

1 two incidences that occurred on the morning of February  
2 the 4th. One was the burglary and robbery of Rebecca  
3 Henry and one was the homicide or the killing of  
4 Marlene Reeves. When you listen to the evidence, you  
5 have to determine whether it is sufficiently  
6 unambiguous to refer only to the case that we are here  
7 today trying. That is the Marlene Reeves case. The  
8 defendant is not on trial today for the Rebecca Henry  
9 case. If the evidence that is introduced can be  
10 equally applicable to either or the other, then you  
11 need to make that decision, and I have to ask you to  
12 listen very carefully as to whether or not the evidence  
13 clearly points to one or the other.

14 I'm not going to stand up here and tell you that  
15 Mr. Capehart is a nice guy, but he's not on trial for  
16 what kind of an individual he is. He's on trial for a  
17 specific crime and that is the first-degree murder of  
18 Marlene Reeves and the burglary of Marlene Reeves.

19 If, after hearing the evidence and applying your  
20 understanding of that evidence, you have a reasonable  
21 doubt as to whether Mr. Capehart actually committed this  
22 terrible crime, then you must find him not guilty,  
23 regardless of whether you feel he might be guilty of  
24 some other crime. It is only this Marlene Reeves case  
25 that you are to make your determinations of and no other

Exhibit "A"

1 case.

2 We expect the evidence to point equally to  
3 innocence as it does to guilt and in that situation,  
4 there is reasonable doubt. I'm not going to stand up  
5 here and recite all of the evidence that I expect you  
6 to hear because the State Attorney's office will be  
7 presenting the case. They have the control of the  
8 witnesses that will be called, so I cannot tell you what  
9 witnesses they will call, what witnesses they will not  
10 call. But the witnesses that they do call, I ask you  
11 to listen carefully to their testimony, and in  
12 particular listen to their answers on cross-examination  
13 regarding that testimony.

14 Thank you very much.

15 THE COURT: Call your first witness, please.

16 MR. VAN ALLEN: Rebecca Henry.

17 THEREUPON,

18 REBECCA HENRY,

19 the witness herein, being first duly sworn, was examined and  
20 testified as follows:

21 DIRECT EXAMINATION

22 BY MR. VAN ALLEN:

23 Q Ms. Henry, if you can't hear me, you tell me you  
24 can't hear me. All right?

25 A All right.

DONNA ANN RUGE  
& ASSOCIATES

OFFICIAL CIRCUIT COURT REPORTERS

1 Q You need to speak into that microphone so these  
2 fine folks over here can hear what you have to say.

3 A All right. Okay.

4 Q Would you tell us what your full name is.

5 A My name is Rebecca Sue Henry.

6 Q And, Ms. Henry, where do you live?

7 A 903 Claude Street, Apartment 18, Dade City,  
8 Florida.

9 Q And how long have you lived there?

10 A Since the first of July, I believe it was, I  
11 lived in Apartment 18 since July 1, 1987.

12 Q And on February the 4th of 1988, what apartment  
13 were you living in?

14 A Apartment 3.

15 Q Okay. Back in February of 1988, did you know a  
16 person by the name of Marlene Reeves?

17 A Yes, I did.

18 Q And how is it that you came to know Ms. Reeves?

19 A She was my next-door neighbor. She was in  
20 Apartment 6.

21 Q Okay. And how well did you know her?

22 A I knew her in a way -- I would say it was  
23 casually, and then in another way it wasn't so casual because  
24 she was about the first person I met when I moved there to  
25 Apartment 3 on December 1, 1986.