

Testimony of Rebecca Neal

DIRECT EXAMINATION

12

13 BY MR. RICHARD MOSTY:

14 Q. Rebecca, how old are you?

15 A. Twelve.

16 Q. All right. And you and I had an

17 opportunity to meet during lunch, didn't we?

18 A. Yes, sir.

19 Q. All right. And remember --

20

21 THE COURT: Mr. Mosty, I hate to

22 interrupt. They still cannot hear you. You are going to

23 have to speak loud. You will hear your voice echo, don't

24 worry about that.

25 MR. RICHARD C. MOSTY: Rebecca, can

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1 you pull that microphone up?

2 THE COURT: Right up to you. There

3 you go. All right.

4

5 BY MR. RICHARD C. MOSTY:

6 Q. All right. You remember I told you to

7 just try to relax while you are here?

8 A. Yes.

9 Q. All right. And you need to try to

10 answer out with a yes or a no or whatever the answer is,

11 rather than saying unh-uh and um-hum. Okay?

12 A. Yes.

13 Q. Okay. And Rebecca, you understand the

14 difference between telling the truth and telling a lie?

15 A. Yes.

16 Q. And, you know that you are sworn under

17 oath to tell the truth here before this jury today?

18 A. Yes.

19 Q. All right. Now, Rebecca, you're in

20 what grade?

21 A. Sixth.

22 Q. And, where do you go to school?

23 A. Coyle Middle School.

24 Q. And Rebecca, who are your parents?

25 A. Karen Neal and Terry Neal.

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1 Q. Do you have any brothers and sisters?

2 A. Yes, I have one brother.

3 Q. All right. And, who lives in your
4 house with you?
5 A. My mom, my dad and my brother.
6 Q. Do you need a Kleenex?
7 A. Yes.
8
9 THE COURT: Is there another witness
10 you can put on?
11 MR. RICHARD C. MOSTY: Yes. Do you
12 want to call another witness?
13 THE COURT: Why don't you step down
14 for a minute and then we will have you come back. Okay?
15 All right.
16 MR. RICHARD C. MOSTY: Could I step
17 out and maybe visit with her and see if she can get her
18 composure.
19 THE COURT: That will be fine.
20 MR. DOUGLAS MULDER: Judge, why don't
21 we let her dad come in here and sit in the front row with
22 her or some place where she can see him.
23 THE COURT: That will be fine. If you
24 want him to testify, you can put him on first and then
25 put her on. Okay?
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1 MR. DOUGLAS MULDER: I think it's
2 cumulative. If we can just have him sit in here, that's
3 fine.
4 THE COURT: Well, that will be fine.
5 Do both sides agree to that?
6 MR. GREG DAVIS: Yes, sir.
7 THE COURT: All right. Let's bring
8 the father in, if that will help. All right.
9 (Witness comes back into courtroom.)
10 THE COURT: How are you feeling?
11 THE WITNESS: Okay.
12 THE COURT: All right. Listen, you
13 just relax. Okay?
14 THE WITNESS: Okay.
15 THE COURT: Are you ready to go again?
16 THE WITNESS: Yes, sir.
17 THE COURT: Okay. Go ahead.
18
19 BY MR. RICHARD C. MOSTY:
20 Q. Rebecca, this is your dad sitting here
21 on the front row, is it?
22 A. Yes, sir.
23 Q. Rebecca, I know this is hard for you,
24 you were friends with Darlie?

25 A. Yes, sir.
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1 Q. And, since Darlie has been arrested,
2 have you ever seen her?

3 A. No, sir.

4 Q. Until just now when you took the
5 witness stand?

6 A. Yes.

7 Q. And is that what got you upset?

8 A. Yes.

9 Q. All right. And let me try to move
10 briefly through some of this. You live across the street
11 from the Routiers?

12 A. Yes.

13 Q. And how was your relation with the
14 Routier family? How frequently would you go over there?

15 A. About every day.

16 Q. Okay. After school?

17 A. Yes.

18 Q. If I understand, your parents both
19 work?

20 A. Yes.

21 Q. How long do you think -- I think the
22 Routiers moved in there in '93. Did your relationship
23 build or have you been going over there pretty much all
24 the time?

25 A. About all the time.

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1 Q. Okay. And, you knew Devon and Damon,
2 of course?

3 A. Yes.

4 Q. And did you play with them?

5 A. Yes.

6 Q. At the Routiers' house?

7 A. Yes.

8 Q. Were you welcome at the Routiers'
9 house?

10 A. Yes.

11 Q. Were all of the neighborhood kids
12 welcome there?

13 A. Yes.

14 Q. And what kind of relationship did
15 Darlie have with the neighborhood kids?

16 A. Pretty good.

17 Q. All right. And what kind of

18 relationship did you and Darlie have? What was that

19 like?

20 A. Well, like she was my mom.

21 Q. All right. Was it also like she was a

22 friend of yours?

23 A. Yes.

24 Q. Did you value that relationship?

25 A. Yes.

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1 Q. Do you still value that relationship?

2 A. Yes.

3 Q. And how did Darlie seem to get along

4 with her kids?

5 A. Oh, she got along with them pretty

6 good.

7 Q. Okay. As well as you and your mom get

8 along?

9 A. Yes.

10 Q. Okay. And, did the kids appear happy?

11 A. Yes.

12 Q. Did Devon and Damon have lots of

13 things, like Nintendos and games and TVs and those

14 things?

15 A. Yes.

16 Q. And did you go over there and watch TV

17 and play games with them and things of that nature?

18 A. Yes.

19 Q. Rebecca, did you play outside with the

20 boys?

21 A. Yes.

22 Q. And was Darlie -- did Darlie know

23 where y'all were or was some adult watching y'all at all

24 times?

25 A. Yes.

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1 Q. And did you ride bikes with the boys

2 and things of that nature?

3 A. Yes.

4 Q. Where did the boys usually ride their

5 bicycles?

6 A. Like in the driveway or on the

7 sidewalk.

8 Q. Okay. What about back in the alley

9 behind the house sometimes?

10 A. Yes, sometimes.

11 Q. Now, did you also have occasion to

12 help out with Darlie in looking after the kids?

13 A. Yes.
14 Q. Did you help her sometimes looking out
15 with baby Drake?
16 A. Yes.
17 Q. Did you have a good relationship with
18 Drake?
19 A. Yes.
20 Q. And what would you do with Drake?
21 A. We would play with his toys.
22 Q. With him?
23 A. Um-hum. (Witness nodding head
24 affirmatively.) Yes.
25 Q. Did you -- was there always some adult
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1 there when you were sort of looking after Drake?
2 A. Yes.
3 Q. And, I guess you were sort of keeping
4 up with how Drake was doing?
5 A. Yes.
6 Q. Now, I want to direct your attention
7 to June of last year. I guess you were out of school, I
8 guess for the summer?
9 A. Yes.
10 Q. And during that period of time in the
11 summer, how much of the day, when you were out of school,
12 how much of the day would you spend over at the Routiers'
13 house?
14 A. About -- I don't know.
15 Q. Most of the day?
16 A. Yes.
17 Q. Would you go over there pretty early
18 in the morning?
19 A. Yes.
20 Q. Do your parents go to work real early?
21 A. Yes.
22 Q. And I think maybe your mom said that
23 she got off work at something like 2:30 or 3:00.
24 A. Yes.
25 Q. Is that about right?
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1 A. Yes.
2 Q. Now, do you remember meeting a lady
3 named Halina?
4 A. Yes.
5 Q. On how many days did you meet Halina?
6 A. About two.

7 Q. And would that have been right before
8 this tragedy occurred?

9 A. Yes.

10 Q. Now, at that time do you remember
11 anything about Drake or how he was progressing as a young
12 boy?

13 A. Well, what do you mean?

14 Q. Well, for instance, was he walking by
15 then?

16 A. Well, you had to hold on to his hands.

17 Q. He was trying to walk?

18 A. Yes.

19 Q. And was he crawling around on floors
20 and moving around some?

21 A. Yes.

22 Q. Okay. What about teeth, was he?

23 A. He was getting teeth.

24 Q. Okay. And as a young girl, were you
25 sort of paying attention to this young baby?
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1 A. Yes.

2 Q. Have you ever been around any little
3 babies before?

4 A. Yes.

5 Q. Now, Rebecca, is there anything that
6 you remember about Drake in terms of how he liked to lie
7 and how he liked to sleep?

8 A. Yes.

9 Q. What was that?

10 A. He always liked a pillow -- I mean, a
11 blanket over his head.

12 Q. Is that as long as you remember, he
13 liked to have a blanket over his head?

14 A. Yes.

15 Q. Now, do you remember the first day
16 that Halina ever came to the house, just in general?

17 A. Yes.

18 Q. And were you there most of that day?

19 A. Yes.

20 Q. Now, I want to turn to the second day
21 that Halina came to the house. Were you also there at
22 that time?

23 A. Yes.

24 Q. Were you there most of that day?

25 A. Yes.

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1 Q. Were you there when there was an
2 incident of Halina asking, where is the baby?
3 A. Yes.
4 Q. Where -- when that happened, what were
5 you doing?
6 A. Can you repeat that, please?
7 Q. When that happened, right before
8 Halina asked, where is the baby, where were you?
9 A. I was downstairs on the couch.
10 Q. Okay. And where was Darlie?
11 A. She was sitting next to me.
12 Q. On the couch?
13 A. Yes.
14 Q. And what were y'all doing?
15 A. We were looking at a photo album.
16 Q. Okay. And were y'all talking?
17 A. Yes, we were laughing.
18 Q. You were laughing?
19 A. Yes.
20 Q. Were you looking at some photographs
21 there?
22 A. Yes.
23 Q. Where was Drake?
24 A. He was laying down on the floor on his
25 pillow.
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1 Q. Okay. Sort of in front of the TV?
2 A. Yes.
3 Q. Okay. And he was on a pillow?
4 A. Yes.
5 Q. Was he covered up?
6 A. Yes.
7 Q. Had the blanket all the way over his
8 head?
9 A. It wasn't all the way over his head.
10 It was partly over his head.
11 Q. Okay. And do you remember Halina
12 saying something like, "Where is the baby"?
13 A. Yes.
14 Q. Was it obvious where Drake was?
15 A. Well --
16 Q. Was he in the middle of the floor?
17 A. Yeah.
18 Q. Okay. And, when Halina first said
19 that, do you remember even hearing about it? I mean, did
20 you hear it, did you understand what she said at first?
21 A. No.
22 Q. Did you or Darlie respond while you

23 were there laughing?

24 A. No, because we didn't hear her.

25 Q. Okay. And then, what did Halina do?

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1 A. She started looking under the couch.

2 Q. For?

3 A. The baby.

4 Q. Okay. And, did that sort of strike

5 you as funny?

6 A. Yes.

7 Q. Okay. Did you laugh?

8 A. Yes.

9 Q. A little bit?

10 A. Yes.

11 Q. And was Drake out in the middle of the

12 room?

13 A. Yes.

14 Q. Was anybody holding him?

15 A. Well --

16 Q. What was he doing?

17 A. He was still sleeping and then Halina

18 finally found him and she picked him up.

19 Q. Did she appear sort of upset with

20 y'all?

21 A. Yes.

22 Q. Did you intend to laugh at Halina?

23 A. No.

24 Q. Do you recall anything else that day,

25 that second day of Halina saying, "Come get this baby out

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1 of the highchair," or calling you upstairs to come down

2 and get baby Drake?

3 A. No.

4 Q. Okay.

5

6 MR. RICHARD C. MOSTY: I think that's

7 all I have, your Honor.

8 MR. GREG DAVIS: No questions.

9 THE COURT: Ma'am, you may step down

10 now. I have to give you one warning. When you are not

11 testifying, please remain outside the Courtroom. Don't

12 talk with anybody about your testimony. If somebody

13 tries to talk to you, please tell Mr. Mosty or Mr.

14 Mulder. Will that be fair enough?

15 THE WITNESS: Yes.

16 THE COURT: Okay. Thank you. Be
17 careful stepping down, please.