That's correct.
- 6 Q And did you have an opportunity to participate in the
7 interview with him?
- 8 A Yes, sir. Inves -- I decided -- it's always best that
9 two people sit down in an interview. One person can
10 observe while the other person takes notes. And
11 Investigator Burgess -- once again, he was pretty much
12 aware of everything that had been going on at this time.
13 So we went in and we began to talk with Mr. Robert Lee.
- 14 Q You talked to him first, and then at this time you
15 decided to let Investigator Burgess speak to him?
- 16 A Yes, sir.
- 17 Q Were you in there for the whole interview?
- 18 A Yes, sir.
- 19 Q And did he make any admissions knowing about what had
20 happened to Ms. Lee?
- 21 A No, sir.
- 22 Q Excuse me. Ms. Rosa.
- 23 A No, sir. He still denied any, any involvement or
24 having any, any type of hand in anything that happened.
- 25 Q Did he tell a similar story to what he had told you?

Louis Nelson
Cross-examination by Mr. Delaney

- 1 A Yes, sir. It was very similar.
- 2 Q What was done with Mr. Lee after that interview?
- 3 A At that point he was -- he was already -- he had been
- 4 arrested and charged with the murder of Rebecca Rosa. He
- 5 was transported to the Spartanburg County Detention
- 6 Facility. And on the 15th, that would have been my last
- 7 contact with him.
- 8 Q Do you know if Mr. Burgess met with him the next day?
- 9 A Yes, sir.
- 10 Q Were you involved in that?
- 11 A No, sir. I was in the building. I observed the
- 12 interview from over a television set while Mr. Burgess
- 13 conducted the interview.
- 14 Q Thank you. Answer any questions Mr. Delaney has.
- 15 CROSS-EXAMINATION
- 16 BY MR. DELANEY
- 17 Q Good afternoon, Investigator Louis. At the interview,
- 18 the initial interview, at approximately 2:00 a.m. on
- 19 Monday, June the 14th, that would have been the one where
- 20 Mr. Lee's aunt drove him to city hall?
- 21 A Yes, sir.
- 22 Q And you talked about -- you specifically asked him
- 23 where he parked when he was unloading furniture?
- 24 A Yes, sir.
- 25 Q Why would you ask him that?

Louis Nelson
Cross-examination by Mr. Delaney

1 A Well, for one thing I asked him -- when he parked in
2 the front, I wanted to find out if he was parking in the
3 front or if he was parking in the rear to unload her
4 furniture.

5 Q Had you talked -- had you been to Prince Hall
6 Apartments before that 2:00 a.m. interview with Mr. Lee?

7 A No, sir. I had not been to Prince Hall Apartments at
8 that time.

9 Q So you had no information from anybody about where
10 they parked to unload furniture at the 2:00 a.m. interview.
11 Let me rephrase that. I'm sorry. Before the 2:00 a.m.
12 interview, is it accurate that you had spoken to no one at
13 Prince Hall Apartments?

14 A No, sir. I hadn't spoken with anyone.

15 Q Did you have an understanding of the physical layout
16 of the Prince Hall Apartments before the 2:00 a.m.
17 interview?

18 A Yes, sir. I, I know the layouts because I responded
19 to that -- to those apartments over there.

20 Q You've been there a number of times --

21 A Yes, sir.

22 Q -- on other cases?

23 A On calls and other cases, yes, sir.

24 Q And is that why you would ask him where he parks,
25 because you've had experience at the Prince Hall

Louis Nelson
Cross-examination by Mr. Delaney

- 1 Apartments?
- 2 A No, sir.
- 3 Q What I'm getting at is I find it odd that at the
4 2:00 a.m. interview on June the 14th you had not been to
5 the apartments yet, you had not spoken to anybody at the
6 apartments yet, but you're asking him where he parks.
- 7 A Yes, sir. Well, the reason -- the reason that I asked
8 him that particular question was based on the statement
9 that the officer gathered from one of the neighbors.
- 10 Q And had you been provided that information before the
11 2:00 a.m. interview?
- 12 A Yes, sir, yes, sir.
- 13 Q That's what I was getting at.
- 14 A Yes, sir.
- 15 Q Okay. And you testified, you testified earlier,
16 that -- and I'm going to quote here. You, quote, "slightly
17 nervous," unquote. Is that how you would classify
18 Mr. Lee's demeanor, slightly nervous?
- 19 A Yes, sir. He, he seemed to be just a little
20 uncomfortable.
- 21 Q And that -- being questioned at city hall at
22 2:00 a.m., that might be a common reaction. Would you
23 agree with that?
- 24 A Yes, sir, I would, yes, sir. I would go along with
25 that.

Louis Nelson
Cross-examination by Mr. Delaney

1 Q And did Mr. Lee also -- I believe you testified to
2 this earlier. He said that Rebecca Rosa in times past may
3 go off or disappear for two or three days.

4 A She would dis -- from what he said, that she would
5 disappear and she would reappear maybe a day or two later.
6 I'm not -- two or three days, maybe a day or two later or
7 something like that. I'm not exactly sure of how long
8 before she would reappear.

9 Q And so if that was the case maybe he wouldn't be
10 overly concerned about the mother of his children at that
11 point. Would you agree with that?

12 A Yes, sir, maybe.

13 Q Would it be fair to say that if the mother of your
14 children had a history of disappearing for two or three
15 days that maybe if she had done it again, maybe you
16 wouldn't be overly concerned as the first time it happened?

17 A Well, I mean, if there was a history maybe I wouldn't,
18 but I can't -- me myself, I wouldn't be. But I guess
19 that's just the type of relationship that the two of them
20 had.

21 Q Do you -- the, the forensic technician earlier talked
22 about taking, I believe, some Reebok shoes into custody.
23 Do you know anything about those shoes? Or they might not
24 have been Reeboks. Any shoes at all.

25 A Yes, sir.

Louis Nelson
Redirect examination by Mr. Bulsa

1 Q And do -- did you process those shoes? Do you know
2 what the result of the --

3 A I personally, I didn't process it. That's, that's the
4 forensics. That's their area of expertise. I -- and I
5 don't know anything about, you know, the process that was
6 used on the shoes in particular.

7 Q So to your knowledge nothing in this investigation
8 involves any footprints or shoes or anything to that --
9 anything regarding footwear or feet.

10 A No, sir.

11 Q Thank you. I don't have anything else.

12 REDIRECT EXAMINATION

13 BY MR. BULSA

14 Q During either of your interviews with Mr. Lee were his
15 shoes talked about?

16 A I think I may have asked him what type of shoes he was
17 wearing when he went over.

18 Q You gave him -- did you give him an ample opportunity
19 to explain whether he had any involvement in this?

20 A Yes, sir. I felt like -- I felt like I did on several
21 occasions.

22 Q Okay. During the interview on the 13th before she had
23 been found he denied any involvement.

24 A Yes, sir. He adamantly denied any involvement.

25 Q And, in fact, did he admit any -- he denied even

Louis Nelson
Redirect examination by Mr. Bulsa

1 knowing what might have happened to her.

2 A Yes, sir.

3 Q Did he speculate what might have happened to her?

4 A He just speculated that she may have been with someone
5 else or she just disappeared and she, she usually comes
6 back in a day or two, a couple of days. And that's pretty
7 much the way he left it.

8 Q Did he ever suggest that maybe something harmful had
9 happened to her?

10 A No, sir. He never -- he never said that.

11 Q He basically gave you reasons to think that maybe she
12 just was with someone else.

13 A He, he raised that that, that could be a possibility,
14 yes, sir.

15 Q Okay. He certainly never told you to go look on Tibbs
16 Drive for her, did he?

17 A No, sir.

18 Q Thank you.

19 MR. DELANEY: No questions.

20 THE COURT: You may step down.

21 We'll take a break, so I'll ask the jury to please go
22 to your jury room. Again, don't discuss the case. I'll
23 bring you back shortly.

24 (The following takes place outside the presence of the
25 jury.)

John Burgess
Direct examination by Mr. Bulsa

1 THE COURT: Court is in recess for 15 minutes.

2 (Whereupon, a recess was taken.)

3 THE COURT: Are we ready for the jury?

4 MR. BULSA: Yes, sir.

5 THE COURT: Bring them in.

6 (The following takes place in the presence of the
7 jury.

8 THE COURT: All right. Mr. Bulsa.

9 MR. BULSA: Thank you, Your Honor. The state calls
10 John Burgess.

11 JOHN BURGESS, having been
12 first duly sworn, testified as follows:

13 DIRECT EXAMINATION BY MR. BULSA

14 Q Investigator, please introduce yourself to the jury.

15 A My name is John Burgess.

16 Q Who are you employed with?

17 A I work for the City of Spartanburg. I work in the
18 Public Safety Department.

19 Q In what capacity?

20 A Work up in the criminal investigation division, which
21 I refer to it as C.I.D.

22 Q How long have you been an investigator?

23 A Since 2006. I have 13, almost 13, years of law
24 enforcement experience.

25 Q And did you participate in the investigation of

John Burgess
Direct examination by Mr. Bulsa

1 Rebecca Rosa's disappearance?

2 A I did.

3 Q When did you first become involved?

4 A I became involved on June the 14th of 2010.

5 Q Is that after Investigator Nelson decided he needed
6 some help?

7 A That's correct.

8 Q And did you assist him in going to the apartment at
9 Prince Hall?

10 A To search the apartment, yes.

11 Q Okay. Were you present when that was searched?

12 A I was.

13 Q What did you -- what did you personally do after the
14 search of the apartment?

15 A After the search of the apartment the -- her
16 missing-person's case was put on the local news at 5:00,
17 5:30 and 6:00. After that I was in the office and started
18 receiving information.

19 Q Do you know specifically what was put over the news?

20 A Basically, it was a missing person with suspicious
21 circumstances.

22 Q Was there information put on the news about someone
23 having been seen behind the apartment?

24 A It was.

25 Q And what specifically would have been included in

John Burgess
Direct examination by Mr. Bulsa

1 that?

2 A I think information was being given out that a vehicle
3 was seen near the apartment at the time of her
4 disappearance.

5 Q Was a description of the vehicle given out?

6 A I don't believe we released, you know, a blue Dodge
7 Durango or anything like that. I think it -- I think it
8 was left at suspicious circumstances.

9 Q Okay. So this would have been Monday.

10 A Monday, yes, sir.

11 Q So the Monday news would have been showing all of this
12 information.

13 A That's correct.

14 Q All right. Did you participate in the search of that
15 Durango?

16 A No. Prior to the search of the Durango -- or when --
17 two things was happening. One went to Tibbs and one was
18 the Durango. I went to Tibbs Road.

19 Q Okay. What time of the day did you go to Tibbs?

20 A I don't have the time I arrived, but I know it was
21 completely dark outside.

22 Q So during the day of the 14th information came in, and
23 y'all decided to split the investigation.

24 A Yeah. The searching of the apartment took several
25 hours. By then it had -- most of our day was focused on

John Burgess
Direct examination by Mr. Bulsa

1 the apartment after we found the evidence inside of the
2 apartment. After that while we are still, I believe still,
3 searching the apartment it had aired on the news. And then
4 we received information after that.

5 Q Okay. So you go to Tibbs Drive, and it's dark. Did
6 you do any kind of search?

7 A No. Very, very unsafe. The information that was
8 given to me was that we needed to go past the trailer on
9 the right-hand side and start to search there.

10 We went to that location. The grass was knee high,
11 maybe waist high. Proceeded into the grass. Saw some
12 couches, just debris, toilet and stuff like that.

13 Proceeded into the woods. It was just completely
14 dark. Could not see anything even with flashlights. Had
15 no real general area to walk to, but the information was
16 past the trailer on the right-hand side. But when we
17 pulled onto Tibbs -- I'd never been on Tibbs Road before.
18 Very wooded area. Didn't know where that was going to lead
19 to. Just very unsafe. So we decided to leave.

20 Q At that time had you had any contact with Mr. Lee?

21 A Not prior to that, no.

22 Q Okay. All right. So the next day did you go over,
23 back over, to Tibbs Drive? Was that your main purpose for
24 the next day, was to go back to Tibbs Drive?

25 A We learned also that the family was getting together a

John Burgess
Direct examination by Mr. Bulsa

1 search party -- found that after the fact -- as we were
2 getting our search party together to go back to daylight --
3 in the daylight hours.

4 Q So when did -- when were the police going to go to
5 begin the search?

6 A We were going to go right -- we were actually getting
7 ready -- and I think they might have been on the way. I
8 know me personally, I was actually walking out the door --
9 and this was right around noontime -- when I received the
10 call.

11 Q That -- what did you receive?

12 A Received a call that the body had been located.

13 Q Okay. All right. So the family actually beat you to
14 it.

15 A Yeah. I'm not sure if a family member actually called
16 me or not, but I remember -- remember hearing it on the
17 radio, actually hearing on the radio and receiving a phone
18 call, but I'm not sure by whom. I'm pretty sure it was a
19 family member though.

20 Q But at that time did you then go to Tibbs Drive?

21 A Yes, I went to Tibbs -- Tibbs Drive.

22 Q Did the police oversee the search of Tibbs Drive?

23 A Yes. It was originally given -- the sheriff's office
24 was actually the first one on the scene. We arrived just
25 moments later from city hall. Based on what we knew and

John Burgess
Direct examination by Mr. Bulsa

1 what we already had I walked down, saw, saw the body, the
2 Food Lion outfit. So everything was matching up to the
3 victim, so basically took, took charge of that scene.

4 Q Okay. How long did you actually stay there?

5 A I know it was -- it was past dinnertime. I mean, it
6 was extremely hot. All I can remember it was -- it was
7 after dinnertime, 6:00 or 7:00 or maybe even 8:00 o'clock.

8 Q After that, after you left the scene, what did you do
9 then?

10 A In the meantime people were trying to locate Mr.,
11 Mr. Lee at that time. And then I proceeded back to, to
12 city hall.

13 Q Okay. Were you present when Mr. Lee was brought into
14 city hall?

15 A I was.

16 Q And did you have an opportunity to participate in the
17 interview room?

18 A I was.

19 Q And what time did that interview begin?

20 A Began on -- about 8:45 in the after -- in the evening.

21 Q And at that time was he under arrest?

22 A June 15th, yes, he was under arrest.

23 Q Okay. So he was in custody.

24 A He was in custody.

25 Q Were his rights read to him?

John Burgess
Direct examination by Mr. Bulsa

- 1 A Yes. There's two -- there's a form that we go over.
2 It's the explanation of your rights and then a waiver of
3 your rights. So there's two sections to it.
- 4 Q And did he understand those rights?
- 5 A Yes. He told me he understood those rights.
- 6 Q And did he tell you how far he had gone in school?
- 7 A Told me to the 12th grade. And I noted that on the
8 paperwork.
- 9 Q Did he agree to speak with you and waive those rights?
- 10 A He did. That was the second half of the form where
11 you're actually waiving your rights to speak to law
12 enforcement.
- 13 Q Okay. What was his demeanor at the time when you saw
14 him?
- 15 A When he first came in he was a bit nervous, not overly
16 nervous. But through the course of the interview he was
17 just very unemotional.
- 18 Q How did the interview begin?
- 19 A We began just getting basic information, and then I
20 asked him about his whereabouts on through the weekend
21 starting from Friday through, through that current date.
- 22 Q And did you let him tell you what those whereabouts
23 were?
- 24 A Yes.
- 25 Q And please tell the jury what he told you.

John Burgess
Direct examination by Mr. Bulsa

- 1 A He said he got up about 8:00 -- this would have been
2 on Saturday morning -- and drove over to the apartment,
3 knocked on the door. There was a man outside with a boy
4 playing basketball. No one came to the door. So he left.
5 He tells me he went to Miller Road and stayed all day
6 and only went to see his family after learning of a death
7 in the family. And he was over there at his family's house
8 until 8:00 p.m., and maybe a little bit later. That was
9 for Saturday.
- 10 Q So he -- so he denied any contact with this girl.
- 11 A Said he knocked on the door and no one came and he
12 left.
- 13 Q And then he proceeded to give you the whereabouts.
14 okay.
- 15 A Trying to establish a timeline for it.
- 16 Q So did he ever mention going to Tibbs Drive on
17 Saturday?
- 18 A All right.
- 19 Q During that first portion of the interview.
- 20 A No, not on the first portion, no.
- 21 Q You let him give a narrative at first, right?
- 22 A Yeah. I simply asked him, you know, tell me what
23 happened or where you've been from these dates and just let
24 him speak freely.
- 25 Q Did he tell you if he had any telephone or text

John Burgess
Direct examination by Mr. Bulsa

1 contact with Ms. Rosa during that Saturday?

2 A He did later in the interview. He said Saturday
3 morning he received a text from Becky. And he also said
4 he -- job also called. Food Lion also called asking about
5 Becky. He told me the text came in about 10:30 to his
6 phone on Saturday.

7 Q And did he tell you what he did as a result of that
8 text?

9 A He, he begins to explain that on Sunday Becky's
10 brothers came and spoke to him about, about her being
11 missing. And he said that she had been out all -- or been
12 out drinking, but didn't just go into about Sunday.

13 Q Did he say if he made any efforts himself to try to
14 find Ms. Rosa?

15 A No. He never said he went looking for Ms. Rosa.

16 Q Did he try and call her?

17 A I think he, he, he tells me that Becky's mother
18 actually called him to try to make him establish contact
19 with her since she wasn't answering the phone.

20 Q Becky's mother called Robert and wanted Robert to call
21 Becky.

22 A That's correct.

23 Q And did he do that?

24 A He did that later on that evening, or I think he
25 actually said he sent a text to her.

John Burgess
Direct examination by Mr. Bulsa

1 Q So he's telling you that he's having contact, that she
2 is texting him and he's trying to find her. Does he
3 acknowledge knowing what happened to her?

4 A He does not.

5 Q Did that story seem to make sense?

6 A From the information that I had and from the witnesses
7 that were already interviewed, no.

8 Q So at this time the body had already been found.

9 A That's correct.

10 Q Was he aware that the body had been found?

11 A At some point early into the interview I began to lay
12 out the evidence against him, and I told him there was a
13 body that had been found.

14 Q Did you discuss with him where he had been on that
15 Tuesday while y'all were trying to find him?

16 A I did.

17 Q And did he give an explanation?

18 A Tuesday?

19 Q This is the day the body was found.

20 A Said he was with his cousin. He tells me that -- that
21 he believes the brothers had actually found her body. And
22 he was walking with his cousin. He heard the brothers
23 scream and saw other people was walking -- or he was
24 walking with his cousin. He tells me that he was down
25 there but really wasn't there. I'm not sure what that

John Burgess
Direct examination by Mr. Bulsa

- 1 meant.
- 2 Q Okay. Did he explain to you why he ran?
- 3 A I don't have it documented, no.
- 4 Q Okay. When you began talking to him about the piece
5 of evidence you had -- don't go into specifically -- but
6 when you started confronting him about what you collected,
7 how did he respond?
- 8 A Still very unemotional. He still denied any
9 involvement in her disappearance. Continued to sit there.
10 I asked most of the questions. He gave very short
11 answers to the questions I asked. Just couldn't -- he
12 couldn't explain his whereabouts and what had transpired in
13 a consistent flow of information to me. He would go back
14 and add stuff or delete stuff, or just simply being
15 untruthful.
- 16 Q How long did this interview take place?
- 17 A It's about an hour and 15 minutes.
- 18 Q Did he ever offer any explanation of what he knew
19 about Rebecca being missing?
- 20 A No.
- 21 Q Did he ever offer an explanation about what had
22 happened to her?
- 23 A Let me back up to that one question. He did say that
24 she hangs around a lot of new people. But that was the
25 only explanation that he gave. And I'm sorry. What was

John Burgess
Direct examination by Mr. Bulsa

1 your next one?

2 Q Did he ever give an explanation of what might have
3 happened to her?

4 A No, other than she hangs around with a lot of new
5 people.

6 Q So he basically for an hour and 15 minutes denied
7 involvement.

8 A Yeah. It came a point in the interview that we were
9 just going over the same, same questions, same answers.
10 Nothing changed. Nothing was added.

11 The time fluctuated just a little bit. But as far as
12 his involvement to her disappearance, he wouldn't admit to
13 anything. It was just an occurrence, reoccurrence, of
14 everything. So we terminated the interview.

15 Q So he, in essence, basically -- well, did he talk
16 about his contact with her on the Friday before?

17 A Took the baby items over to the apartment on Friday
18 and left her about 1:00 p.m., 1:30 p.m., because he had to
19 go to work. He worked at Trail Board, some kind of
20 cleaning company. Didn't have any fights with her on
21 Friday. And that was all that we talked about on Friday.

22 Q Okay. So he gave a brief explanation of contact on
23 Friday and then on Saturday denied any contact at all other
24 than a text message.

25 A Other than a text message being received from her.

John Burgess
Direct examination by Mr. Bulsa

1 Q And led you to believe that he actually was trying to
2 contact her himself.

3 A The, the text message was from her to him saying you
4 don't have to pick me up. And then the next contact was
5 when Becky's mother contacted him so he could establish
6 contact with her.

7 Q And he actually texted Becky, is that right?

8 A She, she texted him saying that she didn't have to
9 worry about it at that time.

10 Q Did Robert do anything in response to that request of
11 Becky's mother?

12 A She, she sent a text -- he sent a text to her.

13 Q He then sent a text to Becky. Did Robert send a text
14 to Becky later that afternoon after Becky's mother called
15 him?

16 A Yes.

17 Q So he acted like he was trying to find Becky himself.

18 A Yes.

19 Q All right. So you didn't get any -- you basically
20 didn't get any admissions from him about any wrongdoing on
21 his part.

22 A That's correct. No admissions.

23 Q And then you terminated the interview. And what
24 happened to him?

25 A He was transported to the county jail for booking.

John Burgess
Direct examination by Mr. Bulsa

1 Q Okay. And what was your next contact with Mr. Lee?

2 A My next contact was the next day about 12:00 noon.
3 Myself and Investigator Hurne went up to the county jail.

4 Q Why did you go to the county jail?

5 A Robert told me he lived at Miller Road. I
6 couldn't find the property owner for that residence. So I
7 went up there to ask for consent to search. He was
8 cooperative, but he wasn't being truthful if that makes
9 sense.

10 He wasn't -- he wasn't just sitting there not saying
11 anything. So I figured that he would give us consent to
12 search his property since he told us the clothes that he
13 was wearing and stuff like that. So we went up there to
14 speak to him about consent to search.

15 Q And did he give you consent to search?

16 A He did.

17 Q And did anything else take place while you were there?

18 A As we were signing the consent to search form Robert
19 made mention that he had tried to make contact with a law
20 enforcement officer about 6:00 -- 6:00 o'clock that morning
21 wanting to speak to us about the incident.

22 Q So Mr. Lee let you know that he wanted to talk to you
23 again about what he might know.

24 A Yes. And I told him that I didn't receive anything
25 that morning, it probably went through the jail staff and

John Burgess
Direct examination by Mr. Bulsa

1 it just hadn't got, got back around.

2 Q Once he told you that, what did you do?

3 A Myself and Tina Hurne -- we transported him back to
4 city hall.

5 Q And do you remember what took place at city hall?

6 A The interview began. At this time it was just myself.
7 I went over the, the waiver and the explanation of his
8 rights again.

9 Q Did you get similar results?

10 A As far as him waiving his rights?

11 Q Yes, sir.

12 A Yes. He waived his rights, and he wanted to speak to
13 us.

14 Q All right. And what did he tell you at this time?

15 A This time it was about 12:35 in the afternoon, and at
16 this time he, he gave a detailed account of what happened.

17 Q All right. And how did he say this happened?

18 A Tells me Saturday morning -- Becky wanted him to keep
19 the kids Friday night. He told Becky he couldn't keep the
20 kids all night. Saturday morning when he went over there
21 she -- he believed she was suffering from a hangover, would
22 say things and then roll her eyes.

23 They spoke about the kids staying over at Becky's
24 mother's house. Becky turned around and says "F" you, and
25 she has a knife in her hand. He got cuts on his, his hands

John Burgess
Direct examination by Mr. Bulsa

1 because she was swinging the knife. Took knife from her
2 and had it in his right hand. Told Becky to stop.

3 Becky walked up on him, and says there was a cut, but
4 never said he stabbed her. said it was a cut in his -- in
5 her -- in her stomach area.

6 when he turned around she began to swing again. She
7 was turning around, and he began to swing the knife and
8 thinks he hit her one more time in the back.

9 Asked. He asked her if she needed him to call the
10 police. Becky told Robert to get out and leave. Told
11 Robert he was going -- Becky told Robert he was going to
12 get, get it for this. She lays there. Didn't want any
13 help. Thought about calling police but then thought about
14 safe Homes and stuff.

15 Do you want me to continue?

16 Q Yes, sir.

17 A We continue the interview. I was letting him explain
18 everything, what happened.

19 He says he didn't mean to hurt her. She ran up on
20 him. The second one he was just swinging the knife.

21 She laid there. She was saying stuff and then didn't
22 say anything.

23 "My first thought was to call 9-1-1 but didn't." He
24 thought if he called 9-1-1 -- if he thought he called 9-1-1
25 he was standing there referencing him standing there with

John Burgess
Direct examination by Mr. Bulsa

1 a -- with a body. The phone rings at that time. And his
2 mother had called me.

3 Q Okay. wait a minute. The phone rings while you're in
4 the interview room, not while he's at the scene.

5 A Yeah. His -- I'm sorry. I, I had spoke to Tammy that
6 morning. And I told her what Robert wanted. And I told
7 her if she wants to talk to him come to city hall. So she
8 called me. This is -- I'm sorry for that. So that's why
9 the phone rang at that time.

10 Q Okay. so then you had a short conversation with
11 Ms. Belcher.

12 A Yes.

13 Q And then did Mr. Lee continue to tell you what
14 happened?

15 A He did.

16 Q His version of what happened.

17 A He did. He said he panicked after she wasn't moving
18 and didn't want people to think he hurt her because he
19 didn't. This was an accident. Told Becky to stop because
20 she was still cussing, cursing, cussing. Wanted to help
21 but didn't because she was cursing.

22 Five or ten minutes she was still talking but thinks
23 she passed away there. He thinks -- he talks to her
24 about -- he talks about her going to the kitchen and
25 getting a knife. But he ends up with the knife after that.

John Burgess
Direct examination by Mr. Bulsa

1 He says that she walks up. He's redoing the interview
2 several times just telling me exactly what has happened.
3 She walks up on him. She walks into the knife and yanks
4 it, and he yanks it back. She starts to swing and he
5 starts to swing. She turns around and he hits her in the
6 back.

7 It was a kitchen knife. I asked him to describe the
8 kitchen knife to me, or the knife. He tells me it's a
9 kitchen knife, black handle. Doesn't know how large.

10 Q Did he describe what type of kitchen knife?

11 A He did not. He was kind of hesitant, because I asked
12 him how big it was, how small it was. And he just tells me
13 it was a kitchen knife, black handle. Doesn't know how
14 large.

15 Q So he's trying to describe to you claiming she pulled
16 the knife and he took it away, and then therefore then it
17 becomes an accident, claiming she ran up on the knife?

18 A That's what he's claiming but --

19 Q Okay. And then she's wildly swinging, and he's
20 swinging back still holding the knife.

21 A Still holding the knife. And at some point she turns
22 around and he stabs her in the back.

23 Q And where does he claim this altercation occurred
24 inside the apartment?

25 A I believe he told me it happened right there in the

John Burgess
Direct examination by Mr. Bulsa

1 hallway, right there at the hallway-kitchen area, right,
2 right there.

3 Q Okay. The front part of the hallway?

4 A Yes, not, not towards the back of the bedrooms but
5 towards the front.

6 Q Okay. All right. And he tells you that he thinks
7 about calling 9-1-1 but does not for what reason?

8 A Because of the Safe Homes and stuff, and he doesn't
9 want to be there when the police get there with the body
10 there.

11 Q All right. So what was his explanation for Ms. Rosa
12 being at Tibbs Drive?

13 A We continued the interview, and then he, he tells me
14 about how he disposed of the body and the items.

15 Q All right. So how -- what was his explanation about
16 how he disposed of Ms. Rosa?

17 A Said he carried her to the car. There was no blanket
18 at that time. Took her to his vehicle. All the blood was
19 in her clothes already in a sheet -- a sheet was already in
20 his car. There was a yellow blanket in his car. He had
21 trouble with her but tried to pick her up but couldn't.
22 Finally he put her over his shoulder.

23 Q Did he deny to you that he actually wrapped her up
24 inside something inside the apartment?

25 A He tells me the, the blanket was already there in his

John Burgess
Direct examination by Mr. Bulsa

- 1 vehicle.
- 2 Q So the picture he's giving you is that he's walking
3 down the stairwell.
- 4 A With a lady over his shoulder.
- 5 Q Okay. And where was his car when he loaded her up?
- 6 A It was back behind the building.
- 7 Q He admitted that he had driven the vehicle behind the
8 building to load her up.
- 9 A Yes.
- 10 Q Okay. And from your recollection of the apartments
11 how many flights of stairs would that have been?
- 12 A If you go around front it's two flights. If you're
13 parked in the back it's three flights. But if you're
14 downhill, then you're just walking right out.
- 15 Q So he went down three flights --
- 16 A Yes.
- 17 Q -- carrying her.
- 18 A She lived at the top -- yes.
- 19 Q Okay. All right. Did he indicate where in the car he
20 put her?
- 21 A I don't have it, but I'm pretty sure he told me it was
22 in the back seat. I'm pretty sure.
- 23 Q In the back seat, not in the back bed?
- 24 A In the back.
- 25 Q In the back seat, not in the bed area?

John Burgess
Direct examination by Mr. Bulsa

- 1 A I'm pretty sure he said back seat, not the cargo area.
2 Q Okay. Now, did he explain why there was no blood in
3 the apartment?
4 A He, he cleaned up the scene from there. He used a mop
5 and some cleaning products to clean up the scene.
6 Q So what did he tell you he took with him when he left
7 Ms. Rosa's apartment?
8 A He took the -- took the mop from there and then left.
9 Q Did he say anything about Ms. Rosa's cell phone?
10 A That came later.
11 Q Came later. Okay.
12 A Yes.
13 Q Okay. Did he tell you again about what he did with
14 the knife?
15 A Later on in the investigation or at the interview I
16 asked him about those items.
17 Q Okay. So he gave you a version, and then you went
18 back and asked some specific questions?
19 A Yes.
20 Q And you said you had to ask him about what happened to
21 the knife?
22 A Yes.
23 Q Then what was his -- what did he say happened to the
24 knife?
25 A He said he took the knife and her cell phone to a

John Burgess
Direct examination by Mr. Bulsa

1 river and threw it into the river off of Tibbs Road.

2 Q What was the purpose for disposing of the cell phone?

3 A I'm not sure. He'd already told me that he actually
4 sent a text from her phone to his phone to, to set
5 everything up.

6 Q Okay. So the message that he was talking about at
7 10:29, about her texting him, is he admitting that he is
8 the one who sent that text from her phone to his phone?

9 A That's correct.

10 Q So was he able to give you a timeframe of Ms. Rosa's
11 death?

12 A He tells me -- it was still that morning, around
13 9:00 or 9:30 that morning.

14 Q Okay. All right. And then we know he's cleaning up
15 the scene and sending a text message. He's told you about
16 the knife and the cell phone. What happened to the mop --
17 the mop?

18 A He took the mop and the comforter that she was on and
19 his, at least his, shirt to another location.

20 Q He's telling you the comforter was already in his car?

21 A The comforter was already in the car, yes.

22 Q Okay. He took the mop and the comforter and disposed
23 of those where?

24 A He took those items to Fred's on U.S. 29 behind the
25 Food Lion in Lyman.

John Burgess
Direct examination by Mr. Bulsa

- 1 Q Okay. So the Food Lion in Lyman that he's telling you
2 about, is that the one that Rebecca used to work at?
- 3 A That's correct.
- 4 Q And he worked at for a short while.
- 5 A That's correct.
- 6 Q And then he takes the mop, the comforter and his
7 shirt --
- 8 A That's correct.
- 9 Q -- and puts them in a Fred's beside that.
- 10 A That's correct.
- 11 Q How far is that from Prince Hall Apartments?
- 12 A Go down 29. Probably 12 or 13 miles.
- 13 Q Okay. How far is Tibbs Drive from Prince Hall
14 Apartments?
- 15 A Eight miles maybe. Go down Reidville Road from the
16 city, and it's out there on Nazareth Church Road.
- 17 Q And the site where he claims he disposed of the knife
18 and the cell phone was near Tyger River?
- 19 A Yes. I didn't know the river -- didn't know the name
20 of the river at the time. I later found out it was that.
21 And it's, it's -- you couldn't drive. Well, we had to get
22 the A.T.V. the second day. But the first day you actually
23 had to walk down there. And it is a good ways off of Tibbs
24 Road.
- 25 Q Right. So he's disposing of the knife and the cell

John Burgess
Direct examination by Mr. Bulsa

1 phone down in a river that is beyond the end of Tibbs
2 Drive. Same Tibbs Drive where Ms. Rosa's body was found?

3 A That's correct.

4 Q All right. Did you question him about what he did
5 with Ms. Rosa?

6 A I spoke to him about, about her. He said he took her
7 to Tibbs Road, took the body there because it was a wooded
8 area, left his car and walked down to find a spot to put
9 her. Took her to that spot of the woods. And he carried
10 her down there. He said it was so hot he was weak. She
11 fell over, and he left her. He was going to go farther
12 into the woods but couldn't because he was weak.

13 Q How did he bury her?

14 A I don't think I asked that question.

15 Q Now, he's telling you all of this the day after he's
16 put in the county jail, right?

17 A The day after, yes.

18 Q But the day before you had met with him for almost
19 over an hour. You had given him opportunity to give an
20 explanation, yet he refused.

21 A That's correct.

22 Q Okay. After you got this information from Mr. Lee
23 what did you do?

24 A Two things. I directed people to go to Fred's on
25 Highway 221 -- correction -- Highway 29 to look for those

John Burgess
Direct examination by Mr. Bulsa

1 items. And then I made arrangements with other people to
2 take Mr. Lee who was willing to go to show us where he
3 disposed of the knife and cell phone.

4 Q Was that in the afternoon?

5 A It was in the afternoon, yes.

6 Q In the afternoon of the 16th you go back to Tibbs
7 Drive.

8 A Go back to Tibbs Drive, yes.

9 Q And what did you do once you got to Tibbs Drive?

10 A You can only drive so far unless you have off-road
11 vehicle, A.T.V., something of that nature. We had to park.
12 And there was several of us, including Mr. Lee. And we
13 walked. Felt like eternity, but it, it was a good ways
14 down to the river.

15 Q So the road didn't drive to the river itself, I mean,
16 didn't go all the way to the river.

17 A No. Once you get to the actual river, then there's a
18 service road that you can follow. It's not paved. It's
19 just where they put pipes in or something. But you have to
20 actually walk all the way down there.

21 Q And approximately how far was that from where Ms.
22 Rosa's body was found?

23 A I would estimate a mile and a half, maybe even two
24 miles.

25 Q Okay.

John Burgess
Direct examination by Mr. Bulsa

1 A Because it's, it's winding back and forth before you
2 can get to the river. And we weren't there. We were
3 speaking about it on the way. You know, I asked him why
4 did he come all the way down here. And he said he's grew
5 up here and he's familiar with the area.

6 Q Were you able to search the river at that time?

7 A At that time, no.

8 Q Why not?

9 A Because we were in dress clothes.

10 Q How did you mark the river about knowing where to go
11 back?

12 A Gave a general description of -- using G.P.S. And if
13 you follow the, the path it's basically if you just --
14 where we went, if you just follow the path it will take you
15 to where he led us back so we knew. It's what -- you
16 weren't cutting through woods or you weren't going over
17 hills or anything, but you knew where to go.

18 Q So you felt comfortable. Did you go back to search
19 for it?

20 A The next day.

21 Q The next day. Was Mr. Lee with you at that time?

22 A He was not.

23 Q Are you confident you went back to the same location
24 he had showed you?

25 A Yeah, yes, sir, because he was -- he told us exactly

John Burgess
Direct examination by Mr. Bulsa

1 where he was standing when he threw the -- threw the items.
2 And it's some rapids that he threw the items into. So
3 we -- I was -- I know we was at the right spot.

4 Q Okay.

5 (Photographs marked State's Exhibits No. 86 and 87 for
6 Identification.)

7 Q Officer, let me show you what's been marked for
8 identification State's 86 and 87. Do you recognize those
9 photographs?

10 A Yes.

11 Q Do they accurately show the area of the river where
12 Mr. Lee told you he threw the weapon?

13 A Yes.

14 Q And does one of those show the actual search for that
15 weapon?

16 A It does.

17 MR. BULSA: Your Honor, the state would offer
18 State's 86 and 87 into evidence.

19 MR. DELANEY: No objection.

20 THE COURT: They are admitted.

21 (Photographs marked State's Exhibits No. 86 and 87.)

22 Q Let me show you State's 83 while that's warming up.
23 Can you see the approximate location of where the body was
24 found on that?

25 A Should be right here, close to right here, I believe.

John Burgess
Direct examination by Mr. Bulsa

1 Q So you feel comfortable you could identify it.

2 A Yes.

3 Q Okay. Let's start with this. This is a map view,
4 State's Exhibit 79. And the yellow up there, Tibbs Drive,
5 is noted as the location of where the body was found. This
6 road stops here, but that was only to designate the
7 location of the body but actually continues on for a short
8 while.

9 A Yes. A couple of hundred yards.

10 Q And then it turns from the asphalt road to --

11 A Just a gravel bumpy road.

12 Q Okay. State's 83. Can you identify where you believe
13 the approximate area, where the body would be found? Watch
14 the microphone.

15 A I believe it's somewhere right here.

16 Q Okay. And trace if you would for the jury where --
17 where you would have walked to the river.

18 A The road -- the road ends at this last house. So we
19 would have to walk all the way here. Not sure if we went
20 this way or this way. I feel sure, pretty confident, that
21 we went this way until we came to the river about right
22 here.

23 Q Okay. State's 86. Is that a photograph of how the
24 river looked where he, where Mr. Lee, indicated he threw
25 the items?

John Burgess

Direct examination by Mr. Bulsa

1 A Yes. I, I asked him several times to make sure we
2 wasn't going on a wild goose chase or anything are we there
3 yet. No, it's a little bit further, a little bit further.
4 You'll see at a rock that's out.

5 So we get to this point. He said he walked right here
6 to the edge of this rock and then he threw the items into
7 this rapid here. So he knew that exact rock, where to go.

8 Q So he threw it downstream into a rapid.

9 A Yes. He was standing right here on this corner and
10 threw the items right here.

11 Q And when you went back the next day, is that where you
12 began your search?

13 A Yeah. We searched beginning at the top. And then
14 there's an area. This is shallow. There's a pool maybe
15 waist high of just the water is not flowing that much. So
16 we, we searched all of this, this complete area right here,
17 and even further on down.

18 Q Okay. How long did you stay out there searching?

19 A All day.

20 Q State's 87. Is that a photograph showing an officer
21 searching?

22 A Yes. That's actually me right here. And that's us
23 searching the rapids. We were doing a hand search.

24 Q Did you have any success?

25 A No.

John Burgess
Direct examination by Mr. Bulsa

1 Q Find the knife or the cell phone?

2 A Knife or the cell phone, no.

3 Q So we're left with Mr. Lee's description to you of
4 what might be actually used to kill Ms. Rosa.

5 A Yes. We didn't have -- you know, I didn't know if it
6 was a 4-inch knife or a 12-inch knife or anything. We were
7 just going off of a black black-handled knife.

8 Q Did you participate in the search of Miller Drive?

9 A I did not.

10 Q You did not. Did you participate in the processing of
11 Prince Hall Apartments?

12 A I did.

13 Q Did you recall seeing any knives that matched the
14 description Mr. Lee described to you?

15 A Did not.

16 Q Did you notice any type of cutting knives in that
17 apartment?

18 A Did not.

19 Q What kind of utensils or cooking utensils did you
20 recall seeing in Ms. Rosa's apartment?

21 A We, we, we would look for items that would have caused
22 that amount of blood to be lost. But as far as I can
23 remember if she had anything it was just some plastic
24 utensils that -- if I can remember correctly. But we would
25 have collected anything that would have caused that much

John Burgess
Direct examination by Mr. Bulsa

1 injury.

2 Q So you clearly did not see any sharp-edged knives.

3 A Yeah, because at the time obviously we could tell we
4 had a crime scene, but we couldn't tell what kind of weapon
5 was used. We looked.

6 Q Did Mr. Lee tell you at any point that he took more
7 than one knife from the apartment?

8 A No.

9 (Map marked State's Exhibit No. 88 for
10 Identification.)

11 Q Let me show you what's been marked State's 88 for
12 Identification. Can you describe what that is?

13 A This is the map of all of the, the crime scenes
14 involved.

15 Q Okay.

16 A Lays it out.

17 Q And it actually has captions indicating the locations?

18 A Yes, sir.

19 MR. BULSA: Your Honor, the state would offer
20 State's 88 into evidence.

21 MR. DELANEY: No objection.

22 THE COURT: It's admitted.

23 (Map marked State's Exhibit No. 88.)

24 Q Is this an unusual situation that you've got this many
25 areas to deal with?

John Burgess
Direct examination by Mr. Bulsa

- 1 A It is.
- 2 Q Okay. Do you still have that pointer?
- 3 A Yes, sir.
- 4 Q Okay. Did you say Prince Hall Apartments is located
5 within the city limits of Spartanburg?
- 6 A Yes, sir.
- 7 Q And Tibbs Drive is located in a rural area in the
8 county?
- 9 A In the county, yes.
- 10 Q And we see the Middle Tyger River where he claims he
11 disposed of some of the evidence.
- 12 A Yes, sir.
- 13 Q See Miller Drive, how -- the connection it is to Tibbs
14 Drive.
- 15 A Yes.
- 16 Q And you see we have the Food Lion marked. And you
17 indicated the Fred's was right near the Food Lion?
- 18 A Behind the Food Lion, yes.
- 19 Q Okay. And that's where Ms. Rosa worked, is at the
20 Food Lion.
- 21 A Yes.
- 22 Q So this is spread over a wide area of Spartanburg. Do
23 you know if anything was found at the Food Lion location --
24 or excuse me -- at the Fred's location?
- 25 A I believe I had called and asked when their dumping

John Burgess
Direct examination by Mr. Bulsa

1 date was and I was told it had already been dumped. I sent
2 people out there anyways, and nothing was recovered that I
3 know of.

4 Q So on the 16th when Mr. Lee gave you information about
5 his claim as to how Ms. Rosa died are you confident you
6 took every effort to locate the items in question?

7 A Yes, very confident.

8 Q You sent a team out to Middle Tyger River and you sent
9 a team out to the Fred's dumpster.

10 A Yes.

11 Q You had already processed both 494, processed Prince
12 Hall, processed the Durango. And was anything recovered
13 other than the blood at Ms. Rosa's apartment?

14 A As far as the items that he used to kill her, no.

15 Q You found the blood and found the palm print of his
16 inside the apartment, would have been blood, and we find
17 her body. And that's it.

18 A Yes. When we searched the -- or processed the scene
19 at Prince Hall, you use amino black, you're only going to
20 get that if it's blood. So we knew when we saw that we had
21 that amount of blood and then a bloody print on the wall,
22 we knew something terrible had happened.

23 Q The police made every effort to get to the bottom of
24 what had happened to Ms. Rosa.

25 A Absolutely.

John Burgess
Cross-examination by Mr. Delaney
Redirect examination by Mr. Bulsa

1 Q Thank you, Officer. Answer any questions Mr. Delaney
2 has.

3 CROSS-EXAMINATION

4 BY MR. DELANEY

5 Q Good afternoon.

6 A Good afternoon.

7 Q In this second statement that Mr. Lee gave to you, who
8 does it appear brought the knife into this fight if you
9 will, based on his second statement?

10 A He's claiming Rebecca did.

11 Q Did he make it based on that second statement he gave
12 to you -- did you ever make an evaluation as to whether he
13 was acting in any sort of self-defense?

14 A I afforded him the opportunity to ask -- to give me an
15 explanation of what happened the first night. The second
16 time based on what he told me that was the only reason he
17 could come up with, was a self-defense claim.

18 Q Thank you.

19 MR. DELANEY: That's all I have, Judge.

20 REDIRECT EXAMINATION

21 BY MR. BULSA

22 Q Based on Mr. Delaney's question, are you telling us
23 Mr. Lee's version was he was acting in self-defense when he
24 killed Ms. Rosa?

25 A That's what he told me.

Tina Hurne
Direct examination by Mr. Bulsa

1 Q Okay. Thank you.

2 THE COURT: You may step down.

3 MR. BULSA: The state calls Tina Hurne.

4 TINA HURNE, having been first
5 duly sworn, testified as follows:

6 DIRECT EXAMINATION BY MR. BULSA

7 Q Ms. Hurne, please introduce yourself to the jury.

8 A My name is Tina Hurne.

9 Q And who are you employed with?

10 A I'm employed with the Spartanburg Public Safety
11 Department.

12 Q In what capacity?

13 A I am a criminal investigator.

14 Q Did you participate in the investigation of the death
15 of Ms. Rosa?

16 A I did.

17 Q When did you become involved in the case?

18 A I became involved in the case on -- it was Tuesday, on
19 June the 15th.

20 Q Okay. Were you working closely with Detective
21 Burgess?

22 A On that day I was with Investigator Nelson.

23 Q Okay. And did you kind of work between the two of
24 them?

25 A I did.

Tina Hurne
Direct examination by Mr. Bulsa

1 Q And we've heard a lot about the investigation, but
2 specifically for your part were you tasked to go to the
3 Fred's near the Food Lion in Lyman?

4 A I did.

5 Q And for what reason?

6 A To look for a mop and a comforter -- given information
7 during the interview with Investigator Burgess and Mr. Lee
8 that those items were there.

9 Q What efforts were made to find those?

10 A We basically climbed in the dumpster and cleared it
11 all out. None of the items were found.

12 I also received information from the company that
13 picked up trash that the dumpster wasn't supposed to be
14 picked up until the 17th.

15 Q Okay. So your information -- you thought it might
16 still be there if his information was accurate.

17 A That's correct.

18 Q The dumpster. When, when did your information
19 indicate the dumpster had previously been dumped?

20 A I don't think I got that information. Again, it's
21 just the company knew that they were scheduled on a weekly
22 basis.

23 Q Okay. And so what day of the week was it supposed to
24 be dumped?

25 A It was supposed to be picked up on Thursday,

Tina Hurne
Cross-examination by Mr. Delaney

1 June 17th. And we were there on Wednesday, June 16th.

2 Q And we know Ms. Rosa was -- now we know she was killed
3 on Saturday.

4 A That's correct.

5 Q So if the items had been dumped there they should have
6 still been there.

7 A Yes.

8 Q Is that right?

9 A That's correct.

10 Q And you were looking for a mop?

11 A A mop and a yellow comforter.

12 Q Pretty big items.

13 A Yes.

14 Q You clearly didn't miss those, did you?

15 A No.

16 Q Okay. Thank you, ma'am.

17 MR. BULSA: That's all I have.

18 CROSS-EXAMINATION

19 BY MR. DELANEY

20 Q So if Mr. Lee said or if it has been reported that
21 Mr. Lee's statement said that there was a mop and a yellow
22 comforter in that dumpster, you didn't find it, did you?

23 A Did not.

24 Q So that means that that statement would have been
25 incorrect, is that correct?

1 A It was his statement, so.

2 Q Do you -- as part of your investigation -- did you
3 have any involvement with Ms. Rosa in the Safe Home?

4 A No, I did not.

5 Q Thank you.

6 MR. BULSA: Nothing further.

7 THE COURT: Step down.

8 MR. BULSA: May we approach, Your Honor?

9 (Bench conference held off the record in the presence
10 of the jury but out of the hearing of the jury.)

11 THE COURT: Ladies and gentlemen of the jury, we're
12 going to recess now for lunch.

13 I'll ask you to keep in mind the caution I've
14 previously given you. Don't talk about the case; don't
15 allow yourselves to be exposed to any type of media
16 coverage; don't conduct any investigation of any kind.

17 Have a good lunch, and please report to your jury room
18 at 1:45, at 1:45 this afternoon.

19 (The following takes place outside the presence of the
20 jury.)

21 THE COURT: Court is in recess until 1:45.

22 (Whereupon, a recess was taken.)

23 THE COURT: Ready for the jury?

24 MR. BULSA: Yes, sir.

25 MR. DELANEY: Yes, sir.

Dr. John David Wren
Direct examination by Mr. Bulsa

1 THE COURT: Bring them in.

2 (The following takes place in the presence of the
3 jury.)

4 THE COURT: Good afternoon, ladies and gentlemen. We
5 are going to continue with the state's presentation.

6 MR. BULSA: The state calls Dr. Wren.

7 (Diagram marked State's Exhibit No. 89 for
8 Identification.)

9 DR. JOHN DAVID WREN, having
10 been first duly sworn, testified as follows:

11 DIRECT EXAMINATION BY MR. BULSA

12 Q Good afternoon, Dr. Wren.

13 A Afternoon.

14 Q Would you introduce yourself to the jury?

15 A My name is John David Wren.

16 Q What's your occupation, sir?

17 A I'm a pathologist, specialty in anatomic and clinical
18 pathology, physician.

19 Q Do you work through the Spartanburg Regional Medical
20 Center?

21 A I'm the laboratory medical director of Spartanburg
22 Regional Medical Center, as well as Spartanburg Hospital
23 for Restorative Care. I work for Carolinas Pathology Group
24 which does hospitals in North Carolina, as well as South
25 Carolina, including all the hospitals in Spartanburg