

# 'Closet' murder case goes to trial

## Wife, lover accused of killing husband

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Published: Monday, 09/25/06

Police have called it one of the most bizarre cases in recent memory: A man living in his married lover's closet is discovered, then fatally beats and strangles her husband in their Nashville home.

As the first-degree-murder trial begins this morning in the death of 44-year-old businessman Jeffrey Freeman, prosecutors and defense attorneys each face a host of complications that experts say make the outcome of the case impossible to predict.

The case drew national media attention, which is expected to continue during the trial.

Convictions could mean life in prison for Freeman's wife, Martha, and the man she said she was having an affair with, Rafael DeJesus Rocha-Perez.

Martha Freeman, 41, testified during a preliminary hearing last year that Rocha-Perez had lived for a month in the closet of a spare bedroom in her home.

On April 10, 2005, she said, her husband followed the sound of snoring and confronted the woman and her lover.

Jeffrey Freeman said he was going for a walk and wanted Rocha-Perez gone by the time he returned, his wife told the court. But instead, Rocha-Perez, 36, waited until Freeman returned, then strangled and beat the man to death, Martha Freeman testified.

At the time of that preliminary hearing, Martha Freeman had not yet been charged with a crime. Now that she also is a defendant in the case, her statements to authorities — or even her testimony during the televised preliminary hearing — cannot be used against Rocha-Perez unless she takes the stand.

Attorneys commonly advise murder defendants against taking the stand, and without the wife's words, prosecutors face an uphill battle to prove their case, one legal expert said.

"It's a very difficult case for the state to prove given that the evidence that (Rocha-Perez) was living there or did anything was largely circumstantial, is my understanding," said Nashville lawyer David Raybin, who is not involved in the case.

Both defendants have maintained their innocence.

During this week's trial, jurors are expected to hear how the wife waited more than 16 hours before calling police to the couple's upscale home in the Mountain View subdivision of south Nashville, near Brentwood.

Instead, authorities have said, she ran errands while her husband lay dead on the floor in an upstairs bathroom.

Jurors also probably will learn of the evidence police found at the scene, including the contents of the closet: a TV, men's magazines, a Nintendo Game Boy, a foam mattress, food and other items.

In recent months, investigators have said they are skeptical of Martha Freeman's account that the man had lived in her closet and suggested the scene had been staged to make it appear as if he had. The investigators have not said why they suspect Freeman would have made up the story.

Rocha-Perez, a bricklayer who had an apartment in Murfreesboro, was arrested soon after police were called to the crime scene on April 11. At the time, he was in the country illegally from Mexico.

His lawyer, Peter Strianse, said the law is clear about the admission of Martha Freeman's statements.

"If she decides, as is her right, to not testify, then any of those alleged statements would not be admissible against Mr. Rocha-Perez because of the Constitution and laws of the state of Tennessee and laws of the United States, he would not be able to confront and cross-examine those statements with her being an unavailable witness," Strianse said.

Martha Freeman's lawyer, Rich McGee, refused to say whether his client would take the stand. He would only reiterate that she maintains her innocence.

"Martha Freeman has consistently stated she did not kill her husband, and that will be the position of her counsel throughout the trial," McGee said.

In e-mails obtained by police after the crime, Martha Freeman said she was taking medicine for mental illness and compared her life to that of a character on "Desperate Housewives," ABC's dark comedy about the intersecting lives of women in suburbia.

But despite the problems with the prosecution, acquittals in the case are far from assured, legal experts said.

Picking jurors will be key in ensuring that the panel isn't unduly swayed by bias against Rocha-Perez's status as an illegal immigrant or Martha Freeman's documented history of marital infidelity.

"I'm frankly concerned about his status ... and I'm trusting that the jury is going to hold the state to its very high, very strict burden of proof beyond a reasonable doubt in this case and not be biased against my client because of his immigration status," Strianse said.

Controlling the jury's passions could be as important for defense attorneys as refuting the evidence, Raybin said.

"I have several Hispanic clients, and I think that is a real issue right now," Raybin said. "People have extremely strong emotions about the immigration issue, and it is much deeper than what many people will say.

"The sexual relationship between the man and this woman and the immigration thing are much bigger issues than this closet thing is concerned."