

A True and Correct Copy

of the

Trial Testimony of

REGINA ROSENBAUM

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THE COURT: Go ahead and call your next witness.

MR. FEAZELL: Your Honor, the State calls Regina Rosenbaum.

THE COURT: Mrs. Rosenbaum, just have a seat. You've already been sworn.

REGINA ROSENBAUM,
having previously been sworn to testify, testified on her oath as follows, to-wit:

DIRECT EXAMINATION

By Mr. Feazell:

Q Mrs. Rosenbaum --

A Yes.

Q For the record, your name is Regina Rosenbaum?

A Yes.

Q Okay. Mrs. Rosenbaum, everything that you and I say will be taken down, written down by this lady sitting between us. So every time I ask you a question, you can't do that or that; I need for you to answer out with words.

A Yes, sir.

Q Okay. And I notice your voice is soft. And you're going to have to try so that these people over here can hear every word you say.

A Yes, sir.

Q Will you do that?

A Yes, sir.

1 Q Okay. I believe you're pregnant, aren't you, Regina?
2 A Yes, sir.
3 Q How many months?
4 A Four and a half.
5 Q Okay. Regina, do you know a man by the name of David Wayne
6 Spence?
7 A Yes, sir.
8 Q Do you see Mr. Spence in the courtroom today?
9 A Yes, sir. I do.
10 Q Will you point him out, please?
11 A Second gentleman from the end.
12 MR. FEAZELL: Your Honor, if the record could
13 reflect the witness has identified the defendant.
14 THE COURT: The record will so reflect.
15 Q When did you first meet David Spence?
16 A Late summer.
17 Q Late summer of what year?
18 A Of '82. '82.
19 Q '82. How do you know it was late summer?
20 A Because my son was born the beginning of summer, and my
21 brother's birthday and my cousin's birthday are in
22 the last part of June. And I met him, I guess, three or
23 four weeks after that.
24 Q Okay. So it would have been past the middle of July, then?
25 A About close to the end of July.

1 Q All right. How is it that you met David Wayne Spence?
2 A I met him through Johnny Cardwell.
3 Q All right. And how did you meet David Spence through
4 Johnny Cardwell?
5 A We had been out at the lake.
6 Q We who?
7 A Me, Johnny Cardwell, Billy Wright, and another friend named
8 Billy.
9 Q Okay.
10 A And we were on our way home. And we stopped by the store,
11 and David was there at the store.
12 Q David was at the store?
13 A Yes.
14 Q So you met David there at the store?
15 A Yes.
16 Q Did you see him anymore that day?
17 A Yes. We went to his apartment.
18 Q Why did you do that?
19 A Johnny knew him. Well, knew his brother, had gone to
20 school with his brother. And they wanted to visit and talk
21 for a while.
22 Q All right.
23 A So we went there.
24 Q So you went to whose apartment?
25 A David's.

1 Q And where was that?
2 A Northwood Apartments.
3 Q Did you go inside?
4 A Yes.
5 Q When you got inside the apartment, did the place looked
6 lived in?
7 A No.
8 Q Explain what you mean to the jury.
9 A It was empty, like they had moved out. And David had said
10 that they had moved out.
11 Q Empty meaning all the furniture was gone?
12 A No. There was furniture in there, but there was nothing
13 else. There wasn't sheets on the bed, or nothing like
14 that.
15 Q No dishes or stuff in the refrigerator; that sort of thing?
16 A No, sir.
17 Q Okay. Did anybody mention to you that he was moving out?
18 A David had stated that he had moved out.
19 Q All right. What did ya'll do there in the apartment,
20 Regina?
21 A Talked and drank some beer.
22 Q All right. And what kind of -- just in general, what kind
23 of things did you talk about?
24 A The conversation came up to old girlfriends and girls.
25 Q They were talking about girls a lot?

1 A Yes.
2
3 Q How did you feel about that?
4 A Strange.
5 Q Okay. Were you enjoying the conversation, or were you
6 about ready to leave?
7 A I was close to ready to leave. It was late.
8 Q After they started talking about girls, do you remember --
9 did anything unusual happen?
10 A Well, they were talking about girls. And David got on the
11 subject about him and some friends.
12 Q What did he say about him and his friends?
13 A They had gone out to the lake.
14 Q Uh-huh.
15 A And there was some chicks out there.
16 Q Now, you say chicks. Is that the word he used?
17 A Yes.
18 Q Okay. Now, what I am going to ask you to do is tell the
19 jury what he said. And as best you can, use the words he
20 said. All right?
21 So he and some friends went out to the lake, and there were
22 some chicks there. Did he say how many?
23 A A couple.
24 Q A couple. All right. And what did he say?
25 A We had been out at the lake, and there was some chicks out
there, and we were grabbing their tits and pinching them on

1 the ass, and they were getting really pissed off about it.
2
3 Q He was saying it kind of like that?
4 A Yes.
5 Q They were getting real pissed off about it. Then what?
6 A Then he said, "We decided to show them how to get pissed
7 off."
8 Q Uh-huh.
9 A "So we tied them up and raped them."
10 Q Tied them up?
11 A Yes.
12 Q What happened when he said "and raped them"?
13 A Everyone tried to change the subject, you know.
14 Q How did you feel?
15 A Very awkward. It was a strange position to be in.
16 Q You didn't like it?
17 A No.
18 Q What did ya'll do after that?
19 A We left shortly after that.
20 Q Okay. Did you have an occasion to see David Wayne Spence
21 again after that at your house?
22 A Yes.
23 Q Tell me about that.
24 A Well, he told us how he got his name Chili.
25 Q No. Tell me how -- did he come to your house?
A Yes.

1 Q Okay. Did he have anybody with him?

2 A Yes. Gilbert was with him.

3 Q Gilbert?

4 A Melendez.

5 Q Melendez. And do you remember what month that was?

6 A First part of September.

7 Q First part of September. So David and Gilbert Melendez
8 were together the first part of September?

9 A Yes.

10 Q Why did they come to your house?

11 A To drink a couple of beers and to visit.

12 Q Visit who?

13 A Johnny Cardwell, and Cindy Click, David Reyna knew him.

14 MR. FEAZELL: All right. Pass the witness, Your
15 Honor.

16 -----
17 CROSS-EXAMINATION

18 By Mr. Fuller:

19 Q Regina, my name is Hayes Fuller. And I have a few
20 questions for you. Maybe more than a few. It's kind of
21 hard to tell until we get going.

22 My understanding of your testimony is that you have met
23 David on two occasions; is that correct?

24 A Yes.

25 Q Okay. And the first time you met him was sometime in late

1 summer?

2

3 A Yes.

4 Q Okay. You indicated that definitely was either the end of

5 July -- Could it have been in August?

6 A No. My birthday is the first part of August, and it was

7 before my birthday that I met him.

8 Q Okay. And you indicate that this was in -- well, let me

9 back up. You met him at a store the very first time you

10 saw him; is that correct?

11 A Yes.

12 Q What store was that?

13 A I think it's a Payless. It's down on Lakeshore and 19th.

14 It's not the 7-11, but the one right behind it right before

15 you get to Lakeshore.

16 Q And I may have missed it. Why were ya'll in the store?

17 A We had stopped there to pick some things up before we went

18 home.

19 Q And you all had been at the lake?

20 A Yes.

21 Q And do you know what David was doing there?

22 A No. I guess he had --

23 Q This was a casual meeting, in other words?

24 A Yeah.

25 Q You indicate that David knew Johnny Cardwell; is that

correct?

1 A Yes.

2 Q And were they the ones that were primarily talking? Was
3 it, "Hi, Johnny," or, "hey, David," or something like
4 that?

5 A Yes.

6 Q Okay. And who all -- who else was with you all? I'm
7 sorry. I didn't get all the names.

8 A Billy Wright and another friend named Billy. I don't
9 remember what his last name is.

10 Q Okay. And what -- I'm going to get the relationships down
11 here. Were Johnny and Billy and Billy just friends, all of
12 them just friends?

13 A Yes. Johnny was my boyfriend at the time. And the others
14 were friends of Johnny's and friends of mine.

15 Q How long had you been with Johnny Cardwell at that time?

16 A Almost a year.

17 Q I don't mean to be embarrassing. Were ya'll living together
18 during that time?

19 A Yes.

20 Q And where were ya'll living?

21 A On North 19th.

22 Q Out towards M.C.C., out that area?

23 A No. It was up towards Alexander. It was I guess three or
24 four blocks down from Alexander.

25 Q Okay. As best as you can, I want you to tell me exactly

1 what was said at the Payless store.?
2
3 A I really don't know. I was in the car, and David and
4 Johnny were talking outside the car.
5 Q Okay. And I assume a decision was made to go over to
6 David's?
7 A Yes.
8 Q Okay.
9 A David had invited us over there is what Johnny had said.
10 Q Now, about what time of day was this?
11 A It was late in the afternoon. We had been out at the lake
12 all day.
13 Q And you had never seen David before then?
14 A No.
15 Q Did either of the two Billys know David?
16 A I'm not sure. I don't think so.
17 Q Okay. So when you got over to David's apartment, you
18 described it as being kind of vacant looking?
19 A Yes.
20 Q And this is the one over at Northwood?
21 A Yes.
22 Q And you say David indicated that the lease was up, or they
23 were moving out; is that correct?
24 A Yes.
25 Q Did he use the words "they," or just "me"? Was his
 girlfriend Christy there?

1 A I didn't see any girl. No. He was --
2 Q By himself?
3 A Yeah.
4 Q How long did ya'll stay at the apartment?
5 A A couple of hours.
6 Q Were ya'll drinking beer?
7 A Yes.
8 Q How much beer would you say?
9 A Well, they bought a six-pack before we got to the
10 apartment. And I guess there was another six-pack bought.
11 Q So two six-packs maybe?
12 A Yeah.
13 Q Did ya'll stay until you finished up the beer?
14 A I think so, yes.
15 Q Had ya'll had any beer out on the lake?
16 A Yes.
17 Q Okay. Now, who was talking to who when ya'll started out?
18 A Everyone was talking to everyone --
19 Q Okay. What --
20 A -- when we started out.
21 Q Excuse me. What did ya'll first start talking about?
22 A Johnny was talking about David's brother, I think. He had
23 gone to school with his brother, and they were talking
24 about that.
25 Q Okay. What else?

1 A Being out at the lake.
2
3 Q Okay. What else?
4 A And then the subject turned to girls.
5 Q Okay. Who first brought up the subject?
6 A Billy Wright started talking about his fiancée.
7 Q Okay. Then what? Then where did the conversation go?
8 A Then David started talking about him and his friends.
9 Q Okay.
10 A Out at the lake.
11 Q What did Billy Wright have to say about his fiancée?
12 A Excuse me?
13 Q What did Billy Wright have to see about his fiancée?
14 A Just how pretty she was and things that they did together.
15 Q Okay. And then the conversation shifted to David?
16 A David took over the conversation, yes.
17 Q Okay. What else was talked about?
18 A After that the conversation had changed to going to get
19 some more beer, or going home, or something else.
20 Q Okay. Did David ever mention the names of his two friends
21 or his friends that they were out at the lake?
22 A No.
23 Q Was there any way that you could determine whether the
24 story was just what I would call "war stories" or
25 "puffing", or the truth?
A Well, it's not every day that you hear somebody talking

1 about, you know, raping somebody, or anything. So it would
2 take a wild imagination to make up something like that.
3
4 Q What I am asking you is -- I'm not trying to argue with
5 what was said. I understand that. But you indicated that
6 initially the conversation was talking about girls. And
7 that you felt kind of left out of the conversation; it was
8 kind of the guys talking about girls. And I have been
9 around enough guys that when they get talking about girls,
10 the girls just soon not listen to them; is that a fair
11 statement?
12 A I guess.
13 Q Is that kind of the conversation that was going on? Kind
14 of, you know, one on -- one-up-manship on the girls?
15 A No, not really. Billy had been talking about how pretty
16 his fiancée was and, you know, nice things. He wasn't
17 getting rude or anything in that way. And then David
18 started talking about the things that they had done to
19 those girls, and everyone was listening whenever he
20 started.
21 Q He didn't mention the names of the people that were with
22 him?
23 A No.
24 Q Did he tell you exactly when this was done?
25 A No.
Q Didn't describe the two girls?

1 A No.

2 Q Okay. Didn't tell you -- didn't give you any other
3 details; is that correct?

4 A No.

5 Q Just up an blurted out to perfect strangers, "hey." Is
6 that all that happened; is that what you're saying?

7 A Well, everyone wanted to change the conversation. So it
8 was a little difficult for him to go into details while
9 everyone else was trying to start some other conversation.

10 Q Okay. Now, after ya'll talked about that, I believe you
11 say the conversation shifted to going to get some more
12 beer?

13 A Yes. Or going home.

14 Q Then ya'll went on home?

15 A Or going home. They were trying to make up any excuse to
16 leave --

17 Q Okay.

18 A -- actually.

19 Q Okay. Was David preventing you from leaving?

20 A No.

21 Q Okay. And you felt free to go?

22 A Yes.

23 Q And you did?

24 A Yes.

25 Q Okay. After about two hours?

1 A Yeah.
2
3 Q Can you think of anything else you talked about besides
4 what you have already told us about?
5 A Not really.
6 Q Okay. Now, the next time you say you met David was over at
7 your house, I believe; is that right?
8 A Yes.
9 Q And that was -- I'm sorry. I didn't get that down. When
10 was that, again?
11 A First part of September.
12 Q And who all was there that time?
13 A It was myself, Johnny Cardwell, Cindy Click, and David
14 Reyna, and then David and Gilbert came over.
15 Q Okay. About what time was it?
16 A I guess about seven or eight at night.
17 Q Okay. Was this at your house on North 19th?
18 A Yes.
19 Q Do you know how it was that David and Gilbert came by or
20 why?
21 A They came by to visit and drink a couple of beers.
22 Q Okay. Let me make sure I've got the names right. You were
23 there. And Johnny Cardwell was there. Cindy Click was
24 there, and David Reyna?
25 A Yes. And my little boy, but he was just a little baby.
Q What was the relationship between Johnny Cardwell, or

1 between you and Click, and Reyna.
2
3 A They were friends of ours. And they had been staying there
4 with us.
5 Q How long had they be staying with you?
6 A A couple of weeks.
7 Q How long had you known them?
8 A I had known Cindy for, I guess, a little over a year.
9 Q And how about David Reyna?
10 A David Reyna, I met him when he and Cindy got together.
11 Q When was that?
12 A I guess ten or 11 months.
13 Q Did David Reyna know David Spence?
14 A Yes.
15 Q Did they like each other? Or how would you describe the
16 relationship between the two?
17 A Well, at the time that he had come over that time, they
18 really didn't speak that much. They spoke to each other,
19 but there was no throat grabbing or anything like that at
20 the time.
21 Q Would you characterize them as friends?
22 A Acquaintances.
23 Q Did Gilbert know anybody there?
24 A He knew Cindy and David.
25 Q Okay. How long were ya'll together on that occasion?
A I guess an hour, hour and a half at the most.

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Q Okay. What were ya'll doing during that time?

A Talking. And they were drinking a couple of beers and everything.

Q I'm going to go backwards a little bit. How was it that you got into the apartment at Northwood? Did David use a key?

A Yes.

Q And how did he get to Northwood? Do you recall? Did he drive or ride with ya'll?

A He drove.

Q What kind of car did he have?

A A light blue station wagon, older model.

Q Okay. Where had ya'll been out at the lake in particular?

A Airport Park. Around the -- I guess you would call it an eight or --

Q Do you know who else was hanging out around that time in Airport Park? Did you recognize any other folks out there?

A No, not really.

Q You indicated ya'll had been drinking some beer out there. Some of the other witnesses have indicated that Airport Park was where a fairly rough crowd hung out. Do you know if there were any any drugs out there when you were out there that day?

A I don't know if there was any there. There had been some

1 drugs smoked.

2

3 Q By ya'll?

4 A Yes.

5 Q Would you agree that sometimes a fairly rough crowd hangs

6 out there or around that time they did during the summer of

7 '82?

8 A Not really. I had been out there with my little boy and

9 with other kids, and I never had any problems then.

10 Q Now, going back to your house, did Cindy Click know

11 everybody, David and Gilbert?

12 A Yes.

13 Q Okay. What was the relationship between Cindy Click and

14 David and Gilbert?

15 A Friends from the bar down the street.

16 Q What bar was that?

17 A The Armadillo.

18 Q Is her street name Sunshine? Have you heard her referred

19 to as Sunshine?

20 A Yes.

21 Q Now, you indicated that David and Gilbert just dropped by.

22 Do you know why other than -- were they invited, or how is

23 it they came to be there?

24 A I guess they didn't have anything else to do, and wanted to

25 stop by to talk and visit.

Q Do you recall what ya'll talked about?

1 A Yes.
2
3 Q And you say all that took about an hour, hour and a half?
4 A Yeah.
5 Q How old were you then?
6 A I was 18.
7 Q And Cindy and David Reyna had been together for ten or 11
8 months before that time?
9 A Yes.
10 Q Back in David's apartment at Northwood, did he ever say
11 anything to you like "I did the lake murders"?
12 A No.
13 Q Did he say he killed those girls?
14 A No.
15 Q Was Johnny Cardwell at that time you indicated ya'll were
16 living together, was he the father of your little boy?
17 A No.
18 Q Is he the father of this child?
19 A No.
20 Q Okay. I don't mean to embarrass you. I'm just trying to
21 put everybody together.
22 Was Cindy Click, the one named Sunshine, do you know
23 whether or not she was a former "momma" for the Banditos?
24 A No, I don't.
25 Q Had you ever heard that rumor?
A No.

1 Q Do you know whether or not she has a criminal record?

2 A I think she does have a criminal record, yes.

3 Q How about David Reyna?

4 A I really don't know about him. He's been into trouble, but
5 I don't know if he's got a record.

6 Q And how about Johnny Cardwell?

7 A No.

8 Q Has he ever been in trouble?

9
10 MR. BUTLER: Objection, Your Honor. That's
11 clearly an inadmissible question.

12 THE COURT: Sustained.

13 MR. BUTLER: No relevance.

14 By Mr. Fuller:

15 Q And is that the last time that you saw David, that time at
16 your house?

17 A I saw him I guess once after that. But it was just, you
18 know, I saw him out at the lake driving by and talking to
19 Cindy.

20 Q Okay. When was the last time you saw Cindy Click?

21 A I guess it was about two months ago.

22 MR. FULLER: I believe that's all the questions
23 we have, Your Honor.

24 THE COURT: State have any other questions?

25 MR. FEAZELL: That's all, Your Honor.

THE COURT: All right, ma'am. You may step down.

1
2 MR. FEAZELL: Your Honor, may this witness be
3 excused?

4 MR. FULLER: We may have some additional
5 questions of Mrs. Rosenbaum later on.

6 THE COURT: I'm going to excuse you from the
7 courthouse. But you need to leave your phone number and
8 how the District Attorney can get ahold of you in case
9 you're needed for additional testimony. I'm not releasing
10 you from the subpoena that you are currently under.
11 All right. Ladies and gentlemen of the jury, let's take a
12 recess. Let's take a 15 minutes recess. We'll stand
13 recessed. If everybody else will remain seated until the
14 jury clears the courtroom. Keep in mind the instructions
15 I've given you.

16 (Whereupon a short recess was had.

17 THE COURT: All right. Call your next witness.

18 MR. BUTLER: Call Sandra Quicksall.

19 I don't believe she's been sworn, Judge.

20 THE COURT: Mrs. Quicksall, raise your right
21 hand.

22 (Whereupon the witness was sworn.

23 Have a seat please, ma'am.

24 (Whereupon the hereinafter described instruments
25 (were marked for identification as States
(Exhibit Nos. 33 through 36.

SANDRA QUICKSALL,